



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

TIBURON TOWN COUNCIL

Special Meeting - 6:45 p.m.

Regular Meeting - 7:30 p.m.

SPECIAL MEETING AGENDA

CALL TO ORDER AND ROLL CALL (6:45 p.m.)

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini

1) CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d)
of Section 54956.9: One potential case

2) ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

3) INTERVIEW FOR VACANCIES ON TOWN BOARDS & COMMISSIONS

Heritage & Arts Commission - One Vacancy
(Lily Smith, Applicant)

ADJOURNMENT TO REGULAR MEETING (7:30 p.m.)

REGULAR MEETING AGENDA

CALL TO ORDER AND ROLL CALL

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on subjects not on the agenda may do so at this time. Please note however, that the Town Council is not able to undertake extended discussion or action on items not on the agenda. Matters requiring action will be referred to the appropriate Commission, Board, Committee or staff for consideration or placed on a future Town Council meeting agenda. Please limit your comments to three (3) minutes.

PRESENTATION

Recognition Of Outgoing Board & Commission Members, And Town Treasurer

Nuria Ibars, The Ranch Committee 2012-2016

Elizabeth Merrill, Heritage & Arts Commission 2012-2016

William Osher, Town Treasurer 1998-2015

CONSENT CALENDAR

All items on the Consent Calendar may be approved by one motion of the Town Council unless a request is made by a member of the Town Council, public or staff to remove an item for separate discussion and consideration. If you wish to speak on a Consent Calendar item, please seek recognition by the Mayor and do so at this time.

CC-1: Town Council Minutes

Adopt minutes of March 2, 2016 meeting (Town Clerk Crane Iacopi)

Documents: [CC-1 MARCH 2 2016 DRAFT MINUTES.PDF](#)

CC-2: Town Council Minutes

Adopt minutes of March 16, 2016 meeting (Town Clerk Crane Iacopi)

Documents: [CC-2 MARCH 16 2016 DRAFT MINUTES.PDF](#)

CC-3: Town Investment Summary

Accept report for February 2016 (Director of Administrative Services Bigall)

Documents: [CC-3 FEBRUARY 2016 INVESTMENT SUMMARY.PDF](#)

CC-4: Firearms Regulation

Adopt ordinance amending Title VI, Chapter 32 (Regulation of Firearms) of the Tiburon Municipal Code to regulate Firearms Storage, require the Reporting of Loss or Theft of Firearms, and Ban the Possession of Large Capacity Magazines (Director of Community Development Anderson)

Documents: [CC-4 FIREARMS REGULATION.PDF](#)

CC-5: Zoning Text Amendments

Adopt ordinance making various amendments to Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code, including regulations regarding Firearms, Yards and Setbacks, Marijuana Sale and Cultivation, and Use-for-Use changes (Director of Community Development Anderson)

Documents: [CC-5 ZONING TEXT AMENDMENTS.PDF](#)

CC-6: Storm Drain Repairs

Approve award of contract for Mariner-Harbor Oak Storm Drain Project (Director of Public Works/Town Engineer Barnes)

Documents: [CC-6 AWARD OF STORM DRAIN CONTRACT.PDF](#)

ACTION ITEMS

AI-1: Appointments To Boards, Commissions And Committees

Consider appointment to fill a vacancy on the Heritage & Arts Commission (Town Clerk Crane Iacopi)

Documents: [AI-1 APPOINTMENTS STAFF REPORT.PDF](#)

TOWN COUNCIL REPORTS

TOWN MANAGER REPORT

WEEKLY DIGESTS

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (415) 435-7377. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Belvedere-Tiburon Library located adjacent to Town Hall. Agendas and minutes are posted on the Town's website, www.ci.tiburon.ca.us.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 5 days before the meeting. Requests should be sent to the Office of the Town Clerk at the above address.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

TIMING OF ITEMS ON AGENDA

While the Town Council attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order. No set times are assigned to items appearing on the Town Council agenda.

CC-1

**TOWN COUNCIL
SPECIAL AND REGULAR MEETING
MINUTES**

SPECIAL MEETING – 7:15 p.m.

On March 2, 2016, the Council held a special meeting, as follows:

CALL TO ORDER AND ROLL CALL

Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini; Councilmember Doyle was absent.

INTERVIEWS FOR VACANCIES ON TOWN BOARDS & COMMISSIONS

(The Ranch Committee – One Vacancy for Tiburon appointee)

- Erin Burns, 406 Ned's Way

ADJOURNMENT – to regular meeting

REGULAR MEETING – 7:30 P.M.

CALL TO ORDER

Mayor Tollini called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, March 2, 2016, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT:	COUNCILMEMBERS:	Fraser, Fredericks, O'Donnell, Tollini
ABSENT:	COUNCILMEMBERS:	Doyle

PRESENT:	EX OFFICIO:	Town Manager Chanis, Town Attorney Stock, Director of Community Development Anderson, Director of Public Works/Town Engineer Barnes, Town Clerk Crane Iacopi
----------	-------------	---

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

None.

ORAL COMMUNICATIONS

George Landau raised an issue about meeting process and procedure. He said it would have been helpful at the last meeting if the councilmembers had described their concerns with the Town's leaf blower regulations prior to opening the public hearing. He said he would have been better able to address their concerns if he had known them before he spoke during public time. Landau suggested that the Council state their positions before public comment in order to allow the public an opportunity to address their concerns.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of February 3, 2016 meeting (Town Clerk Crane Iacopi)
2. **Town Council Minutes** – Adopt minutes of February 17, 2016 meeting (Town Clerk Crane Iacopi)
3. **Slurry Seal Project** – Approve award of contract for the 2016 Various Streets Slurry Seal Project to American Pavement Systems (Director of Public Works/Town Engineer Barnes)

MOTION: To adopt Consent Calendar Item Nos. 1 through 3, as written.

Moved: O'Donnell, seconded by Fredericks

Vote: AYES: Fraser, Fredericks, O'Donnell

ABSENT: Doyle

ABSTAIN: Tollini (Item No. 1 - Feb. 3, 2016 minutes)

ACTION ITEMS

1. **Appointments to Boards, Commissions and Committees** – Consider reappointment of commissioners whose terms have expired; consider appointment to fill a vacancy on The Ranch Committee (Town Clerk Crane Iacopi)

Town Clerk Crane Iacopi summarized the written staff report and recommendations. There were no Council questions or comments, or public comment.

MOTION: To reappoint the following commissioners whose terms expired on February 29, 2016: Lou Weller (Planning Commission); Bryan Chong and Michael Tollini (Design Review Board), Michael McMullen and Phillip Feldman (Parks, Open Space & Trails Commission), Daniel Amir and Kenna Norris (Heritage & Arts Commission); and to direct staff to continue to advertise to fill the remaining vacancies on Town Boards, Commissions and Committees.

Moved: Fredericks, seconded by Fraser

Vote: AYES: Unanimous

ABSENT: Doyle

DRAFT

2. **General Plan Status Report** – Recommendation to review and accept annual status report for implementation of the Town’s General Plan (Director of Community Development Anderson)

Director Anderson gave the report and responded to questions from Council. He said this was the 11th annual status report on the Town’s General Plan, *Tiburon 2020*, since its adoption in 2005.

Anderson said the report showed programs that had been completed since the last review, others that had been abandoned, and also programs that were continuing. He said the annual report had been reviewed by the Town’s Planning Agency, the Tiburon Planning Commission, which recommended acceptance by the Council. He said a copy would be forwarded to the State Department of Housing and Community Development (HCD) and to the Governor’s Office of Planning & Research (OPR) in Sacramento by April 1, as required by law.

Councilmember Fredericks suggested a tense change to a sentence on page 7; then she asked if the Regional Housing Needs numbers would be updated as part of Plan Bay Area this cycle. Director Anderson responded that the regional housing needs allocations were separate from the Plan Bay Area update scheduled for 2017, and that it would be at least five more years before the next cycle of regional housing numbers were developed, tied to Housing Element updates and not Plan Bay Area.

Fredericks asked whether the Golden Gate Bridge District might be mentioned on page 12, as it is involved in corridor transportation planning. Anderson said that the Town’s program [General Plan Transportation Element] only references the Transportation Authority of Marin; however, he noted that the Town was nevertheless involved in the planning referenced by Councilmember Fredericks.

Councilmember O’Donnell concurred that this [transportation] does need greater attention, as does utility undergrounding (page 2). He asked when a particular pole would come down in the last part of the Lyford Drive/ Mar West project. Town Engineer Barnes said that Comcast and ATT were both working to remove the pole. Barnes went on to say that in 2014, the Council had approved the undergrounding of poles between Lyford Drive and Ned’s Way and noted that PG&E had found a way to add funds from this Rule 20A to the Rule 20B project.

Councilmember O’Donnell moved on to questions about the Open Space and Conservation Element (page 4) and said that while it states this project had been “abandoned”, he said the removal of eucalyptus trees near Del Mar continued to be raised. He said that neighbors had come to him to find out if there was any way to address the removal of this non-native species.

Director Anderson said that because the trees are located on town property, the Town’s policy about removal of trees on public property came into play. He said that the policy sets forth a process to be followed; that interested parties can ask to remove the trees, at their own expense, but that the request for removal of significant public trees must first be referred to the Parks Open
DRAFT

Space and Trails Commission. He noted that a policy decision could be made as to whether the Town wanted to contribute to the removal and noted that it had done so on occasion in the past.

Moving on, O'Donnell said the Town's solar requirement for new homes should be included in the OSC-p discussion on Green Building principles. Director Anderson said it had been noted in that section as having been adopted in 2015.

Vice Mayor Fraser said that he would like to raise the issue of the Downtown "parking problem" as perceived by residents, to a higher level of review. He suggested helping residents possibly through some sort of permit program so that they did not have to pay \$10 or \$11 to park in order to shop or dine downtown. He suggested forming a subcommittee to bring this forward.

Councilmember Fredericks asked whether this subsidy would come from the Town's General Fund. Vice Mayor Fraser said he did not know at this time what the funding source would be.

Councilmember O'Donnell said that downtown parking had been studied in the past and that the suggested solution had been to install parking meters. He said the idea was that some of the revenue from the meters could be used to subsidize the lot owners and create a resident pass system. He said the concept of meters did not receive a positive public response and the concept appeared to have been dropped for the time being.

Mayor Tollini said she supported raising this topic to a higher level of discussion.

Councilmember Fredericks called for a point of order, as this item was not agendaized. She asked if it might be a topic for the Council retreat instead.

MOTION: To accept the General Plan Status Report, as amended, and direct staff to file copies with the appropriate state agencies.

Moved: Fredericks, seconded by O'Donnell

Vote: AYES: Unanimous

ABSENT: Doyle

3. **Las Lomas Lane Path** – Authorize vacation of portion of Las Lomas Lane for public pedestrian easement (Director of Community Development Anderson) – *continued without hearing until March 16, 2016*
4. **McKegney Green Soccer Field Upgrade** – Receive staff report regarding proposed project to upgrade McKegney Green playing field; consider authorization of project scoping study (Director of Public Works/Town Engineer Barnes)

Director Barnes said McKegney Green, constructed in 1975, was currently in poor condition. He said the Tiburon Peninsula Soccer Club (TPSC) had proposed entering into a partnership with the Town to make improvements to the Green and to enlarge the field.

DRAFT

Town Council Minutes #04-2016

March 2, 2016

Page 4

Barnes said TPSC suggested a new sand-based turf field, similar to the ones located in Mill Valley. Barnes said the proposed field would be 135,000 to 150,000 square feet in size, about double the size of the existing field, and large enough for a full-sized soccer field and a smaller play field. He said costs estimates ranged from \$1.3 to \$2.2 million, and that these variations in cost were more fully detailed in the written staff report.

Director Barnes said staff recommended that the Council discuss the matter and provide direction, and authorize execution of a predesign scoping study for improvements to McKegney Green.

Councilmember Fredericks said the Council had been discussing how to make the Green more safe and sustainable for at least a decade. However, she said the improvements detailed in the TPSC proposal were much larger in scope and more expensive than what had been previously discussed. She asked whether the Town could make the Green more functional without an expanded use. Barnes answered affirmatively.

Fredericks also asked whether a new sand field would have to be protected or whether it could also be used for more general use. Barnes said a sand field is a special field but noted that in Mill Valley, these fields have uses other than for soccer play.

Fredericks said that she envisioned a smaller, less expensive project that would still provide better drainage, etc. to the field.

Director Barnes described the four layers of a sand field – the playing surface, the sand, irrigation, and a drainage layer. He said such a field could be reconstructed [on the existing footprint] from the bottom up. He said that if just the top layer were reconstructed, there would still be drainage and other problems in the underlying layers. Therefore, Barnes said even a smaller scope project would still need to reconstruct these layers.

Councilmember Fredericks said her concern [for a larger project] was expanded use, including use by non-residents. She asked if the scoping study would address this issue. She also said that water costs would be an important issue to address.

Town Manager Chanis concurred, and said that many of these issues – irrigation and year-round use – were already issues with the existing field.

Councilmember O'Donnell asked whether irrigation [for a new field] had been discussed with Richardson Bay Sanitary District. Director Barnes said not at this juncture, but that it would be addressed in the scoping study. He noted that the district had a very restrictive water permit that limits the use of grey water irrigation to November 15 through March 15.

Director Barnes went on to say that the current field is not sand-based, and if the Town were to construct a sand-based field, it would have to be irrigated year-round or it would not survive. He said the turf would require regular watering.

DRAFT

Councilmember O'Donnell commented that surely the rain would help to irrigate the field during part of the year.

Town Manager Chanis said that sand fields by design were well-drained and not meant to retain water. He said that staff had talked with other communities with sand-based fields and they had indicated they all irrigated their fields.

O'Donnell also some questions about the field size and the proposed size increase from 135,000 to 150,000 square feet. Director Barnes said that three of the four estimates were based on 150,000 so that number was used for cost comparison purposes. However, he said that the scoping study would address the issue of field size, as well.

Councilmember O'Donnell noted that parts of the current Green slope away and are used more for passive use. He asked if the 150,000 square foot figure was for playable area or total area. Again, Director Barnes said the study would address these questions.

O'Donnell asked if the Green had been rented out this Spring [under the Town's McKegney Green Use Policy]. Director Barnes said no group had yet paid for their dates. O'Donnell concluded there were no revenues projected then for the Spring. Barnes agreed.

Vice Mayor Fraser asked if artificial turf was being considered. Director Barnes said that it had been considered between 2003 and 2005 but had been rejected at that time. He noted that artificial turn fields do require maintenance, have to be protected, and need replacement every 10 years or so.

Fraser suggested that the Town think "big" about this project. He said the community is changing, and more families with young children are moving to town. He said that the Green was a wonderful asset to the community and we should look to the future, perhaps even consider a bond measure to develop this area.

The Vice Mayor said that we have one shot to make it right; that there could be some active areas and some for passive recreational use. He said that the field proposals were good but he encouraged his colleagues to look at all options, and to think about rugby, soccer, Lacrosse, field hockey, as well.

Mayor Tollini opened the matter to public comment.

Bill Ross, self-described "soccer dad", said the Council had correctly identified all the issues surrounding the use of McKegney Green. He also decried the fact that the Green is out of commission for 4-5 months out of the year.

Mr. Ross said there are two main uses of the Green – one is for picnics, kites and dogs; the other is for soccer. He said this was by far the biggest use of the Green. Of the 800 kids in the TPSC, Ross said 700 of these were from Tiburon.

But Ross said that he is worried about safety, in addition to the unevenness (playability) of the Green. He said its condition is “close to terrible”. He said that if field expansion is a concern, then the current situation is also unworkable. Mr. Ross said a smaller field, if it were made more flat and useable, might work. He also said that turf might work. But for the two groups of constituents – the “open space” users and the soccer players – Ross said the field is still unavailable and unattractive, and for the latter, it is unsafe and unplayable.

Another speaker whose name was not clearly stated [a Dr.xxx], said he concurred with the concerns expressed about the condition of the field and safety. He said that for this debate to have gone on for 10 years was disgraceful. He said he liked the idea of “thinking big” and of considering artificial turf. He said the turf fields installed in Petaluma did not have the black “stuff” that some turf fields have.

The speaker said there could be two regulation soccer fields in that location [McKegney Green]. He said that children comprise 30% of our population and should not suffer. He said that a group of children had come to the Council in November to talk about the injuries they had sustained in using that field. He said he appreciated that the Council was paying attention and said it was time to do something.

There being no more speakers, Mayor Tollini closed the public comment period.

Councilmember Fredericks referenced the census statistics and said that recent figures showed that 53% of the town’s population was over the age of 45. She also suggested that the Recreation Needs Assessment presented to the Council in 2011 be considered in the planning process. She said that survey showed a desire for more playgrounds and sports fields; she suggested that it be a source document for the scoping study.

Finally, Fredericks said that while turf is sometimes controversial, she agreed with Vice Mayor Fraser’s suggestion to consider it. She said she supported moving forward with the scoping study and hoped that it would include a discussion of the best use of the fields for all users.

Councilmember O’Donnell agreed that McKegney Green is a “world class” space; a magnificent green space in a magnificent location. But he said the field is dilapidated and needs to be repaired. He acknowledged that the sports users were looking elsewhere; he said that turf is not a panacea and could open up a can of worms of other issues. He suggested that the Council keep the debate simple and fix up the soccer field and figure out how to do it most effectively, without delay. He said he would like to see it fixed this summer before the start of soccer season in the Fall.

O'Donnell said that it would be too hard to float a bond within this time frame, and that bond issues were not easily achievable. He urged the Council to avoid "over-engineering" and the [over] use of consultants. He said he was disappointed that the Town had not yet reached out to Richardson Bay Sanitary District and started asking questions. He said more leg work was needed.

With regard to field size, O'Donnell said a standard soccer field was 74,000 square feet. He said that this size field, and a smaller one for kids, was already within the existing footprint. He wondered where the 150,000 square foot number had come from.

With regard to cost estimates, he said that when he saw the \$2.2 million figure he was aghast. He asked how this could be when another vendor said they could do the work for under \$800,000?

Councilmember O'Donnell said that he feared becoming bogged down in a bureaucratic morass over this project. He suggested just going ahead with scraping the [field] surface, figuring out how to irrigate it, and make the project work.

O'Donnell acknowledged the disappointment expressed by many local soccer families over the condition of the field. He said "let's just get going with this and get it done quickly". He said the community would support this approach and that there was already some money (\$400,000) in the current year's budget for it. He said that TPSC had said they'll contribute \$150,000. He recommended moving forward to repair the existing field. [This drew applause from the audience.]

Vice Mayor Fraser said he understood the passion and need to get it done quickly; he said he would defer to those members who had families who used the field. However, he said there should be a long-range plan, and if the immediate need is to repair the field, so be it, but there can be a long-range plan, as well. He said he supports the speed and acceleration of the project, but staff should call the turf vendor and get information at the same time; in other words, run parallel processes.

Councilmember Fredericks said another way to frame this would be to undertake a short-term "fix" as well as a scoping plan. She asked if authorizing the scoping plan would hold up the project.

Town Manager Chanis said that even if the town undertook to repair the field, it would first need a design and a public bidding process for the work. And he said that would not address the issues of irrigation at all. Furthermore, Chanis said the low [\$700,000] estimate referenced in the staff report was for construction only, not design.

Mayor Tollini asked if there was a cheap, inexpensive way to do this. She said if the project could not really be done for the low estimate, for the reasons stated, then a scoping study really was needed.

DRAFT

Councilmember O'Donnell said it was clear that more legwork had to be done. But he said the low estimate bidder, Martin Bros., had experience in this area, having constructed the fields in Strawberry as well as AT&T Park; he said that could probably do their own construction management, as well. He agreed that a design was needed, as well as public bids. But he said he was wary of the consulting fees that stifle and bog down projects.

O'Donnell offered to work with staff to develop the information needed from Richardson Bay Sanitary District. He said that it was time for the "rubber to meet the road".

Councilmember Fredericks said that because McKegney Green was on Bay fill, she was not comfortable going forward without a design in place. She continued to support the need for a scoping study.

Mayor Tollini asked if the study was scrapped, who would obtain the necessary permits from BCDC. Councilmember O'Donnell asked how long the study would take and who had managed the BCDC permit process for the Blackie's Pasture area improvements.

Director Barnes said that the environmental consultant [on Blackie's project] had worked on the BCDC permit. He said that a scoping study could be done, at best, by early April.

Council continued to discuss the process with staff.

Mayor Tollini asked if it was realistic to think that this project could be done by the Fall.

Vice Mayor Fraser again suggested running a parallel process with the scoping study, but to hire a designer and have something ready by April.

Town Manager Chanis said it is difficult to have a designer start on a design without all the necessary information, including size, type and quality of field, infrastructure, etc. However, he said that staff could hire someone to start this work, if directed.

Councilmember O'Donnell asked for a timeline, working backwards from a proposed construction start date of August 1. He asked when the bidding would need to start to accomplish this. Director Barnes said 60 days -- it would take one month from bid opening to prepare the report for Council and award the bid; and before that, it would have to be out to bid for 30 days.

Councilmember O'Donnell concluded that under this timeline, an award could be considered by the Council at its July 20 meeting, in order to start construction on August 1.

Mayor Tollini asked how long the design process would take. Director Barnes said that a preliminary design would be needed to apply to BCDC, and there were tribal consultations required in this area to be undertaken, which Director Anderson said would take a few months to process.

DRAFT

Vice Mayor Fraser said he encouraged putting the pedal to the metal but said it was unrealistic to think the project would be done by the beginning of the school year.

Councilmember O'Donnell said that a parallel track could be followed, as some of the information is basic.

Town Manager Chanis agreed that certain elements are common to all designs, but said they are not completely parallel paths.

Mayor Tollini concurred that it would be difficult to hire a designer without answers to many of the questions. Noting that the proposal said the scoping study would include 50 hours of work, she asked if it would be possible to have the scoping study by the next regular Council meeting.

Town Manager Chanis said it was not likely, because it meant coordinating with various people and conducting meetings and the like. He said two weeks seemed unrealistic.

Vice Mayor Fraser said he would concur with pursuing the scoping study, as recommended, because it would contain information that is useful to the Town. Councilmember Fredericks said she would support it as well, as did Mayor Tollini.

In response to a question from the Vice Mayor, Town Manager Chanis said staff could start reaching out to designers immediately. He said that staff could ascertain which firms might be available and how much they charged, as this was not part of the bidding process.

Councilmember O'Donnell said that the Town had a potential funding partner in TPSC which would have to start fundraising immediately for the coming season. He said the Town should not let this funding opportunity to slip away.

MOTION: To authorize the Town Manager to execute the agreement [with Aby Arnold Associates] for the scoping study, as recommended in the staff report, and to proceed with all due diligence and speed on the project.

Moved: Fredericks, O'Donnell

Vote: AYES: Unanimous

ABSENT: Doyle

TOWN COUNCIL REPORTS

Vice Mayor Fraser reported on the Yellow Bus Challenge. He said the committee had been meeting with a "laser focus" every two weeks, to review routes for the 2016-17 school year, and to work on grant funding and new technology. He said they had received great support from the Marin Transit Agency Director Robert Betts, who is managing the program for Reed School, as well as the Mill Valley, and the Ross Valley schools. He said that agency staff is sending a DRAFT

proposal to its board of directors at an upcoming meeting to discuss a continuation of this program and its cost-savings across three districts.

The Vice Mayor said the draft Joint Powers Agreement (JPA) would go to the Reed Union School District board on March 8 for its consideration, and to the Belvedere and Tiburon Councils on March 14 and 16, respectively. He said a letter had been sent to the Marin County Board of Supervisors to request funding support. He said everything was fairly positive and moving forward. He especially noted the camaraderie he had experienced while riding the Yellow Bus and said that it was symbolic of our changing community.

Councilmember Fredericks commended the Vice Mayor and committee for their “extraordinary efforts”.

On another matter, Councilmember O'Donnell asked when the ferry float would return to downtown. Town Manager Chanis said it was scheduled to be returned on Saturday, March 5.

TOWN MANAGER REPORT

None.

WEEKLY DIGESTS

- Town Council Weekly Digests - February 26, 2016

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 9:15 p.m.

ERIN TOLLINI, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

DRAFT

Town Council Minutes #04-2016

March 2, 2016

Page 11

**TOWN COUNCIL
SPECIAL AND REGULAR MEETING
MINUTES**

SPECIAL MEETING – Cancelled

The special meeting scheduled for March 16, at 7:15 p.m., was cancelled because the interviewee withdrew her application in advance of the meeting.

INTERVIEWS FOR VACANCIES ON TOWN BOARDS & COMMISSIONS

(The Ranch Committee – One Vacancy for Tiburon appointee)

- **Sarah Sung**

ADJOURNMENT – to regular meeting

REGULAR MEETING – 7:30 p.m.

CALL TO ORDER AND ROLL CALL

PRESENT: COUNCILMEMBERS: Doyle, Fraser, Fredericks, O'Donnell, Tollini

ABSENT: COUNCILMEMBERS: None

PRESENT: EX OFFICIO: Town Manager Chanis, Town Attorney Stock,
Police Chief Cronin, Director of Director of
Community Development Anderson, Minute Clerk
Hennessy

ANNOUNCEMENT OF ACTION TAKEN IN SPECIAL SESSION, IF ANY

None.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1. **Town Investment Summary** – Adopt report for January 2016 (Director of Administrative Services Bigall) - [the agenda mistakenly listed the item as a report for February 2016]

DRAFT

Town Council Minutes #05 -2016

March 16, 2016

Page 1

2. Newsom Ballot Initiative – Authorize letter in support of The Safety For All Act of 2016 on the November ballot (Mayor Tollini/Councilmember Fredericks)

MOTION: To adopt Consent Calendar Item No. 1.
MOVED: O'Donnell, seconded by Fredericks
VOTE: AYES: Unanimous

Item 2 of the Consent Calendar was pulled for discussion at the request of a member of the public.

Bob Doherty addressed the Council regarding Item 2, the Newsom Ballot Initiative and the letter being considered to support The Safety For All Act of 2016. Mr. Doherty objected to the letter; read the wording of the second amendment and proposed and submitted to the Council a letter he prepared in place of the draft letter in the packet.

Paul Trudell, Tiburon resident who served as public defender in the East Bay where he learned to respect gun laws and is a certified instructor on rifles, stated that guns in homes need to be locked. He didn't think the Council should be getting involved with State initiatives and he supported a public relations campaign for safety. He did not believe the Town Council needed to change Tiburon's Municipal Code.

Mary Trudell stated she believed limiting the size of magazines was already a law; lost or stolen guns need to be reported; urged the Council to use statistics on Kamala Harris' website, which were from 2005; she stated most gun-involved incidents are gang-related crimes or suicides.

Councilmember Fredericks pointed out this item was about supporting the Newsom Ballot Initiative, not Public Hearing #1, Firearms Regulations, and the statements in the draft letter to Mr. Newsom relate to children.

MOTION: To authorize sending the letter in support of the Safety For All Act of 2016 to Lieutenant Governor Newsom
MOVED: O'Donnell, seconded by Fraser
VOTE: AYES: Unanimous

ACTION ITEMS

1. Appointments to Boards, Commissions and Committees – Consider appointment to fill a vacancy on The Ranch Committee (Town Clerk Crane Iacopi)

The Mayor noted that candidate Sarah Sung had withdrawn her application, and that the Council had interviewed another qualified candidate, Erin Burns, on March 2.

MOTION: To appoint Erin Burns to The Ranch Committee
MOVED: O'Donnell, seconded by Fredericks
VOTE: AYES: Unanimous

DRAFT

2. **Las Lomas Lane Path** – Authorize vacation of a portion of Las Lomas Lane for public pedestrian easement (Director of Community Development Anderson)

Director of Community Development Anderson reviewed the staff report and noted William and Susan Lukens recently granted the Town a public access easement over a portion of undeveloped Las Lomas Lane frequently used by the public for pedestrian purposes. The grant of easement superseded portions of a Resolution the Town Council had adopted in 2005 asserting public access rights over a slightly different alignment on Las Lomas Lane. In accepting the easement the Town Council committed to vacating the former alignment as a public service easement/recreational trail and extinguishing any public recreational trail claim over this portion of Las Lomas Lane stemming from the adoption of the 2005 Resolution.

The easement recently granted by the Lukens was recorded on February 16, 2016. The Town Council is now in a position to vacate the former trail alignment and rescind any claimed public recreational trail interest stemming from the 2005 Resolution.

The Planning Commission reviewed the proposed vacation of the public recreational trail/public services easement at its meeting of January 13, 2016 and determined the disposition of Town rights over the former recreational trail alignment would be consistent with the Tiburon General Plan, since this alignment has been replaced by a superior one granted by formal easement.

Staff recommends the Town Council adopt the Resolution vacating the former recreational trail/public services easement and rescinding those portions of Resolution No. 51- 2005 pertaining to acceptance of the recreational trail on Las Lomas Lane. Provisions of Resolution 51-2005 pertaining to Moitoza Lane would remain in effect.

The Mayor opened the public hearing. There being no comment, the Mayor closed the public hearing and returned the item to the Council.

MOTION: To adopt A Resolution of the Town Council of the Town of Tiburon Vacating a Relocated Public Recreational Trail Located on an Undeveloped Part of Las Lomas Lane and Rescinding Those Portions of Town Council Resolution 51-2005 Pertaining to the Acceptance of the Las Lomas Lane Recreational Trail

MOVED: Fraser, seconded by Fredericks

VOTE: AYES: Unanimous

3. **Tiburon Peninsula Traffic Relief Joint Powers Authority**- Consider adoption of a Joint Powers Agreement to create a Joint Powers Authority with the purpose of reducing school related traffic congestion within the Tiburon Peninsula. If adopted, consider appointment of two members to the proposed Board.

There was a general discussion of the many meetings and cooperation between the Town of Tiburon, City of Belvedere and RUSD regarding traffic congestion during school commute times. It was noted that Belvedere and RUSD had already approved the draft JPA Agreement.

The Mayor opened the discussion to the public; there being no comments, the item was returned to the Council.

It was noted the draft agreement had been rewritten many times and has been approved by the Town Attorney and Police Chief.

It was also noted that adoption of the Joint Powers Authority does not commit the Town to any expenditures; could liaison with Marin Transit and other organizations.

In response to Councilmember O'Donnell, Mayor Tollini stated she would be willing to serve on the Joint Powers Authority. Councilmember O'Donnell noted the biggest problem for ridership is at Reed School because the students are the youngest and most vulnerable and some parents drive from Corte Madera to this school.

MOTION: To approve as to form the Joint Powers Agreement to establish the Tiburon Peninsula Traffic Relief Joint Powers Authority as presented, and authorize the Town Manager to execute the agreement on a date he determines in his judgment to be appropriate, and to appoint Erin Tollini and Jim Fraser to serve as Primary Directors to the JPA

MOVED: O'Donnell, seconded by Fredericks

VOTE: AYES: Unanimous

PUBLIC HEARINGS

1. Firearms Regulation – Consideration of amendments to Chapter 16 (Zoning) and Chapter 32 (Regulation of Firearms) of the Tiburon Municipal Code – *Introduction and first reading of Ordinance* (Director of Community Development Anderson/ Town Attorney Stock)

The Director of Community Development reviewed the staff report and stated as a reaction to increased mass shootings throughout this country, a number of local jurisdictions have considered and enacted various measures relating to firearms. The Town has previously enacted Chapter 32 in the Municipal Code addressing firearms, but that the amendments would add several sections to Chapter 32, including provisions for reporting requirements for the loss or theft of firearms, requirements for the safe storage of handguns, and a prohibition on the possession of large capacity magazines.

The Town Council also directed that zoning regulations regarding firearms dealers be added to clarify those areas where such uses might be permitted or prohibited.

The proposed reporting law would require a person to report the loss or theft of a firearm he or she owns or possesses within 48 hours of the time he or she knew or reasonably should have known of such loss or theft. The law also requires persons who have had a firearm lost or stolen within five (5) years prior to the effective date of the law to report the loss or theft within sixty

DRAFT

days of the Ordinance's effective date. This provision is designed to decrease the ability of a gun owner to falsely claim that his or her gun was lost or stolen before the reporting requirement went into effect.

Director Anderson also reviewed the storage of handguns provision and its exceptions, as well as prohibition of large capacity magazines, and the exceptions pertaining thereto. He stated large capacity magazines can hold up to 100 rounds of ammunition and magazines with a capacity of more than 10 rounds of ammunition are generally considered to be "large capacity" magazines.

With respect to the zoning amendments, Director Anderson stated specific zoning text amendments proposed would add a definition for "firearms sales", add firearms sales to the list of conditionally permitted uses in the Town's commercial zones, and prohibit firearms sales as an allowable type of home occupation. The latter would effectively prevent the sale of firearms and ammunition in residential zones.

He summarized the majority of non-firearms-related zoning text amendments as follows:

- 1) Amendments to clarify the relationship between "setbacks" and "yards" in the zoning Ordinance by eliminating references to "yards".
- 2) Amendments to categorically prohibit the sale and cultivation of marijuana in all zones by adding these uses to the list of "uses prohibited in all zones".
- 3) Amendments to clarify the existing provisions regarding "use-for-use" changes in the Neighborhood Commercial and Village Commercial zones by the addition of explanatory text addressing the circumstances under which a conditional use permit would or would not be required.

Anderson stated that earlier this year, the Planning Commission adopted resolutions recommending approval of the zoning text amendments. He noted that the Commission was not required to consider or make a recommendation regarding the proposed Chapter 32 amendments, but was made aware of their nature for contextual purposes.

Anderson stated the staff has preliminarily determined that the proposed amendments are exempt from further review under CEQA. The Town Council would finalize this determination if it approves the amendments as recommended.

The Director stated no letters or other correspondence has been received regarding the proposed amendments, and the staff foresees no direct fiscal impact. He recommended the Town Council:

1. Hold a public hearing on the proposed municipal code amendments to Chapter 32 and Chapter 16 and consider all testimony and correspondence received.
2. Deliberate on the proposed municipal code amendments, making any desired revisions.
3. Introduce the ordinances, read by title only, and hold separate votes on each ordinance for passing of first reading and waiver of additional readings.

DRAFT

In response to Councilmember Fredericks question about the enforcement of Section 32-27 Reporting of Loss or Theft of Firearm, Town Attorney Stock stated that an education campaign would notify people of their responsibility to report any loss or theft of firearms.

In response to Councilmember Fraser, the Town Attorney stated the Tiburon Police Department has internal requirements for reporting lost and stolen police-issued firearms.

The Mayor opened the public hearing.

Paul Trudell, Tiburon resident, felt the proposed law was too vague; suggested the possibility of safes being in cars; thought the Council would be best served by sending a letter to the State suggesting these proposed amendments be statewide.

Mary Trudell, Tiburon resident, noted she thought the State had passed a law requiring report lost or stolen guns within 48 hours since they have been studying it for a long time.

David Mittleman, Rowley Circle, was pleased to see the Town Council move to clarify the currently ambiguous provisions in the zoning ordinance regarding setbacks and yards. He complimented staff on its efforts in this regard and supported the zoning changes.

Police Chief Cronin explained his support for the proposed firearms amendments, noting there are now commercially-available storage boxes with quick release mechanisms. He believed in second amendment but opposed large capacity magazines, noting that the primary purpose behind the development of such devices was for military purposes in order to kill or disable more enemies in a short period of time.

Paul Trudell asked that the definition of large capacity magazines be revised to more than 12 rounds because that number provides a better handle.

The Mayor closed the public hearing.

Councilmember Fraser stated he agreed with Chief Cronin about the second amendment issue and said the proposed amendments were about safety.

Councilmember Doyle noted the proposed changes were about common sense; he questioned the difficulty of enforcement but thought it was a great gesture. He wondered about the scope of the definition for marijuana "cultivation".

With respect to firearms enforcement, Chief Cronin responded the biggest piece is educating people because most people will follow the law, and if the law increases reporting of loss or stolen guns, it's a good thing. The Police Department can put the serial numbers into the system. Not limiting large capacity magazines was a failure of the State legislation. Making people realize storage is a necessity is a valuable piece of public safety information. He noted that at

one time, the State provided hundreds of trigger locks to distribute to the public. The Chief stated all of these added firearms provisions are incremental public safety improvements.

In response to Councilmember Doyle asking whether there could be a medical exemption for cultivation, the Town Attorney stated the Council had previously discussed the issue of adequate access to medical marijuana and determined that adequate delivery systems existed for this purpose. Chief Cronin agreed that people with prescriptions for medical marijuana have many choices how to acquire it, and that home cultivation leads to increased burglary of homes.

Director Anderson stated because of recent State legislation, local communities were put in the position of having to ban cultivation in order to prevent state laws from preempting local laws regarding marijuana. The Council had adopted a resolution to this effect in January of this year.

Councilmember Fredericks provided the perspective of a behavioral psychologist, noting that most laws set a social norm. She said that the proposal is a social law setting forth safe behavior when owning guns, and that enforcement is different. She was not concerned about enforcement by the Police Department being problematic, and was also not concerned about marijuana cultivation being a problem in Tiburon because of its general availability. She also noted the Town was acting now so that it would not be preempted by the State laws.

Councilmember O'Donnell agreed with the Police Chief and noted there is an element to the provisions that is symbolic and not practical; sometimes symbols become movements and create change.

Mayor Tollini stated she didn't introduce this legislation for political reasons but as a response to the multiple shootings involving children. She said she supported reasonable ways to protect our citizens.

MOTION: To read both ordinances by title only.

MOVED: Doyle, seconded by Fredericks

VOTE: AYES: Unanimous

The Mayor read "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 32 (REGULATION OF FIREARMS) TO REGULATE FIREARMS STORAGE REQUIRE THE REPORTING OF LOSS OR THEFT OF FIREARMS, AND BAN THE POSSESSION OF LARGE CAPACITY MAGAZINES".

MOTION: To pass first reading of this ordinance, waive second reading, and set the ordinance for adoption at the next regular meeting.

MOVED: O'Donnell, seconded by Fraser

VOTE: AYES: Doyle, Fraser, Fredericks, O'Donnell, Tollini

The Mayor read “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) REGARDING SETBACKS, YARDS, MARIJUANA SALE AND CULTIVATION, USE-FOR-USE CHANGES, FIREARMS-RELATED REGULATIONS, AND OTHER MISCELLANEOUS AMENDMENTS”.

MOTION: To pass first reading of this ordinance, waive second reading, and set the ordinance for adoption at the next regular meeting.

MOVED: O'Donnell, seconded by Fraser

VOTE: AYES: Doyle, Fraser, Fredericks, O'Donnell, Tollini

4. **Alta Robles Subdivision (PD#20)** – Consider application for a Vesting Tentative Subdivision Map for 14 lots on a 52.2 acre parcel; 3825 Paradise Drive; SODA, LLC, Owner (Rabin Family); IPA, Inc., Applicant; Assessor's Parcel Nos. 039-301-01 and 039-021-13 (Director of Community Development Anderson)

Director of Community Development Anderson reviewed the staff report and noted the Town is in receipt of a Vesting Tentative Map application from SODA LLC, which would subdivide a 52.2 acre parcel into 14 lots. The project is commonly known as the Alta Robles project. In 2012, the Town Council approved the Alta Robles Precise Development Plan.

On February 24, 2016 the Planning Commission adopted a Resolution recommending approval with conditions of the application to the Town Council.

The Director noted four letters had been received to date, all from September 2015 when the application was first filed; the Planning Commission addressed the concerns raised by the letters at its meeting and found that conditions of approval adequately addressed those concerns. The Commission further determined that it was inappropriate to reconsider the project density established by the Precise Development Plan.

The Final Environmental Impact Report was certified by the Town Council in 2011 for this project. No substantive changes to the project are proposed as part of the vesting tentative map and no additional environmental review is warranted or required. All adopted mitigation measures would continue to apply.

The Director stated the staff recommends the Town Council hold a public hearing and adopt the draft resolution approving the application.

The Mayor opened the public hearing.

Scot Hochstrasser, on behalf of the Rabin family, said the applicants concurred with the staff report and that he was available to respond to any questions.

There being no public comment, the Mayor closed the public hearing.

DRAFT

In response to Councilmember O'Donnell, Mr. Hochstrasser stated the applicants can receive a final map approval prior to building roads, installing utilities etc., by bonding for the future improvements. He stated that Rabin family is studying its timing options and have no definitive timeline yet for the start of construction.

Ariel Rabin, representing the Rabin family, stated that this is a very complex project, the family is not in the development field and they are learning as they go along, and they wish to do things correctly and well the first time.

Councilmember O'Donnell and Councilmember Fredericks both recalled this project being through a thorough, lengthy and extensive planning process.

MOTION: To adopt the Resolution of the Town Council of the Town of Tiburon Approving a Vesting Tentative Subdivision Map for a 14-Lot Subdivision at 3825 Paradise Drive (PD #20, Alta Robles Project)

MOVED: Fredericks, seconded by O'Donnell

VOTE: AYES: Unanimous

TOWN COUNCIL REPORTS

Councilmember Fredericks stated the Executive Committee met with TAM and discussed the crossing guard eligibility scale and said that two or three intersections in Tiburon have fallen below the funding line. She said there will be a proposal brought before TAM for volunteer crossing guards.

Councilmember O'Donnell stated Marin Clean Energy Agency is poised to get four members from Contra Costa County. Other Community Choice Aggregators are Sonoma and San Francisco; both have their own initiatives.

Mayor Tollini stated RBRA changes are afoot; she said the City of Sausalito had announced they are going to enforce anchor outs.

Councilmember Doyle stated there are no Community Development Block Grants available.

TOWN MANAGER REPORT

The Town manager stated he had no reports.

Regarding the Town Council/Staff Retreat scheduled for April 1, Councilmember O'Donnell asked that agenda items be sent to the Council prior to final agenda so they might prioritize items.

The Town Manager noted prior retreats have been all day long affairs and a portion has been reviewing tasks in various departments. Given the fact the Council hasn't changed since the last DRAFT

retreat, staff is suggesting focusing on priority setting initiatives, programs, and projects and he planned to provide a list so they can indicate which ones are priorities.

Councilmember Fredericks requested that a list of accomplishments from the past year be included in the retreat materials, if only on paper and not intended for presentation.

WEEKLY DIGESTS

Town Council Weekly Digests – March 4 & 11, 2016

There were no comments on these Digests.

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 9:00 p.m.

ERIN TOLLINI, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON

1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting

April 6, 2016

Agenda Item: CC-3

STAFF REPORT

To: Mayor and Members of the Town Council

From: Administrative Services Department

Subject: Investment Summary – February 2016

Reviewed By: H.C.

BACKGROUND

Pursuant to Government Code Section 53601, staff is required to provide the Town Council with a report regarding the Town's investment activities for the period ended February 29, 2016.

ANALYSIS

February 2016

Agency	Investment	Amount	Interest Rate	Maturity
Town of Tiburon	Local Agency Investment Fund (LAIF)	\$21,321,821.33	0.467%	Liquid
	Housing note to Former Town Manager	\$ 800,000.00	0.330%	Based on Contract
	Money Market (Bank of Marin)	\$ 100,000.00	0.15%	Liquid
Total		\$22,221,821.33		

The total invested at the end of the prior month was \$22,436,821.33; therefore the Town's investments decreased by \$215,000.00 over January 2016.

FINANCIAL IMPACT

No financial impact occurs by accepting this report. The Town continues to meet the priority principles of investing – safety, liquidity and yield in this respective order.

RECOMMENDATION

Staff recommends that the Town Council:

Move to accept the Investment Summary for February 2016

Prepared By: Heidi Bigall, Director of Administrative Services



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
April 6, 2016
Agenda Item: CC-4

STAFF REPORT

To: Mayor and Members of the Town Council
From: Community Development Department
Subject: Recommendation to Adopt Various Amendments to Chapter 32 (Firearms Regulations) of the Tiburon Municipal Code (Adoption of Ordinance); File MCA2016-02
Reviewed By: h.c.

BACKGROUND

The Town Council held first reading of this ordinance following a public hearing at its meeting on March 16, 2016, and waived additional readings. The ordinance now comes to the Town Council for consideration of adoption.

PROCEDURE

This is a consent calendar item. The Council's motion to adopt this item on the consent calendar will constitute a motion to confirm the waiver of second reading from the previous meeting and adopt the ordinance. Each Councilmember's vote on the motion to approve this item on the consent calendar will constitute the equivalent of a roll call vote and will be recorded within the ordinance. Should any Councilmember choose to vote differently on this item than other items on the consent calendar, then the vote on this item should be taken separately from other items appearing on the Consent Calendar such that individual votes may be properly recorded. Should the Council wish to discuss the item, it must be removed from the Consent Calendar and voted upon separately.

RECOMMENDATION

Staff recommends that the Town Council approve the adoption of Ordinance No. 563 N. S., a draft of which is attached as **Exhibit 1**, as part of the Consent Calendar.

EXHIBIT

1. Draft Ordinance No. 563 N. S.

Prepared by: Scott Anderson, Director of Community Development SA

ORDINANCE NO. 563 N. S. (DRAFT)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 32 (REGULATION OF FIREARMS) TO REGULATE FIREARMS STORAGE, REQUIRE THE REPORTING OF LOSS OR THEFT OF FIREARMS, AND BAN THE POSSESSION OF LARGE CAPACITY MAGAZINES

SECTION 1. FINDINGS.

(1) The Town Council finds as follows:

- A. In 2011, 2,928 people died from firearm-related injuries in California and 2,884 other people were hospitalized for non-fatal gunshot wounds;
- B. In 2011, 1,356 homicides were committed with a firearm in California – 337 of those victims were under the age of 21;
- C. Federal and California law require licensed firearms dealers to report the loss or theft of firearms to law enforcement within 48 hours;
- D. When a crime gun is traced by law enforcement to the last purchaser of record, the owner may falsely claim that the gun was lost or stolen to hide his or her involvement in the crime or in gun trafficking. Reporting laws provide a tool for law enforcement to detect this behavior and charge criminals who engage in it;
- E. Existing reporting laws, like California's requirements that firearms dealers report the loss or theft of firearms and that motorists report serious automobile accidents to the Department of Motor Vehicles, demonstrate that reporting laws are not unduly burdensome. Moreover, the highly lethal nature of firearms justifies an increased level of responsibility over that required for ownership of other, less dangerous products;
- G. Reporting laws protect gun owners from unwarranted criminal accusations when their guns are recovered at a crime scene, and make it easier for law enforcement to locate a lost or stolen firearm and return it to its lawful owner;
- H. The extreme danger firearms pose to public safety requires a heightened level of accountability on the part of individuals who choose to own firearms. Reporting laws make gun owners more accountable for their weapons;
- I. Data from the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives indicate that more than 173,000 guns were reported lost or stolen by persons other than federally licensed dealers in 2012. Survey research indicates that at least 500,000 firearms are stolen annually from residences, however. This discrepancy shows that most lost or stolen firearms are not reported;
- J. Many stolen guns are used to commit other crimes. A U.S. Department of the Treasury study revealed that nearly a quarter of ATF gun trafficking investigations

involved stolen firearms and were associated with over 11,000 trafficked firearms – including 10 percent of the investigations which involved guns stolen from residences;

K. Neither federal nor California law contains any requirement that firearm owners report lost or stolen firearms;

L. Several local governments in California already require the reporting of lost or stolen firearms, including San Francisco, Sacramento, Oakland, Berkeley, Los Angeles, West Hollywood, Thousand Oaks, Simi Valley and Port Hueneme. Local ordinances often serve as catalysts for statewide policies;

M. Laws requiring the reporting of lost and stolen firearms are associated with a reduction in gun trafficking. One study found that states without mandatory lost or stolen reporting laws export two and a half times more crime guns across state lines than jurisdictions with such laws;

N. In International Association of Chiefs of Police (IACP), *Taking a Stand: Reducing Gun Violence in Our Communities* 16, p. 22 (Sept. 2007), The International Association of Chiefs of Police states, “law enforcement’s early awareness of every lost and stolen gun will enhance their ability to recover those guns and reduce gun violence.” The report recommends that state and local governments mandate reporting of lost or stolen firearms;

O. Having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death.

1. A firearm stored loaded or unlocked increases the risk of an accidental shooting.

2. All United States case control studies (12 to date) have found that people who die by suicide are more likely to have lived in a home with a gun than similar people who did not die by suicide. Studies have also shown that the risk of suicide increases in homes where guns are kept loaded or unlocked.

3. A 2007 study compared the 40 million people who live in the states with the lowest firearm prevalence (Hawaii, Massachusetts, Rhode Island, New Hampshire, Connecticut, and New York) to about the same number living in the states with the highest firearm prevalence (Wyoming, South Dakota, Alaska, West Virginia, Montana, Arkansas, Mississippi, Iowa, North Dakota, Alabama, Kentucky, Wisconsin, Louisiana, Tennessee, and Utah). Although non-firearm suicides were about equal in the two groups, total suicides were almost twice as high in the high-gun states.

P. Children are particularly at risk of injury and death, or causing injury and death, when they can access guns in their own homes or homes that they visit.

1. The authors of a 2005 study found that an estimated 1.69 million children age 18 and under are living in households with loaded and unlocked firearms. Many young children, including children as young as three years old, are strong enough to fire handguns.

2. A significant majority of the guns used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend. Of youths who died by firearm suicide, the vast majority used a family member's gun, usually a parent's. And more than two thirds of school shooters obtained their gun(s) from their own home or that of a relative.

3. Quick access to loaded firearms heightens the risk that a young person's impulsive decision to commit suicide will be carried out without reflection or seeking help, and that the impulsive attempt will be fatal. One third of youths who died by suicide had faced a crisis within the previous 24 hours. Among people who nearly died in a suicide attempt, almost a quarter indicated that fewer than five minutes had passed between deciding on suicide and making the attempt. While fewer than 10 percent of suicide attempts by other means are fatal, at least 85 percent of firearm suicide attempts end in death.

Q. Guns kept in the home are most often used in suicides and against family and friends rather than in self-defense.

1. Guns kept in a home are more likely to be involved in an unintentional shooting, criminal assault, or suicide attempt than to kill or injure in self-defense.

2. Only one in ten firearm homicides in the shooter's home is considered justifiable, meaning the shooter was not the assailant. Of every ten firearm homicide victims killed at the shooter's residence, six were intimate partners or family members of the shooter, three were friends or acquaintances of the shooter, and only one was a stranger to the shooter.

R. Applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death.

1. Keeping a firearm locked when it is not being carried ensures that it cannot be accessed and used by others without the owner's knowledge or permission. This simple measure significantly decreases the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally.

2. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored.

S. There is a wide consensus among medical professionals, police chiefs, gun control advocates and gun rights groups that applying trigger locks or using lock boxes to store unsupervised guns in the home promotes health and safety.

1. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms.

2. The American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.

3. Both gun control and gun rights advocates endorse the use of locking devices when storing guns to ensure that unauthorized or untrained persons cannot use the gun to

inflict injury or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed and used as part of the National Rifle Association (NRA) Basic Firearm Training Program, emphasizes that there is one general rule that must be applied under all conditions: "Store guns so they are not accessible to untrained or unauthorized persons." The NRA Guide To The Basics Of Personal Protection In The Home further explains that "all storage methods designed to prevent unauthorized access utilize some sort of locking method."

T. Requiring stored unsupervised firearms to be secured with trigger locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home.

1. The locking requirements apply only to handguns that are not being carried. Gun owners and adults over 18 may carry loaded and unlocked handguns in the home at any time. The safe storage requirements also permit owners who wish to do so to store their handguns fully loaded.

2. Gun security does not preclude quick access. For example, affordable lockboxes using Simplex-type locks, which pop open immediately when several keys or push buttons are touched in a preset sequence, are widely available. Users report that they can retrieve a loaded weapon in just two to three seconds, and that the locks are also easy to open in the dark. The NRA describes this type of lockbox as providing "a good combination of security and quick access." Some lockboxes also feature biometric locks, which provide immediate access when they scan the owner's fingerprint.

3. Portable lockboxes can store loaded weapons such that they are always within easy reach on counters, tables or nightstands. Such safely stored weapons are more quickly and easily retrieved for use in self-defense than unlocked guns that have been hidden away in seldom-used locations.

U. Large capacity magazines, some of which can hold up to 100 rounds of ammunition, significantly increase a shooter's ability to injure and kill large numbers of people quickly because they enable the shooter to fire repeatedly without needing to reload. The time required to reload can be critical in enabling victims to escape and law enforcement or others to intervene;

V. Magazines with a capacity of more than 10 rounds of ammunition are generally considered to be "large capacity" magazines, although the statutory definitions vary. While large capacity magazines are typically associated with semi-automatic assault weapons or machine guns, such devices are generally available for any semi-automatic firearm that accepts a detachable magazine;

W. Large capacity ammunition magazines are the common thread uniting all of the high-profile mass shootings in America. In Newtown, Connecticut, the shooter equipped his assault weapon with 30-round magazines, which enabled him to fire 154 rounds in less than five minutes. The gunman in Tucson in 2011 used a handgun equipped with a 33-round magazine, and was only tackled when he stopped to reload his weapon;

X. Large capacity magazines were also used in the assault weapons massacres in Aurora, Columbine, Fort Hood, and at 101 California Street in San Francisco. Moreover, the shooter who killed 67 people at a summer camp in Norway in 2011 stated in his written manifesto that he purchased 30-round ammunition magazines via mail order from a dealer in the United States;

Y. A review of 62 mass shootings between 1982 and 2012 by Mother Jones magazine found that large capacity ammunition magazines were recovered in fifty percent of them. A review of mass shootings between January 2009 and January 2013 by Mayors Against Illegal Guns found that incidents where assault weapons or large capacity ammunition magazines were used resulted in 135% more people shot and 57% more killed, compared to other mass shootings;

Z. Large capacity magazines are a relatively new phenomenon. Prior to the 1980s, the most popular handgun design was the revolver, but, during the 1980s, the firearms industry shifted design and marketing toward high-capacity semiautomatic pistols. In 1980, semiautomatic pistols accounted for only 32% of the 2.3 million handguns produced in America. By 2008, however, such pistols accounted for 76% of the 1.8 million handguns produced that year;

AA. Bans on large capacity ammunition magazines are often adopted in concert with bans on assault weapons. However, large capacity ammunition magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity ammunition magazine, including a firearm that is not an assault weapon. Crime data also suggests that a ban on large capacity magazines would have a greater impact on gun crime than a ban on assault weapons alone;

BB. Polling consistently shows that a strong majority of Americans support laws banning large capacity ammunition magazines. In a 2012 survey for CNN, 62% of those polled supported such laws;

CC. In 1994, in recognition of the dangers posed by these devices, Congress adopted a law prohibiting the transfer and possession of large capacity magazines as part of the federal assault weapon ban. (Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322, codified at: 18 U.S.C. §§ 921(a)(31), 922(w)(1), (2).) That law was enacted with a sunset clause, however, providing for its expiration after ten years. Despite overwhelming public support for the law, Congress allowed the federal ban to expire on September 13, 2004;

DD. A researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons (AWs) and large capacity magazines (LCMs) found that, “attacks with semiautomatics including AWs and other semiautomatics equipped with LCMs result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms.”

EE. A study that analyzed data kept by the Virginia State Police found a clear decline in the percentage of crime guns that were equipped with large capacity ammunition magazines after the federal ban was enacted. (*About the Project: The Hidden Life of*

Guns, Wash. Post, Jan. 22, 2011; David S. Fallis & James V. Grimaldi, *Virginia Data Show Drop in Criminal Firepower during Assault Gun Ban*, Wash. Post, Jan. 23, 2011.) The percentage reached a low of 10% in 2004 and then steadily climbed after Congress allowed the ban to expire; by 2010, the percentage was close to 22%;

FF. Since the end of the federal ban, the Los Angeles Police Department has recovered significantly greater numbers of large capacity ammunition magazines, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010. (Citizens Crime Commission of New York City, Press Release, *NYC & LA City Councils Introduce Rezo for Federal Ban On Large Capacity Ammunition Magazines* (Mar. 2, 2011), at <http://www.nycrimecommission.org/pdfs/CrimeCmsnNYCLACouncils.pdf>);

GG. Since January 1, 2000, California law has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving, or lending of large capacity magazines (Cal. Penal Code §§ 32130, 16590, 17700-17745, 32315, 32400-32450; Cal. Code Regs. tit. 11, §§ 5480 – 5484), and declares any large capacity magazine a “nuisance” subject to confiscation and summary destruction. The attorney general, district attorneys and city attorneys may seek an injunction against the possession of these magazines, with criminal penalties available for violation of the injunction under certain circumstances. (Cal. Penal Code §§ 166, 18010.) California law does not, however, generally prohibit the possession of large capacity magazines, and this gap in the law threatens public safety;

HH. Laws banning large capacity magazines are consistent with the Supreme Court’s interpretation of the Second Amendment. In the 2008 ruling in *District of Columbia v. Heller*, the United States Supreme Court stated for the first time that the Second Amendment protects a law-abiding citizen’s right to possess an operable handgun in the home for self-defense. (*District of Columbia v. Heller*, 554 U.S. 570 (2008).) The Court noted, however, that the right is limited. Among other limitations, the Court recognized that the Second Amendment would not preclude banning “dangerous and unusual weapons”;

II. Seven states (Colorado, Connecticut, Hawaii, Maryland, Massachusetts, New York and New Jersey) already prohibit the possession of large capacity magazines. Cook County, Illinois has also enacted an ordinance of this type. Federal district courts in Connecticut and New York have held that these laws do not violate the Second Amendment, and cases raising similar claims are still pending in Colorado, Illinois, and Maryland;

JJ. In 2013, the City of Sunnyvale and the City and County of San Francisco both adopted ordinances prohibiting the possession of large capacity magazines.

- (2) Accordingly, the Town Council finds and declares that the purposes of this ordinance are to preserve the peace and protect the public health, safety and general welfare of the residents of the Town by reducing firearms related injuries and crime.
- (3) The Town Council further finds it is within its basic police power to implement and enforce the provisions of this ordinance.

- (4) The Town Council finds that the amendments adopted herein are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15305 and 15061(b)(3) of the CEQA Guidelines. The amendments constitute minor alterations in land use limitations and it can be seen with certainty that there is no potential for a significant effect on the environment as a result of the amendments.

SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE FOR REPORTING LOSS OR THEFT OF FIREARMS.

- A. Title VI, Chapter 32, Section 32-27 is added to the Tiburon Municipal Code as follows:

32-27 – Reporting of Loss or Theft of Firearm

It is unlawful for any person to fail to report to the Police Department the theft or loss of a firearm he or she owns or possesses within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm has been stolen or lost, if the person resides in the Town or the loss or theft occurs in the Town.

After July 5, 2016, it is unlawful for any person to fail to report to the Police Department the theft or loss of a firearm he or she owned or possessed within the five years prior to May 6, 2016 if the person resided in the Town at the time of the loss or theft, or the loss or theft occurred in the Town, unless the firearm has been recovered.

Pursuant to California Penal Code § 11108, the Chief of Police shall submit a description of each firearm that has been reported lost or stolen directly to the California Department of Justice automated property system for firearms.

- B. Title VI, Chapter 32, Section 32-28 is added to the Tiburon Municipal Code as follows:

32-28 – Exceptions to Reporting of Loss or Theft of Firearm

Section 32-27 shall not apply to the following persons:

- (a) Law enforcement officials while engaged in their official duties;
- (b) Members of the Armed Forces of the United States or the National Guard while engaged in their official duties;
- (c) Firearms dealers and manufacturers licensed under federal and state law while engaged in the course and scope of their activities as licensees.

- C. Title VI, Chapter 32, Section 32-29 is added to the Tiburon Municipal Code as follows:

32-29 – Penalty for Failing to Report Loss or Theft of Firearm

- (a) Any person violating Section 32-27 is guilty of a misdemeanor;

- (b) Any person who reports to any law enforcement officer, pursuant to Section 32-27 of this Chapter that a firearm has been lost or stolen, knowing the report to be false, is guilty of a misdemeanor.

SECTION 3. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE REGULATING HANDGUN STORAGE.

- A. Title VI, Chapter 32, Section 32-30 is added to the Tiburon Municipal Code as follows:

32-30 – Required Storage of Handgun in Residence

No person shall keep a handgun within a residence owned or controlled by that person unless the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

- B. Title VI, Chapter 32, Section 32-31 is added to the Tiburon Municipal Code as follows:

32-31 – Definitions Related to Handgun Storage Requirements

(a) “Residence.” As used in this Section, "residence" is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in-law units, motels, hotels, time-shares, recreational and other vehicles where human habitation occurs.

(b) “Locked container.” As used in this Section, "locked container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

(c) “Handgun.” As used in this Section, "handgun" means any pistol, revolver, or other firearm that is capable of being concealed upon the person, designed to be used as a weapon, capable of expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less than 16 inches in length.

(d) “Trigger lock.” As used in this Section, a "trigger lock" means a trigger lock that is listed in the California Department of Justice's list of approved firearms safety devices and that is identified as appropriate for that handgun by reference to either the manufacturer and model of the handgun or to the physical characteristics of the handgun that match those listed on the roster for use with the device under California Penal Code Section 12088(d).

- C. Title VI, Chapter 32, Section 32-32 is added to the Tiburon Municipal Code as follows:

32-32 – Exceptions to Handgun Storage Requirements Set Forth in Section 32-30

Section 32-31 shall not apply in the following circumstances:

- (a) The handgun is carried on the person of an individual over the age of 18.

(b) The handgun is under the control of a person who is a peace officer under California Penal Code Section 830.

D. Title VI, Chapter 32, Section 32-33 is added to the Tiburon Municipal Code as follows:

32-33 – Penalty for Failing to Properly Store Handgun in Residence

Every violation of Section 32-30 shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

SECTION 4. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE TO BAN THE POSSESSION OF LARGE CAPACITY MAGAZINES.

A. Title VI, Chapter 32, Section 32-34 is added to the Tiburon Municipal Code as follows:

32-34 - Definition of Large Capacity Magazine

“Large capacity magazine” means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
- (b) A .22 caliber tube ammunition feeding device; or
- (c) A tubular magazine that is contained in a lever-action firearm.

B. Title VI, Chapter 32, Section 32-35 is added to the Tiburon Municipal Code as follows:

32-35 - Prohibition on Possession of Large Capacity Magazines

- (a) No person, corporation, or other entity in the Town may possess a large capacity magazine.
- (b) Any person who, prior to May 6, 2016, was legally in possession of a large capacity magazine shall have until August 4, 2016 to do either of the following without being subject to prosecution:
 - (1) Remove the large capacity magazine from the Town;
 - (2) Surrender the large capacity magazine to the Police Department for destruction; or
 - (3) Sell or transfer the large capacity magazine lawfully in accordance with Part 6 of the California Penal Code.

- C. Title VI, Chapter 32, Section 32-36 is added to the Tiburon Municipal Code as follows:

32-36 - Exceptions to Prohibition on Possession of Large Capacity Magazines

Section 32-35 shall not apply to the following:

- (a) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large capacity magazine, and does so while acting within the scope of his or her duties;
- (b) A person licensed pursuant to California Penal Code §§ 26500-26915;
- (c) A gunsmith for the purposes of maintenance, repair or modification of the large capacity magazine;
- (d) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;
- (e) Any person, corporation or other entity that manufactures the large capacity magazine for a person mentioned in subsection (a) or for export pursuant to applicable federal regulations;
- (f) Any person using the large capacity magazine solely as a prop for a motion picture, television or video production, or entertainment event;
- (g) Any holder of a special weapons permit issued pursuant to California Penal Code §§ 18900, 31000, 32650, 32700-32720, or 33300, in accordance with the terms of the permit;
- (h) Any person issued a permit pursuant to California Penal Code § 32315 by the California Department of Justice upon a showing of good cause for the possession, transportation, or sale of large capacity magazines between a person licensed pursuant to California Penal Code §§ 26500-26915 and an out-of-state client, when those activities are in accordance with the terms and conditions of that permit;
- (i) Any federal, state or local historical society, museum, or institutional collection which is open to the public, provided that the large capacity magazine is properly housed, secured from unauthorized handling, and unloaded;
- (j) Any person who finds the large capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law;

(k) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(l) Any person in the business of selling or transferring large capacity magazines in accordance with Part 6 of the California Penal Code, who is in possession of a large capacity magazine solely for the purpose of doing so; or

(m) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large capacity magazine solely for use with that firearm.

D. Title VI, Chapter 32, Section 32-37 is added to the Tiburon Municipal Code as follows:

32-37 - Penalty for Possession of Large Capacity Magazines in Violation of Section 32-35

Any person violating Section 32-35 is guilty of a misdemeanor.

SECTION 5. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE REGARDING SEVERABILITY.

Title VI, Chapter 32, Section 32-38 is added to the Tiburon Municipal Code as follows:

32-38 - Severability

If any section, subsection, sentence or clause of this Chapter is for any reason declared unconstitutional or invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity or the enforceability of the remaining portions of this Chapter or any part thereof. The Town Council of the Town of Tiburon hereby declares that it would have adopted this Chapter notwithstanding the unconstitutionality, invalidity or unenforceability of any one or more of its sections, subsections, sentences or clauses.

SECTION 6. PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be in full force and effect thirty (30) days after the date of adoption. Pursuant to the provisions of the California Government Code, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in

the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of the ordinance along with the names of those Council members voting for and against the ordinance.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on March 16, 2016, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on April 6, 2016, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
Town of Tiburon

ATTEST:

DIANE CRANE-IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting

April 6, 2016

Agenda Item: **CC-5**

STAFF REPORT

To: Mayor and Members of the Town Council
From: Community Development Department
Subject: Recommendation to Adopt Various Zoning Text Amendments to Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code (Adoption of Ordinance); File MCA2016-01
Reviewed By: MC

BACKGROUND

The Town Council held first reading of this ordinance following a public hearing at its meeting on March 16, 2016, and waived additional readings. The ordinance now comes to the Town Council for consideration of adoption.

PROCEDURE

This is a consent calendar item. The Council's motion to adopt this item on the consent calendar will constitute a motion to confirm the waiver of second reading from the previous meeting and adopt the ordinance. Each Councilmember's vote on the motion to approve this item on the consent calendar will constitute the equivalent of a roll call vote and will be recorded within the ordinance. Should any Councilmember choose to vote differently on this item than other items on the consent calendar, then the vote on this item should be taken separately from other items appearing on the Consent Calendar such that individual votes may be properly recorded. Should the Council wish to discuss the item, it must be removed from the Consent Calendar and voted upon separately.

RECOMMENDATION

Staff recommends that the Town Council approve the adoption of Ordinance No. 564 N. S., a draft of which is attached as **Exhibit 1**, as part of the Consent Calendar.

EXHIBIT

1. Draft Ordinance No. 564 N. S.

Prepared by: Scott Anderson, Director of Community Development SA

ORDINANCE NO. 564 N. S. (DRAFT)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
AMENDING MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) REGARDING
SETBACKS, YARDS, MARIJUANA SALE AND CULTIVATION, USE-FOR-USE
CHANGES, FIREARMS-RELATED REGULATIONS, AND OTHER
MISCELLANEOUS AMENDMENTS**

SECTION 1. FINDINGS.

- A. On February 24, 2016, the Planning Commission adopted Resolution No. 2016-04 recommending to the Town Council that various text amendments be made to Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code.
- B. The Town Council held a duly noticed public hearing on March 16, 2016, and has heard and considered all public testimony on the proposed Ordinance.
- C. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.
- D. The Town Council finds that the amendment actions made by this Ordinance are necessary for the protection of the public health, safety, and welfare and to comply with federal law.
- E. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and policies of the Tiburon General Plan and other adopted ordinances and regulations of the Town of Tiburon, and further the intent and purposes of General Plan goals and policies.
- F. The Town Council finds that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines, as well as Section 15061(b)(3) of the CEQA Guidelines. It can be seen with certainty that the text amendments will not result in a significant adverse effect on the environment.

SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.

- (A) Title IV, Chapter 16, Section 16-10.050D.2. of the Tiburon Municipal Code is amended to read as follows:

2. Development standards. The proposed use of land or structure shall satisfy all applicable requirements of this chapter, including, but not limited to, minimum lot area, height limits, required setbacks, residential density, lot coverage, and floor area limits; and

(B) Title IV, Chapter 16, Section 16-21.020B.1 of the Tiburon Municipal Code is amended to read as follows:

1. R-1-B-A (Bel Aire single-family residential) zone. The R-1-B-A zone serves the same purpose as the R-1 zone but is intended to reflect the different front and side setbacks historically found in the Bel Aire Estates neighborhood. The principal uses, conditional uses, and development standards for the R-1-B-A zone shall be the same as the R-1 zone with the exception of the front and side setbacks established in section 16-21.040 (residential zones development standards).

(C) Title IV, Chapter 16, Section 16-21.020B.2 of the Tiburon Municipal Code is amended to read as follows:

2. R-1-B-2 (modified single-family residential) zone. The R-1-B-2 zone serves the same purpose as the R-1 zone but is intended to reflect the different front and side setbacks with which the properties were developed. The principal uses, conditional uses, and the development standards for the R-1-B-2 zone shall be the same as the R-1 zone with the exception of the front and side setbacks established in section 16-21.040 (residential zones development standards).

(D) Title IV, Chapter 16, Section 16-30.030C of the Tiburon Municipal Code is amended to read as follows:

C. Measurement of setbacks. Required setbacks shall be measured horizontally from the front, side or rear property line as appropriate to the measurement, to a line parallel thereto at the minimum distance specified in Article II for the zone in which the property is located. On a site that is not rectangular or approximately rectangular in shape, required setbacks shall be determined by the director, and a record of such determination kept in the town building file.

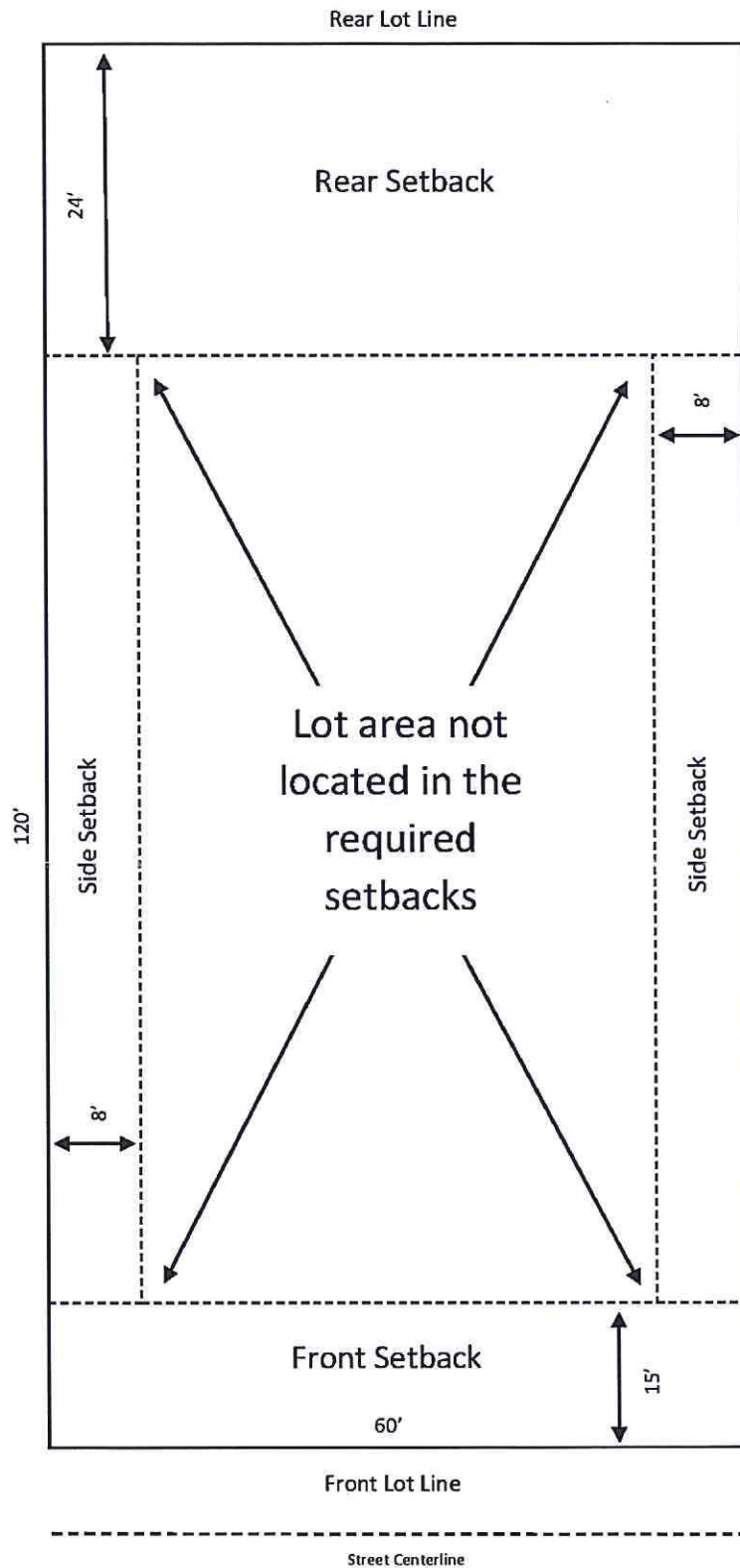


Figure 3.1. Setbacks (Example using R-1 zone setbacks)

(E) Title IV, Chapter 16, Section 16-30.030E.1 of the Tiburon Municipal Code is amended to read as follows:

1. Accessory structures. Required front and side setbacks shall not be used for the placement or erection of any accessory building in any zone. Detached accessory buildings not exceeding twelve feet in height may be located on a rear setback, provided that such buildings do not occupy more than twenty-five percent of the area of the rear setback. Swimming pools and spas may also be located on a rear setback, but not within a front setback or side setback.

(F) Title IV, Chapter 16, Section 16-30.030E.5.c of the Tiburon Municipal Code is deleted.

(G) Title IV, Chapter 16, Section 16-30.030G of the Tiburon Municipal Code is amended to read as follows:

G. Restrictions on the use of front setbacks in residential zones. In any residential zone, a front setback shall not be used for the storage of junk materials as described in article X (Definitions) under the definition of "junkyard."

(H) Title IV, Chapter 16, Section 16-30.040B.2.a.iii of the Tiburon Municipal Code is amended to read as follows:

iii. The fence and/or wall would have a maximum height of six feet on the upper side of the structure; and a maximum height on the lower side of the structure of six feet plus the difference in surface elevation between the adjoining property at the property line, but in no instance more than nine feet;

(I) Title IV, Chapter 16, Section 16-30.100B of the Tiburon Municipal Code is amended to read as follows:

B. The area of such lots that is below the mean high tide line shall not be used in the determination of lot coverage, floor area ratio, or any other land and structure regulation of the zone in which it is located, but submerged land under the same ownership may be applied toward the minimum lot area requirements and the required rear setback of a lot.

(J) Title IV, Chapter 16, Section 16-30.120B.1 of the Tiburon Municipal Code is amended to read as follows:

1. Lot coverage measures the proportion of a lot that is covered by structures. Lot coverage limits help to promote the aesthetic qualities of spaciousness and privacy. Lot coverage limits can also help reduce excessive run-off and help

provide usable outdoor spaces by restricting the horizontal overbuilding of properties. In traditional zones (R-1, R-1-B, R-2, R-3, RO), the percentage of any lot that may be covered by structures is specified in the land and structure regulations for that zone (see article II [zones and allowable uses]). Lot coverage in planned developments is usually established by the precise development plan or associated document.

- (K) Title IV, Chapter 16, Section 16-40.020H.f of the Tiburon Municipal Code is amended to read as follows:

f. No side setback or rear setback variances shall be allowed for the project.

- (L) Title IV, Chapter 16, Section 16-40.050D.2.a of the Tiburon Municipal Code is amended to read as follows:

a. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front setback or within a traffic safety visibility area. All fences or walls shall provide for safety with controlled points of entry in compliance with section 16-30.040 (fences and walls).

- (M) Title IV, Chapter 16, Section 16-42.030.2 of the Tiburon Municipal Code is amended to read as follows:

2. Television broadcast system (TVBS) antennas provided: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front setback for the main building, in front of the main building, within a required side setback of a corner lot, or adjacent to a street. All TVBS antennas greater than three feet in height shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;

- (N) Title IV, Chapter 16, Section 16-42.030.3 of the Tiburon Municipal Code is amended to read as follows:

3. Satellite earth station (SES) antennas measuring two meters or less in diameter (or diagonal measurement) located on a property within any commercial office or public zone, provided that: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front setback for the main building, in front of the main building, within a required side setback of a corner lot, or adjacent to a street. All SES antennas measuring more than one meter in diameter shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;

- (O) Title IV, Chapter 16, Section 16-52.040J.1 of the Tiburon Municipal Code is amended to read as follows:

1. Special setbacks, open spaces and buffers;

- (P) Title IV, Chapter 16, Section 16-62.020B.1.c of the Tiburon Municipal Code is amended to read as follows:

b. A building with a setback less than that required in its zone and that did not receive a variance for the reduced setback area.

- (Q) Title IV, Chapter 16, Section 16-100.020A of the Tiburon Municipal Code is amended such that the definition of “Access Corridor” reads as follows:

“Access corridor”. The portion of a flag lot providing access from the street, except that no portion of a site having side lot lines radial to the center or curvature of a street from the street property line to the rear lot line shall be deemed an access corridor. The area of an access corridor shall not be included in determining the area of a site, and the depth of an access corridor shall not be included in determining the depth of a front setback.

- (R) Title IV, Chapter 16, Section 16-100.020A of the Tiburon Municipal Code is amended such that the definition of “Accessory building or structure” reads as follows:

“Accessory building or structure”. A building or structure that is subordinate to the main building on the same site, or the use of which is incidental to the use of the site or the use of the main building on the site. A building that shares a common wall with a main building shall be deemed a part of the main building. A building or structure that is used as a secondary dwelling unit is not an accessory building or structure.

- (S) Title IV, Chapter 16, Section 16-100.020F of the Tiburon Municipal Code is amended to add the definition of “Firearms sales” to read as follows:

“Firearms sales”. A business licensed to sell, lease or transfer firearms or ammunition pursuant to California Penal Code Sections 26700 to 26915 and 30300 to 30365, or successor sections thereto.

- (T) Title IV, Chapter 16, Section 16-100.020F of the Tiburon Municipal Code is amended such that the definition of “Front setback” reads as follows:

“Front setback”. An area extending across the full width of a lot or parcel, the depth of which is the minimum distance from the front lot line (see “Lot line, front”) as set forth in article II of this chapter for the zone in which the lot or parcel is located.

- (U) Title IV, Chapter 16, Section 16-100.020L of the Tiburon Municipal Code is amended such that subsection 6. Reversed corner lot of the definition of “Lot” reads as follows:

6. Reversed corner lot. A corner lot, the rear setback of which abuts the side setback of another lot.

- (V) Title IV, Chapter 16, Section 16-100.020L of the Tiburon Municipal Code is amended such that the definition of “lot line, front” reads as follows:

“Lot line, front”. “Front lot line” means the line of an interior lot separating it from a street at or closest to the access to the lot, except (1) as otherwise defined under “frontage”, or (2) when a front property line falls within a street right-of-way or roadway easement, the front lot line shall be the street right-of-way or roadway easement line within the property.

- (W) Title IV, Chapter 16, Section 16-100.020R of the Tiburon Municipal Code is amended to add the definition of “Rear setback” to read as follows:

“Rear Setback”. An area extending across the full width of a lot or parcel, the depth of which is the minimum distance from the rear lot line (see “Lot line, rear”) as set forth in article II of this chapter for the zone in which the lot or parcel is located.

- (X) Title IV, Chapter 16, Section 16-100.020S of the Tiburon Municipal Code is amended such that the definition of “Setback” reads as follows:

“Setback”. A portion of a lot or parcel in which certain uses, buildings or structures are regulated or restricted. Setback distances are based on the zone in which the lot or parcel is located. See article II for specifics and see section 16-30.030C (Figure 3.1) for a graphic representation. See also “Front setback”, “Rear setback”, and “Side setback”.

- (Y) Title IV, Chapter 16, Section 16-100.020S of the Tiburon Municipal Code is amended to add the definition of “Side Setback” to read as follows:

“Side setback”. An area extending from the front setback to the rear setback of the lot or parcel, the width of which is the minimum distance from the side lot line (see “Lot line, side”), as set forth in article II of this chapter for the zone in which the lot or parcel is located.

- (Z) Title IV, Chapter 16, Section 16-100.020S of the Tiburon Municipal Code is amended such that the definition of “Special setback” reads as follows:

“Special setback”. A setback different than normally required pursuant to article II of this chapter that is required through the course of a conditional permit or other discretionary zoning permit review.

- (AA) Title IV, Chapter 16, Section 16-100.020Y of the Tiburon Municipal Code is amended such that Figure 10-5 Yards is deleted and the definition of “Yard” reads as follows:

“Yard”. When used in the context of a physical portion of a lot or parcel, “yard” is synonymous with “setback”.

- (BB) Title IV, Chapter 16, Section 16-100.020Z of the Tiburon Municipal Code is amended such that the definition of “Zone” reads as follows:

"Zone". An area within which certain uses of land, buildings and structures are permitted and certain others are regulated or prohibited; setbacks are required, and lot areas, building height limits, and other requirements are established.

- (CC) Title IV, Chapter 16, Section 16-20.030A.4 [Prohibited uses] is revised to read as follows:

4. Prohibited Uses.

- a. Marijuana Dispensaries are prohibited in all zones.
- b. The sale of marijuana is prohibited in all zones.
- c. The cultivation of marijuana is prohibited in all zones. For purposes of this section, “cultivation of marijuana” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

- (DD) Title IV, Chapter 16, Section 16-52.110B is revised to read as follows:

B. General criteria. Home occupations shall be limited to the following uses:

1. Art and craft work (ceramics, painting, photography, sculpture, etc.);
2. Tailors, sewing, etc.; and
3. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, planner, tutor, writer, etc., and electronic commerce.
4. Firearms sales, as defined in article X (Definitions) of this chapter, are not permitted as a home occupation.

Home Occupations may also include any other uses that may be determined by the Review Authority to be of the same general character as the above-allowed occupations,

and not objectionable or detrimental to the zone in which they are located.

(EE) Title IV, Chapter 16, Section 16-22.030A.2 [Conditional uses permitted in the NC zone] is revised to add the term “Firearms sales” to the alphabetical list of uses set forth therein.

(FF) Title IV, Chapter 16, Section 16-22.030A.1.a is revised to read as follows:

- a. Use-for-use changes (e.g., restaurant to restaurant) or minor structural alterations when no substantive intensification of use, as determined by the Director, is proposed; except as set forth in Subsection A.1.e below. Substantive intensification of use shall be measured in terms of parking requirements, number of employees at maximum shift, total floor area occupied, vehicular trip generation, or other factors within the reasonable discretion of the Director. The term “use for use changes” is qualified to limit its applicability to situations where the replacement use is substantially similar to the prior use in the reasonable discretion of the Director.

SECTION 3. SEVERABILITY.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 4. PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be in full force and effect thirty (30) days after the date of adoption. Pursuant to the provisions of the California Government Code, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of the ordinance along with the names of those Council members voting for and against the ordinance.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on March 16, 2016, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on April 6, 2016, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
Town of Tiburon

ATTEST:

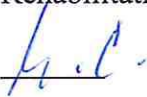
DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
April 6, 2016
Agenda Item: CC-6

STAFF REPORT

To: Mayor and Members of the Town Council
From: Department of Public Works
Subject: Recommendation to Award the Mariner Harbor Oak Storm Drain Rehabilitation Project construction to D&D Pipelines, Inc.
Reviewed By: 

BACKGROUND

The Mariner Harbor Oak Storm Drain Rehabilitation Project includes pipe rehabilitation and replacement work for the Mariner Harbor Oak storm drain system. The storm drain system on Mariner Harbor Oak is plugged and does not outlet. This results in erosion on the hill above Tiburon Boulevard (State Route 131). This project will consist of installing 162 linear feet of High Density Polyethylene (HDPE) and polymer coated corrugated steel pipe.

The Mariner Harbor Oak Storm Drain Rehabilitation Project was included in the 2014/15 Capital Improvement Plan. Design for this project began in FY 2014/15. It was interrupted when failures were discovered in the Stewart Storm Drain system. After the Stewart Storm Drain Project was completed, the design on the Mariner Harbor Oak Project was restarted and put out to bid.

The project was designed by Harrison Engineering Inc. Part of the storm drain system extends into Caltrans right-of-way and the Town has a permit for construction. The engineer's construction estimate was \$109,085. Bids for the project were opened on March 16, 2016.

The Town received the following seven bids:

D&D Pipelines, Inc.	\$103,880.00
W. R. Forde, Inc.	\$108,410.00
Maggiore and Ghilotti	\$118,118.00
Devaney Engineering	\$124,595.00
Oak Grove	\$134,780.00
Trinet Construction	\$168,050.00
Team Ghilotti	\$185,853.00

ANALYSIS

Staff has reviewed the D&D Pipelines, Inc. bid and determined that all bid requirements have been met.

Staff has analyzed the bid and believes that the low bid is a fair price. The low bid is 5% under the engineer's estimate. The three lowest bids are within 15% of each other.

Therefore, it is recommended that the Town Council award the bid to D&D Pipelines, Inc. in the amount of \$103,880.00 and set out a project construction budget of \$119,462, inclusive of 15% contingency funding.

FINANCIAL IMPACT

The Mariner Harbor Oak Storm Drain Rehabilitation Project was designed using storm drain repair funding in the 2014/15 Capital Improvement Plan. The 2015/16 Capital Improvement Plan includes funding in the amount of \$500,000 for storm drain repairs and another \$100,000 for storm drain flushing and inspection. Currently there is \$77,000 uncommitted in these accounts. Staff recommends using this money, in addition to anticipated funding in Fiscal Year 2016/17, to fund the total proposed project construction budget (\$119,462). Staff is seeking Council approval of the contract at this time for the following reasons:

1. We put the bid out earlier than in the past to take advantage of a better bidding climate. Contractors tend to provide better bids early in the year as they are filling their schedules.
2. Mariner Way is scheduled for a slurry seal this summer. It would be best to complete this roadwork prior to applying a slurry seal on the roadway.

Staff estimates the amount remaining in the CIP program is sufficient for anticipated expenditures in the current fiscal year. Expenditures anticipated in the next fiscal year will be funded in the new budget.

ENVIRONMENTAL DETERMINATION

Staff has determined the project is exempt from further review under the California Environmental Quality Act (CEQA). The project constitutes maintenance of an existing Class 1 facility pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, Categorical Exemption (Section 15301, Class 1 (b)).

RECOMMENDATION

Staff recommends the Town Council:

1. Approve the award of contract for the construction of the Mariner Harbor Oak Storm Drain Rehabilitation Project to D&D Pipelines, Inc. in the amount of \$103,880.00 with a 15 percent contingency of \$15,582.
2. Determine the project is exempt from further review under the California Environmental Quality Act (CEQA); the project constitutes maintenance of an existing Class 1 facility pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, Categorical Exemption (Section 15301, Class 1 (b)).

Prepared by: Patrick Barnes, Director of Public Works



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
April 6, 2016
Agenda Item:

AI-1

STAFF REPORT

To: Mayor and Members of the Town Council
From: Office of the Town Clerk
Subject: Appointments to Fill Vacancies on Town Boards, Commissions and Committees: **Heritage & Arts Commission**
Reviewed By: 

BACKGROUND

There are currently two vacancies on the Town's Heritage & Arts Commission. One vacancy resulted from the recent resignation of Chair Elizabeth Merrill. There is also one vacancy carried forward from 2015, when Commissioner Sandra Chin stepped down shortly after her appointment. The Council interviewed several applicants for vacancies throughout the course of 2015, and appointed Kenna Norris and Victoria Fong. They continue to serve on the commission. There are no other applicants or outstanding resumes on file at this time.

Resident Lily Smith has applied for a seat on the commission and attended its March 22, 2016 regular meeting. The Council will have an opportunity to interview her tonight.

RECOMMENDATION

Staff recommends that the Town Council:

1. Consider making an appointment to the Heritage & Arts Commission tonight, to fill one of the two vacancies; and
2. Direct staff to continue to accept applications and schedule interviews to fill the remaining vacancy on the Heritage & Arts Commission at an upcoming Council meeting.

Exhibit: Application of Lily Smith

Prepared By: Diane Crane Iacopi, Town Clerk

RECEIVED
FEB 29 2016
TOWN CLERK
TOWN OF TIBURON

TOWN OF TIBURON

COMMISSION, BOARD & COMMITTEE

APPLICATION

The Town Council considers appointments to its various Town commissions, boards and committee throughout the year due to term expirations and unforeseen vacancies. In its effort to broaden participation by local residents in Tiburon's local governmental process and activities, the Council needs to know your interest in serving the Town in some capacity.

Please indicate your specific areas of interest and special skills or experience which would be beneficial to the Town, by completing both sides of this form and returning it to Town Hall. Copies will be forwarded to the Town Council and informal applicant/Council interviews are scheduled periodically during the year. Your application will also remain on file at Town Hall for a period of one (1) year. Thank you for your willingness to serve the Tiburon community.

Diane Crane Iacopi
Town Clerk

AREAS OF INTEREST

Indicate Your Area(s) of Interest in Numerical Order
(#1 Being the Greatest Interest)

- | | |
|---|--|
| ☐ PLANNING | ☐ PARKS OPEN SPACE & TRAILS |
| ☐ DESIGN REVIEW | ☐ RECREATION |
| ☒ HERITAGE & ARTS | ☐ DISASTER PREPAREDNESS |
| ☐ LIBRARY | ☐ COMMISSION ON AGING |
| ☐ AFFORDABLE HOUSING | ☐ BUILDING CODE APPEALS BOARD |

S:dcrane/comm.app

PERSONAL DATA

(PLEASE PRINT OR TYPE - A RESUME MAY BE ATTACHED AS WELL)

NAME:

Lily Smith

MAILING ADDRESS:

4 Janet Way

TELEPHONE: Home:

415-259-5552

Work:

email = LilySAN88@gmail.com

PROPERTY OWNERS' ASSOC. (If applicable)

TIBURON RESIDENT: (Years)

10

DATE SUBMITTED:

**REASONS FOR SELECTING
YOUR AREAS OF INTEREST**

I am an artist and have interest in promoting
the arts in Marin and the Tiburon Community.

**APPLICABLE QUALIFICATIONS
AND EXPERIENCE**

- > Practicing artist for 20+ years
- > Training in fine art and design (graphics,
fashion and interior design)
- > Professional business coach and marketing expert

-----Town Hall Use-----

Date Application Received:

2-29-16

Interview Date:

Appointed to:

(Date)

Date Term Expires:

Length of Term:

[What is LinkedIn?](#) [Join Today](#) [Sign In](#)


Lily Smith

448
connections

I'll help you get it all together: your image, your story and your karma

San Francisco Bay Area | Marketing and Advertising

Education	New York University - Leonard N. Stern School of Business
Recommendations	2 people have recommended Lily
Websites	Company Website Personal Website

Join LinkedIn and access Lily's full profile. It's free!

As a LinkedIn member, you'll join 400 million other professionals who are sharing connections, ideas, and opportunities.

- See who you know in common
- Get introduced
- Contact Lily directly

[View Lily's Full Profile](#)

Summary

I'm a marketing and p.r. hacker and caped crusader. I do what it takes to get the job done and I do it with the spirit of an explorer and entrepreneur. I'm expert at strategic planning, brand- and creative-development. My super-powers are: left-brain / right-brain dexterity, idea ninja, an insatiable appetite for learning and the ability to see through walls.

Ten+ years' experience working with multi-national corporations have honed my skills in traditional marketing and communications. An equal number of years within the ever-evolving Wild West landscape of entrepreneurship, innovation and mission-driven ventures have cultivated a hacker savvy I offer corporate, startup or NGO organizations.

As a result of the many hats I've worn in my career – designer, strategist, writer, marketer, rain-maker, innovator, publicist, crisis manager, entrepreneur, grant maker and relationship builder – I have a unique ability to manage multi-disciplinary projects and navigate complex challenges. In all, experience has taught me that my professional value boils down to this:

- I enjoy helping people
- I'm never short of ideas and I'm big on execution
- If I don't know how to do it, I know someone who can
- I don't need to be right – I just want results
- I'm the calm one and the fixer
- Creative and strategic fluency (strategy rules, but design sells it)
- I'm good at helping others do good
- My communication skills include fluency in Spanish, analytics, messaging, difficult client and tech-speak (I've been designing websites since most thought the internet was a passing fad)
- I run toward fires

Specialties: strategic planning, creative direction, operational management, relationship management, brand & business development, branding, positioning, event planning, social media, public relations, innovation consultant, business coach, web design, graphic design, analytics, impact metrics, integrated communications, non-profit governance, corporate social responsibility.

Volunteer Experience & Causes

Marketing Co-chair

Find a different Lily Smith



Example: Lily Smith



Lily Smith
Communications and Marketing
Volunteer at ESPN
United States



Lily Elizabeth Jordan Smith
Personal Assistant
United States



Lily Smith
Member of ATA Translator and Interpreter
United States



Lillian "Lily" Smith (formerly Lillian Lai)
United States



Camille (Lily) Smith Richards
HR/Office Assistant for Healthcare Technology Company
United States

More professionals named Lily Smith



DIFFA /S.F.

2012 – Present (4 years) | Health

[What is LinkedIn?](#) [Join Today](#) [Sign In](#)

Marketing Committee Member

Oakland Museum of California

1999 – Present (17 years) | Arts and Culture



Marketing Committee Member

City of Oakland

1998 – Present (18 years) | Economic Empowerment



Public relations

The Institute for Responsible Technology

2012 – Present (4 years) | Health

Council Board Member

S.F. Sustainable Fashion Week

2014 – Present (2 years) | Arts and Culture

Consultant

ASPECAHL

December 2014 – Present (1 year 3 months) | Poverty Alleviation

Consult in the development of NGO to alleviate poverty and advance education in Cusco, Perú.

Opportunities Lily is looking for:

- Joining a nonprofit board

Causes Lily cares about:

Animal Welfare
Arts and Culture
Children
Civil Rights and Social Action
Economic Empowerment
Education
Environment
Health
Human Rights
Disaster and Humanitarian Relief
Politics
Poverty Alleviation
Science and Technology
Social Services

Organizations Lily supports:

Camellia Network
The Institute for Responsible Technology
DIFFA: Design Industries Foundation Fighting AIDS
Cleantech Open
San Francisco General Hospital Foundation
SF Sustainable Fashion Week
Biomimicry 3.8 Institute

Citizens Climate Lobby
Bay Area Green Business Program

[What is LinkedIn?](#) [Join Today](#) [Sign In](#)

Languages

English

Native or bilingual proficiency

Spanish

Native or bilingual proficiency

Skills

[Blogging](#) [Strategic Planning](#) [Public Speaking](#) [Lead Generation](#) [Start-ups](#)
[Marketing Strategy](#) [Fundraising](#) [Video Production](#) [Social Media Marketing](#)
[Photography](#) [Marketing](#) [Entrepreneurship](#) [Technical Writing](#) [Public Relations](#)
[Sustainability P.R.](#) [See 35+](#)

Education

New York University - Leonard N. Stern School of Business



New York Academy of Art

View Lily's full profile to...

- See who you know in common
- Get introduced
- Contact Lily directly

[View Lily's Full Profile](#)

Not the Lily you're looking for? [View more](#)

LinkedIn member directory: [a](#) [b](#) [c](#) [d](#) [e](#) [f](#) [g](#) [h](#) [i](#) [j](#) [k](#) [l](#) [m](#) [n](#) [o](#) [p](#) [q](#) [r](#) [s](#) [t](#) [u](#) [v](#) [w](#) [x](#) [y](#) [z](#) [more](#) | [Browse members by country](#)

© 2016 | [User Agreement](#) | [Privacy Policy](#) | [Community Guidelines](#) | [Cookie Policy](#) | [Copyright Policy](#) | [Unsubscribe](#)