

PLANNING COMMISSION  
MINUTES NO. 1069  
Regular Meeting  
November 9, 2016  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

Chair Williams called the meeting to order at 7:30 p.m.

Present: Chair Williams, Vice Chair Corcoran, Commissioners Kulik and Weller

Absent: Commissioner Welner

Staff Present: Director of Community Development Anderson, Planning Manager Watrous

**ORAL COMMUNICATIONS:**

There were none.

**COMMISSION AND STAFF BRIEFING**

Director Anderson stated because the Town's holiday party is on the same night as the Commission's regular meeting on December 14, he asked and confirmed with Commissioners that the meeting date would be replaced with a special meeting on Tuesday, December 13.

**PUBLIC HEARINGS**

1. 215 BLACKFIELD DRIVE: Periodic review of a Conditional Use Permit to operate a synagogue and appurtenant day school; File #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34

Planning Manager Watrous gave the staff report, stating this is the 8<sup>th</sup> review of the CUP issued in 2007 to Congregation Kol Shofar for remodeling and expanding their facilities and operations. He stated that because of Kol Shofar's compliance with most items staff concluded that the synagogue and day school uses appear to be operating in substantial conformance with conditions of the CUP. He noted ongoing improvement as far as large events in all facilities and improvements in parking and traffic controls during 2016 High Holy Days.

Staff suggested areas of improvement in terms of better reference to mailing courtesy notices to neighbors and property owners, to place resident traffic only temporary signs on Reedlands Wood Way during High Holy Day services, conduct outreach with neighbors and one neighbor indicated an interest in re-activating the Neighborhood Advisory Committee (NAC) and to submit their annual tree inspection reports in a timely manner.

Mr. Watrous recommended that the Planning Commission take testimony on the item, close the hearing and conclude that Kol Shofar is in substantial compliance with its CUP and provide any direction regarding areas where improvements are warranted and consider whether any modifications should be made to the adopted conditions of approval of this permit.

Chair Williams asked if there was any other reason to reactivate the NAC besides the one neighbor would like to participate on the committee. Mr. Watrous stated the NAC was set up as a condition of approval within the CUP at a time when the neighborhood involvement and need for feedback with neighbors was much higher. He said that there were difficulties in getting volunteers to serve on the committee and because one neighbor has indicated an interest staff recommends conducting a bit of outreach to determine if any other neighbors wish to participate.

Ronald Brown, member of Kol Shofar and former President and Co-Chair of the Building Committee when the CUP was originally negotiated, stated that they support the staff report and had no comments.

Chair Williams asked Mr. Brown if he saw a reason to re-activate the NAC. Mr. Brown said that they conducted outreach conducted to identify volunteers to serve on the committee and were unsuccessful. He said that they could make another attempt if the Commission so desired, but it was unclear whether it would be productive, given that only one neighbor has indicated an interest in participating.

Commissioner Kulik referred to a late letter regarding classes from Dominican College and asked about enrollment, monitors and notices for these classes. Mr. Brown stated that the Executive Director was not able to attend tonight to address these questions, but he could obtain the information.

Chair Williams opened the public comment period. There were no public speakers and she closed the public hearing.

Vice Chair Corcoran commented that most of the issues with this permit have been resolved over the years. He said that the only question that still comes up has been whether to lessen the requirement for review and asked staff about the formula used for similar use permits. Mr. Watrous replied that other permits changed from shorter reviews to longer reviews or no review at all. He stated that if the Commission wished to lengthen the review it could direct staff to prepare a resolution to do so. Vice Chair Corcoran said that he supported a two-year review.

Commissioner Weller said that he lives above Kol Shofar and agreed that traffic and neighborhood issues that were feared seem to have been mitigated and Kol Shofar has been a good neighbor. He favored extending the review period and believed that the issues raised by the letters received can be addressed informally with Kol Shofar's community liaison and, if not resolved, could be directed to Town staff.

Commissioner Kulik asked if a definition could be identified for a "substantial" period of time for making changes to the use permit. Mr. Watrous said the Town does not have a specific

timeframe, but this note had more to do with major changes to the operational characteristics of Kol Shofar. He said that in 2013 the Commission changed the review schedule to its current situation and, given that more time has passed, this was something that could easily be done again.

Commissioner Kulik stated that his only concern was recurring issues mentioned in the letter received and he asked that Kol Shofar address this. He supported a two-year review period.

Chair Williams echoed the sentiments of her fellow Commissioners. She found Kol Shofar to be in substantial compliance with the CUP and agreed with the suggestions in the staff report, except for the NAC. She urged Kol Shofar to have their liaison reach out to the one neighbor and to repost their parking requirements on their website, specifically for the Dominican classes, and informally to be sure to inform course attendees of the parking requirements.

**ACTION:** M/S (Williams/Corcoran) to find that that Kol Shofar is in substantial compliance with its conditional use permit and direct staff to prepare a resolution lengthening the review period to two years. Motion carried 4-0.

2. 1 BLACKFIELD DRIVE SUITES N & O: Consider approval of a Conditional Use Permit to operate a pizza parlor in a Neighborhood Commercial zone; File #CUP2016006; The Cove Shopping Center, Inc., Owner; California Round Table Pizza Group, Inc., Applicant; Assessor Parcel 034-212-18

Mr. Anderson gave the staff report and said the applicant is proposing to open a Round Table Pizza outlet in the current spaces occupied by Milano Ristorante and Milano Wine Bar. He gave an overview of the permit history of the Cove Shopping Center and the two Milano uses. He stated that in the past several years the shopping center has experienced a rebirth of activity through an improved tenant mix and with success comes challenges, including limited parking availability at certain times, traffic circulation congestion and refuse management issues. He said that staff is of the opinion that bringing in yet another potentially popular use could lead to off-site impacts and that efforts would be necessary to ensure this does not become a problem should this use go in.

Mr. Anderson described the changes proposed by the application, including the following:

- Replacement of the wine bar with a pizza parlor use.
- Addition of a substantial delivery component (roughly one-third of business); with up to five (5) pizza delivery vehicles being used at peak times.
- Increase in take-out services (roughly one-third of business).
- Increased number of employees at maximum shift.

Mr. Anderson identified several planning issues with the intensification of the use, including the overall number of patrons and vehicles, parking demand, number of employees at maximum shift and increased take-out and delivery activity and trips. He said that pizza delivery was an issue that would need some attention, with delivery proposed as late as 11:00 PM and typically one to two drivers used per shift and employees using their personal vehicles for deliveries, but

up to five drivers at peak times. He said that the submitted plans show 4 parking spaces at the rear of the building that could be dedicated for pizza delivery parking. He noted that there is a 20 foot wide fire lane behind the building and it might be possible to keep 3-4 spaces for delivery vehicle parking, but staff would suggest that delivery parking be moved to the front parking lot in early evening hours to avoid disruption for neighbors who live behind the site.

Mr. Anderson stated that the number of delivery trucks would be low and far less than the Nugget Market, and staff would recommend imposing the same limited hours of delivery. He stated that staff expects this use to generate more trips than the sit-down restaurant and wine bar. He said that the applicant expects to do most of its business after 5:00 PM and not during the lunchtime, but staff still anticipates that the use would generate more trips during the lunch hour than the Milano's uses.

Mr. Anderson stated that parking at the Cove Shopping Center has been substandard for decades but has not actually always been a problem. He described changes and additions to the parking lot made through the years, but stated that in spite of these, the center experiences parking shortages and does not currently appear to have a highly effective parking management and enforcement program. He described circulation issues with the center parking lot and changes made recently as part of a bicycle pedestrian safety enhancement project that eliminated the dedicated right turn lane into the center. He described potential noise and refuse management issues and suggested conditions of approval to address these concerns.

Mr. Anderson summarized that the Cove Center has evolved recently into a highly successful and well used neighborhood-oriented destination and its ownership and management deserve praise for making that happen. However, with increased success comes increased responsibility for the efficient and proper functioning of the center. Staff believes that the center shows symptoms of inadequate parking management, congested circulation and the need for increased attention to refuse and trash management. He stated that staff recommended a series of conditions of approval to address those concerns if yet another likely popular use is approved for this center to keep the situation from becoming worse. Staff also recommended a 3 month review so the Commission can assess the effectiveness of the measures and, if necessary, require other measures to address any concerns that may be lingering.

Chair Williams she asked who is responsible for enforcement and asked whether management was aware of the issues raised regarding the center. Mr. Anderson stated that these conditions were known to and discussed with management and the applicant well in advance of the meeting.

Len Rifkind, attorney representing Round Table Pizza and the landlord, stated that the conditions seem to apply more to the entire center than to the applicant and they would like the center to be a good neighbor. He said that they were concerned with the proposed condition of approval requiring the establishment of a parking and circulation monitoring enforcement plan, which he felt was a bit vague, but said that they were happy to work with staff as to how to accomplish this. Mr. Rifkind indicated that costs are passed onto the tenants and he suggested that any conditions of approval should be rational to keep the business in operation.

Mr. Rifkind asked that the Commission focus on the findings required by the Zoning Ordinance to approve a conditional use permit. He stated that there is not much they can do regarding circulation and that 26 spaces did not exist when the use permit was originally approved for Milano's. He noted that all employees in the center are encouraged to park in the rear as a way to open up spaces for customers. He said that noise was not an issue and Round Table Pizza would not have any exterior loudspeakers. He stated that refuse would be addressed by the applicant and senior corporate management. He said that Round Table Pizza runs "a very tight ship" and is audited regularly. He said that there would be no refuse problem with this use.

Ali Karachi, Round Table Pizza franchiser, said that he is a resident of Southern Marin, previously lived in Tiburon for 2 years, and is familiar with traffic in Tiburon. He said that he reviewed the emails written by the local neighbors and their concerns about change. He said that since Round Table Pizza closed its restaurant in Strawberry they have received dozens of requests to reopen in the area.

Mr. Karachi stated that Round Table Pizza anticipates an increase of 15-25 trips per day above Milano's current business volume, mostly during the hours of 5:00-8:00 PM when parking demand decreases at the center, below the peak parking between 9:00-11:00 AM and 3:00-5:00 PM. He stated that all employees would be mandated to park in the designated parking area at the rear of the center and delivery drivers would park in designated spaces behind the store and outside the fire lane. He stated that this restaurant would be smaller than an average Round Table Pizza and 50% smaller than the previous location in Strawberry. He said that they will follow both landlord and Tiburon Design Review sign rules and regulations. He stated that Round Table Pizza does not have live music, bands or any such music in any stores and any speakers within the business are to enhance TV viewing for sports.

Mr. Karachi stated that they would improve the current trash collection system used by Milano's and remove the wood storage behind the store which creates an environment for rodent and pest infestation. He said that Round Table Pizza addresses its refuse generation in a more organized fashion and are big advocates of recycling programs. He added that Round Table Pizza has service agreements to monitor control pest activities twice monthly and perform other maintenance.

Mr. Karachi stated that Round Table Pizza has always been a place for families to come together, and is a place for good times and good food. He said that Round Table Pizza would provide a convenient way for families to have food delivered to their doorsteps and also generate sales tax for the Town, draw customers to shop at other merchants in the center, and serve as a convenient eatery within walking distance.

Ted Story, Senior Vice President of Business Development for Round Table Pizza, stated that Round Table Pizza is a locally founded and based organization and is employee owned. He said that one of the reasons they are so successful is because their franchisees are part of the communities in which they operate. He stated that Mr. Karachi is one of their best operators and they have encouraged him to expand because he takes such pride in his business, trains his employees, and is part of the communities in which he operates. Mr. Story stated that from a

corporate standpoint he felt that Tiburon would have one of their best operators and they would like to be part of this community.

Commissioner Kulik asked why the Strawberry location of Round Table Pizza closed. Mr. Story said that the operator of that location was easing out of the business and retiring and it was also a very expensive location to operate.

Chair Williams opened the public hearing.

Daren Wein asked the Commission to consider its role, according to the Zoning Ordinance, to limit the type and amount of uses and be compatible with the nature, character and image of the Town as a quiet, small town residential community with a village-like commercial area. He believed that Milano's qualifies under that definition. He said that the center has grown and succeeded, but he felt that there is a tipping point and the Commission gets to decide at what side Round Table Pizza will land. He said that the community is most concerned with issues of noise, trash, traffic and overall image. He said that a "mom and pop" Italian restaurant is much different than a chain store just on its merits. He said that delivery is a big issue because there will be parking adjacent to back fences of homes that did not expect to have a fleet of delivery cars behind.

Geraldine Tracy said that Milano's is a family restaurant and serves all the needs Round Table Pizza could serve but even more. She thought that Round Table Pizza would undermine the integrity of the neighborhood and she that traffic congestion would be terrible.

Jeff Harband, owner Oasis Physical Therapy, directly next door to Milano's restaurant, said that he was concerned about noise for his business, as the proposed party room would be directly adjacent to his treatment areas and the walls are thin. He anticipated that Round Table Pizza would make greater usage of the banquet room for sports teams throughout the year, as well as birthday parties, etc. He said that these parties would take place during his business hours and would affect him unless something can be done to mitigate the noise. He said that Milano's fires up their wood-fired pizza oven periodically and it smells great in his clinic but this only happens once in a while, and he could not imagine having to smell pizza all day long. He stated that the handicapped spaces were changed in the parking lot and have become relatively inconvenient for him, and with more of the parking spaces taken up more of the time this would be difficult for his patients. He felt that this type of establishment was in appropriate for this neighborhood, which thrives on small businesses.

Jeff Dieter said that the traffic situation at the shopping center is already problematic and Round Table Pizza would only exacerbate this problem. He said that the peak hours for Round Table Pizza between 5:00 and 8:00 PM are also the same time people are trying to get home, and the road already backs up, so this would add more traffic to an already congested area. He said that he was opposed to having rubbish stored in the rear, the potential for increased garbage service, and did not think that Round Table Pizza fit with the character of the Cove Center.

Louis Doffo said that Tiburon is a strong community that thrives to work together, continue improving things and maintain Tiburon's special character. He said that he had not seen Round

Table Pizza reach out to the community to try and explain what it is they are looking to do. He said that he was also concerned with safety from increased traffic, as there are many children given the proximity of a school. He said that adding deliveries would increase the probability for accidents and delivery drivers also put neighbors' security at risk.

Jason Washing said that he echoed all of the previous comments and these points need to be taken seriously. He thought that a similar set of standards needs to be in place for the Cove Center as are in place for downtown Tiburon, but he felt that Round Table Pizza would not fit there, either. He said that staff's presentation did not include a discussion of pedestrian traffic and cyclists at a time when they want to encourage kids to use buses, bicycles and walking. He said that the proposal warranted a lot more time and consideration if the Town wants to develop the community in a way residents want it.

Brandon Lidell said that he supported Round Table Pizza. He questioned the argument of maintaining a "small town feel" because the Town has Peet's Coffee and Nugget Market, which are chains. He thought that the traffic concerns were not applicable, as he did not see any problems when he visits the shopping center 3-5 times a week. He suggested that the Commission determine the traffic level of service as done in a CEQA process rather than using anecdotal information.

Hazel Caldwell said that the definition of a cove is a "small sheltered bay usually with narrow restricted entrance, often circular or oval." She disagreed with information in the application that Round Table Pizza would be a perfect fit in the Milano's location. She said that residents would not "be excited to experience the new Round Table Pizza," but would instead be agitated. She thought that the goal to maintain the small town community was important on both ends of town. She said that she likes a regular dining experience and that was important at this gateway to the town.

Luigi Baker said that the Cove is their local shopping center and he opposed a Round Table Pizza in this location due to parking, safety of delivery drivers and noise issues.

Gerard Suyderhoud said he lives in the area that backs up to Milano's and feels that the Bel Aire neighborhood is a true slice of Americana where kids can walk around and ride their bikes. He was concerned about the danger of additional traffic coming in and out of the neighborhood, given that 2/3 of the business would be take-out and delivery, which would be a substantial change from how Milano's has operated. He felt that the change would impact him and the neighborhood.

Jonathan Barker questioned the economics of the proposal and was curious how many table turns they need every hour to make the business successful. He thought that the average price per user would be lower than Milano's and require more traffic to be sustainable. He felt that Round Table Pizza would lose some of the charm of the shopping center and was not right for Tiburon. He thought that Round Table Pizza made more sense near a larger center.

Peter Winkler said that he has served on the Parks, Open Space and Trails Commission, the Bicycle/Pedestrian Advisory Commission and Safe Routes to Schools. He described the traffic

improvements on Blackfield Drive and said that the plan was reviewed and approved by Caltrans. He said that kids like to cut through the Cove Shopping Center and as modifications to the intersection advance, traffic will slow and become even more complicated. He noted that the staff report indicates that the major impact on the parking lot was from 10:00m AM to 1:00 PM and he stops by frequently to shop in the center and the lot is already heavily impacted. He said that the higher volume business anticipated by Round Table Pizza, would require more employees.

Peter Brooks said that the Commission carries a duty from people long ago who would have been aghast at allowing a pizza chain here and changing the neighborhood into Strawberry. He said that this has always been a community shopping center and they want a small restaurant that serves their needs. He stated that there is a vacant storefront near CVS which would fit a pizza parlor perfectly downtown.

Jack McLaughlin said he lives at the Cove and there is a lot of construction going on. Many units are empty but will not be for long. The crossing guard does a great job but there are 8 year old boys who like to race across Tiburon Boulevard and zip up the street. Wisely, a bike lane was added but with increased traffic, the kids will be at peril than they are now. He invited the applicant to try the Waypoint pizza and said Round Table Pizza just does not fit for Tiburon.

Chris Solomon agreed with the sentiments against Round Table Pizza moving in. He said that he pulls trash out of his front yard 3 to 4 times a week blown out of dumpsters at the center. He said that there are loud noises late at night now and if Round Table Pizza stays open until 11:00 PM, there will be more noise and more traffic. He said that he was also concerned with people parking along streets. He said that his biggest concern was safety and said that the commercial exit for the Cove is blind to those going south on Blackfield Drive. He asked how Round Table Pizza would address the safety concerns.

Andrew Thompson said that Round Table Pizza was simply not the right fit, was inconsistent with the Town's guidelines and ordinance and would not meet the shopping and service needs of the community, but would instead detract from it. He said that traffic and congestion would be much greater because of the party room which would be one-third of the entire space. He said that events will be held for extended periods of time. He felt that a three-month review would not work and asked the Commission to find a use that is a better fit which and meets the needs of the community.

Dr. George Van Busai said that although there is no ordinance against chain restaurants in Tiburon, he wondered what the Commission would do if a Wendy's, Burger King, McDonald's or Pizza Hut would want to locate in downtown Tiburon on Main Street.

Maggie Champagne said that she has a hair salon and day spa next door to Milano's. She said that she loves Round Table Pizza, but her clients are used to having luxurious services with quiet periods. She said that they cannot have after-school and sports team events and Saturday parties and the noise associated with them or clients will not patronize her business.

Suzie Dearking said that she has worked at Milano's for 9 years and knows many people in the community. She said that she read the applicant's franchise background and there was not anything in it about being a part of the community. She said that there are many elderly people who come to Milano's early in the evening and she feared that they will have nowhere to go and as a bartender and server she has heard a lot of anxiety and worry from people.

Cheryl Haley said that she favored maintaining the character and uniqueness that is provided by Milano's and felt that that would be violated by the feeling of Round Table Pizza.

Peter Schuyler asked what would be done with Milano's liquor license. Director Anderson clarified that the proposal is for wine and beer only.

Mr. Rifkind acknowledged the number of concerns voiced about traffic and while there is no traffic study, the number of seats in the restaurant would be the same. He said that the proposed use would not have as many people as a sit-down restaurant because deliveries would reduce traffic and take-out traffic would be short stays in parking spots. He stated that there was no indication that traffic will be significantly higher than the existing use absent a traffic study. He believed that the Commission could make all the required CUP findings except possibly for number 4 which is the protection of the health, safety, interest and welfare of the Town. He said that noise concerns between tenants were an issue for the center landlord. He said that there was testimony from people who did not think Round Table Pizza was right for the west end of town and do not want a Round Table Pizza in their neighborhood, but he said that this was not part of the criteria under the Zoning Ordinance.

Chair Williams closed the public hearing.

Vice Chair Corcoran referred to Section 16-52.040 (d[5]) of the Zoning Ordinance which states that the needs of the community for additional numbers of such uses is one of the factors to be considered in determining whether or not a conditional use should be permitted. He asked whether it was appropriate for the Planning Commission to consider take-out and delivery as weighing into that factor. Director Anderson stated that these are very broad guidelines and criteria and the Commission can focus them narrowly or less narrowly.

Vice Chair Corcoran asked if economics can factor into the Commission's determination as to whether a use permit should be granted or not. Director Anderson said that there are no criteria in the General Plan or zoning that talk about economics. He said that whether a business will be successful or unsuccessful is not considered to be within the purview of land use decisions.

Commissioner Weller applauded the applicant's counsel in making as effective a presentation as he could, but he was not convinced that the Zoning Ordinance could be interpreted to reach the conclusion Mr. Rifkind asserted. He said that he has lived on Blackfield Drive for 24 years and knows the Cove Shopping Center well. He said that the traffic issue cannot be ignored. He said that he was concerned that Nugget Market and Peet's would have an effect on the parking lot and he has been proven right. He said that there was no question that additional traffic would be generated by the proposed use. He agreed with former Mayor Thompson that this would be a tipping point and the wrong kind of use in this location. He said that the change from a sit-down,

locals environment to one that does not focus on the local population but on children, teens and the broader community was not appropriate for this location. He applauded the applicant for his success, but thought that this was the wrong proposal in this location and he would never approve the permit without a thorough traffic study. He said that the complaints of neighboring businesses about noise from this location should not go unheeded. He said that the suggestion that the Commission must interpret terms of the ordinance narrowly and not take into account the overall welfare of the local neighborhood but also of people coming and going there was incorrect. He said that he could not reach the conclusions required to approve a CUP and would vote to deny it.

Commissioner Kulik said that the Commission sees questions of economic viability through the lens of increasing the vitality of Tiburon. He thought that it was important to note that Milano's is closing and there will be a vacancy there and the Commission did not hear much about alternative options to fill that void. He said that in looking at all of the virtues of Milano's and changing to a use that would be one-third down, one-third delivery and one-third take-out would not be a replacement in kind but a change of use. He thought that there was a lot of virtue in Round Table Pizza and filling that space with an enterprise that supports the community, but he also saw the difference in changing what exists now and putting in something that would be very different. He stated that the Commission is charged to enforce land uses by limiting the type and amount of uses within the town to those compatible with the nature, character and image of the town and also supporting a diversity of commercial uses to serve the shopping and service needs of the community. He said that some of these findings are subjective and some of the issues can be mitigated. He cautioned that if the Commission denies this application they would be unsure what else might go in there and the Commission might have to consider something very different. He said that everyone loves Milano's and how it adds to the community but they might not get something anywhere close to that in the future.

Vice Chair Corcoran stated that everybody loves Milano's as a community restaurant, but change is inevitable and sometimes very painful. He felt that Milano's had been neglected for a long time and was destined to change, but another restaurant will be there. He said that a dining restaurant is different than a one-third delivery, one-third take-out and one-third dining restaurant. He said that there will be a huge amount of traffic which will impact parking and a party room which would draw people from all over the area. He stated that many businesses in Strawberry would also be inappropriate if they tried to locate in the Cove Center, because it is a completely different environment. He did not think he could support the application after looking at the Zoning Ordinance and the factors the Commission must consider. He said that they should not change the restaurant's fundamental character.

Chair Williams thought that Round Table Pizza is a fine establishment but she agreed with the comments of her fellow Commissioners. She said that the Town's zoning ordinance and factors for reviewing use permits all apply here in a way that weighs against approving this application. She referred to the subsection that talks about "the protection of the public interest, health, safety, convenience or welfare of the town" and stated that the Commission heard overwhelming testimony that this particular use would impact all of those concerns substantially. She agreed with Commissioner that this might seem like an in-kind use but it really is a change in use that would significantly impact all of these areas. She appreciated that comments about that this

space will be available and potentially vacant and she invited the community to think about uses that could be accommodated here, as an empty storefront is not an attractive alternative or something that makes for a vital community. She suggested that the Town should encourage applicants to reach out to the community, which might have made this application work out differently. She felt that the decision was about the neighborhood and how this use would impact them.

**ACTION:** M/S (Weller/Corcoran) to direct staff to prepare a resolution for consideration at the next meeting that would deny the application for a Conditional Use Permit on the grounds that the required findings under Section 16-52.040 (d) of the Tiburon Zoning Ordinance cannot be made, specifically with respect to the adverse impact on the community as a result of additional traffic; inadequate parking for the proposed use within the Cove Shopping Center; that the nature of the use would be a significant enough change from the current use; that it would be inconsistent with the need of the community for additional uses of the type proposed; safety concerns; potential noise impacts on adjacent properties; as well as comments voiced in the record. Motion carried 4-0.

### **ACTION ITEMS**

1. 27 MAIN STREET: Review of Conditional Use Permit to install a canopy on a portion of an exterior deck for an existing restaurant (Sam’s Anchor Cafe); File # CUP2015002; 27 Main Street LLC, Owner/Applicant; Assessor’s Parcel No. 059-151-35

Planning Manager Watrous stated the CUP was approved for installing a canopy at Sam’s Restaurant in December. It was appealed to the Town Council and the Council denied the appeal in February. There is a condition of approval that required a review of the use permit in November 2016. However, the project has not moved forward and the applicant has indicated they still wish to operate this and will submit a request for a time extension in the near future. Staff recommended that the Commission reschedule the review for November of 2017.

**ACTION:** M/S (Weller/Kulik) to reschedule the review of the conditional use permit for 27 Main Street to November 2017. Motion carried 4-0.

2. Planning Commission Minutes –Meeting of October 26, 2016

Commissioner Kulik requested the following amendment:

- On Page 6, paragraph 4 starting with Commissioner Kulik, line 8, amend to read: He said that the business is doing the Town a great service and that riding around Angel Island with a lunch was an awesome way to spend a day in Tiburon and would result in derivative benefits to other local businesses such as Rustic Bakery and Sam’s Cafe.

Chair Williams requested the following amendment:

- Page 2, “Chair Williams said that she believed that there are different classes of electric bikes per California law and as she understood it, these bikes do not go more than go up to 20 mph.”
- Page 8, 4<sup>th</sup> paragraph: “Chair Williams said her understanding is that staff believes the elevator is not consistent with the spirit of prior amendments because it adds to the mass and bulk, in that she did not understand this conclusion in light of the plans.”

Vice Chair Corcoran requested the following amendment:

- Page 5, 4<sup>th</sup> paragraph: He felt that ~~said that for limitations~~ 20 bikes out front would be too many and look way too congested.
- Page 9, end of paragraph: remove the word “Bureaucrats”

ACTION: M/S (Corcoran/Kulik) to approve the Minutes of October 26, 2016 as amended.  
Motion carried 4-0.

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 9:30 p.m.

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ERICA WILLIAMS, CHAIR  
Tiburon Planning Commission

ATTEST:

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DANIEL M. WATROUS, SECRETARY