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

TIBURON TOWN COUNCIL
February 3, 2016
Special Closed Meeting - 7:15 p.m.
Regular Meeting - 7:30 p.m

REGULAR & SPECIAL MEETING AGENDA

CALL TO ORDER AND ROLL CALL

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

SPECIAL CLOSED SESSION MEETING - 7:15 P.M.

1) CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION
Significant Exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9: One potential case

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ADJOURNMENT - To Regular Meeting

CALL TO ORDER AND ROLL CALL

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

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

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.

INTRODUCTION OF NEW EMPLOYEES

Russell Stiverson, Police Officer
Daniel Andersen, Police Service Aide
Chris DiCarlo, Police Service Aide

PRESENTATION

Water Supply and Rate Restricting - Marin Municipal Water District General Manager Krishna Kumar

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.

1. Town Investment Summary

Adopt report for month ending December 31, 2015 (Director of Administrative Services Bigall)

Documents: TOWN INVESTMENT SUMMARY (CC-1).PDF

2. Medical Marijuana

Consideration of Resolution clarifying prohibitions related to medical marijuana as a result of changes in State Law (Town Attorney: Ben Stock)

Documents: MEDICAL MARIJUANA (CC-2).PDF

ACTION ITEMS

PUBLIC HEARINGS

1. Circulation Element Update

Adopt Updated General Plan Circulation Element and Approve Negative Declaration of Environmental Impact (Director of Community Development Anderson)

Documents: CIRCULATION ELEMENT UPDATE (PH-1 EX1).PDF, CIRCULATION ELEMENT UPDATE (PH-1 EX2).PDF, CIRCULATION ELEMENT UPDATE (PH-1 EX3).PDF, CIRCULATION ELEMENT UPDATE (PH-1 EX4).PDF, CIRCULATION ELEMENT UPDATE (PH-1 EX5).PDF, CIRCULATION ELEMENT UPDATE (PH-1 EX6).PDF, CIRCULATION ELEMENT UPDATE (PH-1).PDF

2. 27 MAIN STREET Sam's Anchor Cafe

Appeal of Planning Commission's decision to approve a 920 sq. ft. canopy on a portion of an exterior deck for an existing restaurant File # CUP2015002; APPEALLANT: Water's Edge Hotel, 25 Main Street (Associate Planner O'Malley)

Documents: 27 MAIN STREET (PH-2 EX1-3).PDF, 27 MAIN STREET (PH-2 EX4-9).PDF

TOWN COUNCIL REPORTS

TOWN MANAGER REPORT

WEEKLY DIGESTS

WEEKLY DIGESTS

- Town Council Weekly Digests January 22 & 29, 2016

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

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
February 3, 2016
Agenda Item: CC-1

STAFF REPORT

To: **Mayor and Members of the Town Council**

From: **Administrative Services Department**

Subject: **Investment Summary – December 2015**

Reviewed By: L.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 December 31, 2015.

ANALYSIS

December 2015

Agency	Investment	Amount	Interest Rate	Maturity
Town of Tiburon	**Local Agency Investment Fund (LAIF)**	**$21,117,949.08**	**0.400%**	**Liquid**
	Housing note to Town Manager	**$ 800,000.00**	**0.330%**	**Based on Contract**
	Money Market (Bank of Marin)	**$ 100,000.00**	**0.10%**	**Liquid**
Total		**$22,017,949.08**		

The total invested at the end of the prior month was $20,887,949.08; therefore the Town's investments increased by $1,130,000 over November 2015. December investments historically increase significantly due to the receipt of a portion of secured property taxes for the year.

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 December 2015

Prepared By: Heidi Bigall, Director of Administrative Services

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
February 3, 2016
Agenda Item: CC-2

STAFF REPORT

To: Mayor and Members of Town Council

From: Community Development Department

Subject: Consider Adoption of a Resolution Affirming the Town's Zoning Code Prohibition on the Cultivation and Sale of Marijuana in the Town of Tiburon in Response to Recently-adopted State Legislation, Provide Direction to Staff Regarding the Delivery of Medical Marijuana in the Town of Tiburon

Reviewed By:

BACKGROUND

The Medical Marijuana Regulation and Safety Act (MMRSA), consisting of Assembly Bill 266, Assembly Bill 243 and Senate Bill 643, was enacted on September 11, 2015, and imposes new regulatory mechanisms related to medical marijuana. The MMRSA creates a comprehensive state-run licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis.

AB 243 sets up a dual licensing scheme for the cultivation of medical marijuana. First, all medical marijuana businesses (including cultivation operations) must obtain a State license. Second, a medical marijuana business may only operate within a jurisdiction if it is allowed by the city. Pursuant to AB 243, local jurisdictions that wish to prohibit or regulate the cultivation of marijuana must do so by March 1, 2016. The law will take effect on January 1, 2016.

ANALYSIS

Given this new regulatory framework, there are two actions the Council may wish to take to exercise its local authority over this industry.

Cultivation and Sale of Medical Marijuana

SB 643 & AB 243 give the Department of Food and Agriculture responsibility for regulating cultivation; the Department of Public Health for developing standards for manufacture, testing, and production and labeling of edibles; the Department of Pesticide Regulation for developing pesticide standards; and the Department of Fish and Wildlife and State Water Board for protecting water quality.

The Town of Tiburon currently prohibits the cultivation of medical marijuana under principles of permissive zoning. In a permissive zoning scheme, all those uses not explicitly permitted are prohibited. Medical marijuana cultivation is not listed as a permitted use or conditionally

permitted use in the Tiburon Zoning Code and is therefore prohibited by implication. The Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within the Town. That being said, the League of California Cities is recommending that cities that have a permissive zoning code adopt a resolution prior to March 1, 2016, affirming the local prohibition against cultivation.

Tiburon's Zoning Code does prohibit marijuana dispensaries (point of sale) in all zones. This prohibition would be referenced in the resolution.

Delivery

ABB 266 establishes a new Bureau of Medical Marijuana Regulation under the Department of Consumer Affairs. The Bureau is to establish a comprehensive internet system for keeping track of licensees and reporting the movement of commercial cannabis and cannabis products. AB 266 also establishes a dual licensing structure requiring State and local licenses or permits to establish marijuana businesses, including businesses that deliver medical marijuana. The State expects to start issuing licenses by January 2018.

Under AB 266, deliveries of medical marijuana can be made by a dispensary and in a city or county that does not explicitly prohibit delivery by local ordinance. If the Town wishes to prohibit delivery of medical marijuana, an ordinance must be adopted to that effect. If an ordinance expressly banning delivery is not adopted before the State begins issuing licenses, delivery of medical marijuana within the Town will be allowed.

Staff recalls that at the time the Council banned marijuana dispensaries in 2015, it expressed concern that adequate delivery systems existed to serve Tiburon residents with legitimate medical marijuana needs. Staff therefore recommends that the Town Council not initiate a ban on delivery of medical marijuana in the Town of Tiburon.

FISCAL IMPACT

No direct fiscal impact.

RECOMMENDATION

Staff recommends that the Town Council adopt the attached Resolution.

EXHIBITS

1. Draft Resolution.
2. Background on Medical Marijuana Regulation and Safety Act.

Prepared by: Scott Anderson, Director of Community Development

RESOLUTION NO. XX-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AFFIRMING THE PROHIBITION OF MARIJUANA CULTIVATION AND SALE

WHEREAS, Pursuant to California law, Health and Safety Code sections 11357 and 11358, it is a criminal offense to possess or cultivate marijuana unless otherwise authorized by law; and

WHEREAS, in 1996, California voters approved Proposition 215, Health and Safety Code sections 11362.5 *et seq.*, which provides that individuals may obtain and use marijuana for personal medicinal purposes when recommended by a physician; and

WHEREAS, in 2003, the California Legislature passed legislation to further regulate the usage and cultivation of medical marijuana; and

WHEREAS, on October 9, 2015, Governor Brown signed the Medical Marijuana Regulation Act ("MMRSA", Assembly Bills 243, 266, and Senate Bill 643), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, delivery, and sale of medical marijuana; and

WHEREAS, MMRSA provides that local agencies that wish to prohibit the cultivation of marijuana within their jurisdictions must explicitly prohibit such cultivation by March 1, 2016, after which time cultivation will be allowed pursuant to State issued licenses; and

WHEREAS, the Tiburon Municipal Code, Chapter 16, constitutes a permissive zoning scheme, under which those uses that do not constitute a permitted or conditionally permitted use are prohibited; and

WHEREAS, the cultivation of marijuana is not a permitted use within the Town's Zoning Code and is therefore prohibited; and

WHEREAS, marijuana dispensaries are specifically prohibited by the Tiburon Zoning Code in Section 16-20-030; and

WHEREAS, the sale of marijuana is not a permitted use within the Town's Zoning Code and is therefore prohibited; and

WHEREAS, the Town wishes to clarify and affirm the existing prohibition against the cultivation and sale of marijuana within its jurisdiction; and

WHEREAS, the Town hereby affirms the prohibition against the cultivation of marijuana that exists in its Zoning Code; and

WHEREAS, the Town also hereby affirms the prohibition against the sale of marijuana that exists in its Zoning Code.

EXHIBIT NO. 1

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Tiburon as follows:

1. The cultivation of marijuana within the Town of Tiburon is prohibited; and

2. Marijuana dispensaries and sale of marijuana within the Town of Tiburon are prohibited.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on _____, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____
ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

_____
DIANE CRANE IACOPI, TOWN CLERK

MEDICAL MARIJUANA REGULATION AND SAFETY ACT[1]

What Cities Need to Know About the New Law and Cultivation

OVERVIEW

Here's what you need to know:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. **Local authority remains intact under the new law.**
- **State license required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation, transport or distribution – must have a State license[2].
- **State license not enough:** A medical marijuana business in any city may only operate if it has permission from the State and permission from the city ("dual licensing").
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval of the State, a city may enforce State law.
- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operating without a State license.

CULTIVATION

Here's what you need to know:

If your city does **not** have a land use ordinance in place regulating or prohibiting the cultivation of marijuana, *either expressly or otherwise under the principles of permissive zoning*, or chooses not to administer a conditional permit program, then commencing **March 1, 2016**, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants.

CULTIVATION

Here's what you need to do:

Determine if your city fits within City #1 or City #2 as described below:

- **City #1:** Municipal Code that does not expressly prohibit nor expressly regulate cultivation of medical marijuana and is not a "permissive zoning" code. **Need to take action.**

  ACTION REQUIRED: Adopt a land use ordinance regulating or prohibiting the cultivation of medical marijuana. The ordinance must be effective by February 28, 2016. The ordinance may be adopted as an "urgency ordinance," or second reading must occur on or before January 29, 2016.

- **City #2:** Municipal Code that is a "permissive zoning" code and does not enumerate cultivation of medical marijuana as a permitted or conditional use. **Need to take action.**

  ACTION REQUIRED: (1) Check and confirm that your city's zoning code is adopted and implemented under the principles of permissive zoning. If not, take action recommended for City #1. (2) If confirmed, adopt a resolution that includes the following provisions:

  - States that Health & Safety Code section 11362.777(b)(3) provides that the Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation under principles of permissive zoning;
  - Re-affirms and confirms that the Zoning Code is adopted and operates under the principles of permissive zoning;
  - States this means that cultivation of marijuana is not allowed within City #2 because it is not expressly permitted; and
  - Therefore, the State is not allowed to issue a license for the cultivation of medical marijuana within City #2.

Be sure to consult with your city attorney before taking any of the actions recommended in this document.

LEAGUE® OF CALIFORNIA CITIES

1 AB 266 (Bonta, Cooley, Jones-Sawyer, Lack, Wood); AB 243 (Wood); and SB 643 (McGuire). Effective 1/1/2016.

2 The Department of Consumer Affairs estimates it will begin issuing State licenses in January 2018. The Department of Food and Agriculture and the Department of Public Health also have licensing authority under the new law. Businesses operating in compliance with local ordinances will get priority in the State licensing application process.

October 27, 2015

EXHIBIT NO. 2

MEDICAL MARIJUANA REGULATION AND SAFETY ACT[1]

What Cities Need to Know About the New Law and Delivery Services

OVERVIEW

Here's what you need to know:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. **Local authority remains intact under the new law.**
- **State license required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation, or transport – must have a State license[2].
- **State license not enough:** A medical marijuana business in any city may only operate if it has permission from the State **and** permission from the city ("dual licensing").
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval of the State, a city may enforce State law.
- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operating without a State license.

DELIVERY

Here's what you need to know:

If a city does not expressly prohibit the delivery of medical marijuana within its jurisdiction, delivery will be allowed (with a State dispensary license). This means that if your city wishes to prohibit the delivery of medical marijuana within its jurisdiction, the city must adopt an ordinance expressly prohibiting delivery services and mobile dispensaries.

DELIVERY

Here's what you need to do:

- Determine whether your city currently bans delivery services for medical marijuana.
- If you have a ban, determine whether it is an express ban, or a ban enacted via permissive zoning (i.e., it is not listed in your zoning or other codes as a permitted activity within the city limits).
- If you have an express ban specifically identifying marijuana deliveries as a prohibited activity, you do not need to take further action.
- If you wish to prohibit delivery services but do not have an express ban, **you need to take further action.**

  ACTION REQUIRED: Adopt an ordinance expressly banning deliveries within your jurisdiction. If you do not adopt an express ban ordinance before the State begins issuing any State licenses, a State-licensed dispensary will be able to deliver medical marijuana within your jurisdiction. You may adopt an ordinance expressly banning deliveries after the State begins to issue licenses. However, it may be difficult to terminate the State licensee's deliveries at that time. Therefore, best practice is for an ordinance to be in place before the State begins issuing State licenses. The State currently estimates that it will begin issuing dispensary licenses in January 2018, but that could certainly happen sooner.
- A ban enacted via permissive zoning is not an express ban.

Be sure to consult with your city attorney before taking any of the actions recommended in this document.

1 AB 266 (Bonta, Cooley, Jones-Sawyer, Lack, Wood); AB 243 (Wood); and SB 643 (McGuire). Effective 1/1/2016.

2 The Department of Consumer Affairs estimates it will begin issuing State licenses in January 2018. The Department of Food and Agriculture and the Department of Public Health also have licensing authority under the new law. Businesses operating in compliance with local ordinances will get priority in the State licensing application process.

October 27, 2015

LEAGUE® OF CALIFORNIA CITIES

RESOLUTION XX-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON ADOPTING AN UPDATED CIRCULATION ELEMENT OF THE TIBURON GENERAL PLAN

WHEREAS, the Town of Tiburon has initiated amendments to its General Plan Circulation Element for the purposes of a comprehensive update of said Element; and

WHEREAS, a draft of the proposed Circulation Element amendments was released for public review on November 11, 2015; and

WHEREAS, an Initial Study and Draft Negative Declaration have been prepared for the project pursuant to the California Environmental Quality Act; and

WHEREAS, notice of the public hearing on the Circulation Element update was published in the The ARK newspaper and other noticing was provided as required by law and custom; and

WHEREAS, the Planning Commission held a duly-noticed and advertised public hearing on December 14, 2015, at which it considered any testimony received from the public, and thereafter recommended adoption of the updated element and adoption of a negative declaration to the Town Council; and

WHEREAS, the Town Council has determined that the project would not result in any potentially significant environmental impacts in that there is no substantial evidence in the record to support a fair argument that the Circulation Element update adoption would result in a potentially significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon does hereby adopt the negative declaration of environmental impact for the project.

BE IT FURTHER RESOLVED that the Town Council of the Town of Tiburon does hereby adopt the updated Circulation Element, as revised through any amendments made at the February 3, 2016 meeting, attached hereto as Exhibit "A".

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on _____, 2016, by the following vote:

AYES:

EXHIBIT NO. 1

NAYS:

ABSENT:

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

Attachment: Exhibit "A", Circulation Element

RESOLUTION 2015-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON RECOMMENDING TO THE TOWN COUNCIL ADOPTION OF AN UPDATED CIRCULATION ELEMENT OF THE TIBURON GENERAL PLAN

WHEREAS, the Town of Tiburon has initiated amendments to its General Plan Circulation Element for the purposes of a comprehensive update of said Element; and

WHEREAS, a draft of the proposed Circulation Elements amendments was released for public review on November 11, 2015; and

WHEREAS, an Initial Study and Draft Negative Declaration have been prepared for the project pursuant to the California Environmental Quality Act, and the Planning Commission has considered said document and any comments received thereupon in making its recommendation to the Town Council; and

WHEREAS, notice of the public hearing on the Circulation Element amendments was published in the The ARK newspaper and other noticing was provided as required by law and custom; and

WHEREAS, the Planning Commission held a duly-noticed and advertised public hearing on December 14, 2015, at which it considered any testimony received from the public.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby recommend that the Town Council adopt the updated Circulation Element, as revised through amendments made at the December 14th meeting, and attached hereto as Exhibit "A".

PASSED AND ADOPTED at a special meeting of the Planning Commission of the Town of Tiburon held on December 14, 2015:

AYES: COMMISSIONERS: Corcoran, Kulik, Weller, Welner

NAYS: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Williams

EXHIBIT NO. 2
p. 1 of 5

DAVID KULIK, CHAIR
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY

Attachment: Exhibit "A", Draft Updated Circulation Element

Note: Exhibit "A" not attached (See Exhibit 3)

Exhibit 2
p. 2 of 5

Chair Kulik asked how the 4-space parking building would be divided. Mr. Allen said that each of the 3 houses will get one garage space and the 4th space would be reserved for storage of condominium tools and maintenance equipment.

Chair Kulik opened the public hearing. There were no speakers and he closed the public hearing.

Commissioner Corcoran found that the project was consistent with the intent of the original precise plan and in keeping with the General Plan.

Commissioner Weller agreed and said that the division of this project into 3 single-family ownership interests was a legitimate request, was consistent with the intent of the precise plan and all other requirements of the Town.

Commissioner Welner and Chair Kulik concurred.

ACTION: It was M/S (Welner/Weller) to adopt the draft resolution recommending conditional approval of the Precise Plan amendment to the Town Council. Motion carried: 4-0.

ACTION: It was M/S (Weller/Corcoran) to adopt the draft resolution approving the condominium use permit. Motion carried: 4-0.

4. CIRCULATION ELEMENT UPDATE: Consider recommending to the Town Council adoption of an updated Tiburon General Plan Circulation Element; Consideration of a Negative Declaration of Environmental Impact

Director of Community Development Anderson gave the staff report, stating the Town adopted its current Circulation Element in 2005. In 2014, the Town retained the consulting firm of Nelson-Nygaard Consulting Services to assist it with a comprehensive update of this element. Later than year the Town Council adopted limited amendments incorporating "complete streets" concepts in to the element as required by state law.

Mr. Anderson stated Project Manager Brian Canepa is present and has been extremely helpful to staff in all aspects of the update including the traffic model, performing and analyzing traffic counts, and other tasks that staff does not have the expertise to perform. He said that one reason for the element's update was the worsening peak hour traffic occurring on Tiburon Boulevard over the past several years. It was hoped that this update process would potentially identify some additional methods of easing congestion to augment what the CART (Community Action to Reduce Traffic) Committee had come up with after its two-year long process when they released their summary report in 2013.

As part of the Circulation Element update, the consultant performed extensive traffic counts and intersection analyses, updated the Town's traffic model and projected future conditions. These tasks were completed prior to the launch of the Yellow School Bus Challenge 2.0. Early evidence suggests there has been a substantial improvement in traffic flow along the boulevard during peak hours since that program went into effect.

Exhibit 2
p. 3 of 5

Mr. Anderson said that the staff report enumerated some of the major changes to the Circulation Element such as a new guiding principles section, a discussion of "complete streets" that has been moved up to the front of the document, a complete update of the Existing Conditions section, and the goals, policies and program sections have also been updated, expanded and consolidated where needed. Also, there is an updated Proposed Circulation Improvements section that now includes both supply side and demand side strategies spelled out more clearly.

Mr. Anderson described recommendations regarding lowering acceptable peak hour level of service (LOS) criteria at various intersections, but noted that the LOS metric is now falling out of favor and no longer is allowed to be used during environmental review (CEQA)as a tool to identify transportation impacts. He also noted that although the Yellow School Bus 2.0 program has gone into effect and appears to have significant positive impact, it was too early to gauge its sustained success, especially until there is a secure, long-term funding mechanism for the program and a longer period of time to measure its effects on traffic congestion.

Staff has enumerated in an annotated version of the Circulation Element whether a policy is new, modified, or simply renumbered from a prior policy. An Initial Study was prepared as well as a draft negative declaration for the project. Staff's conclusion after the close of the comment period is there is no substantial evidence in the record to support a fair argument there would be a potentially significant impact on the environment from updating the Town's Circulation Element. Staff recommends the Commission receive and consider the report, hold a public hearing, discuss and make any changes, and adopt the resolution recommending adoption of the negative declaration and the Circulation Element update to the Town Council.

Commissioner Weller asked what drove the Town to lower its expectation or desire of the intersection throughput as recommended and whether it was legitimate to retain the objective of having those intersections be relatively trouble-free as a means to continue to assess alternatives. He said that he understood moving from the supply side to the demand side solutions, but it seemed to him that lowering the expectation was an admission of defeat.

Mr. Anderson said that at some point the Town must face reality that all intersections will not be able to operate at LOS C or LOS D at peak hours. He said that there are brief periods of time where intersections do not work that well, often because of frequent tripping the side street crosswalk buttons, there are cars lining up getting to schools, and simply congested periods of time mostly centered around school pick up and drop off activities. He said that for most of the 24-hour day, Tiburon Boulevard operates just fine, but when working on a worst case peak hour intersection analysis, as the LOS metric does, the result is often LOS D or E and not LOS C.

Brian Canepa, Nelson-Nygaard, noted that from a transportation professional's standpoint, the Highway Capacity Manual and LOS metric used is widely considered an extraordinarily poor way of judging traffic operations. As an example, he said that an LOS analysis of Mar West Street will make it appear pretty poor operationally because it uses the worst-case turning movement of the drivers stopped at the stop sign on Mar West Street rather than the smoothly flowing traffic on Tiburon Boulevard.

Commissioner Weller asked why the Town would retain this measure if the Town's consultant thinks it is an inadequate measure and the state is rejecting it. Mr. Anderson said that staff believes it still has utility for the Town and that while not a perfect tool, even the state has not decided what metric will replace it. He indicated that the state is leaning toward vehicle miles travelled (VMT) as a likely successor, but that decision has not yet been made and is speculative. Mr. Canepa agreed and said that LOS still continues to be the established standard for now and VMT seems like the most plausible alternative, but not necessarily. Therefore, the Town wanted measurements based on current practice and not risk using some experimental metric that might not be accepted as an industry standard in the future.

Chair Kulik opened the public hearing. There were no speakers and he closed the public hearing.

Commissioner Welner said that he was inclined to recommend approval of the element.

Commissioner Corcoran agreed and thanked staff and the consultant for the presentation.

Commissioner Weller commented that staff has done an excellent job making necessary changes and identifying outstanding traffic issues, and thought that the document adequately explains what can and cannot be done to mitigate things. He supported a recommendation of approval to the Town Council.

Chair Kulik concurred and referred to the consideration of bicycle speed limits on Old Rail Trail and asked how this would be enforced. Mr. Anderson said this issue is something the Police Chief has struggled with for years, and Mr. Anderson was unsure whether posted speed limits on Old Rail Trail would be realistically enforceable or would come to pass at all.

Chair Kulik also noted that the Town often encourages contractors to travel outside peak periods and he asked if this was something that could be required in the building permits. Mr. Anderson said that the Town has work hour limits on building permits, but this is more of a noise and courtesy issue for neighbors. He said that this concept has limited potential to reduce traffic because while the Town can limit hours when work occurs, it cannot control when workers arrive at a site using the public streets. He said that this issue was considered during the CART process to try to make contractors more aware, and to possibly adjust their arrival and departure times. He stated that staff will try to make headway wherever possible on congestion reduction strategies, but it was a long process with many small steps that cumulatively might gain some traction on congestion reduction.

ACTION: It was M/S (Corcoran/Weller) to adopt the resolution recommending adoption of the updated Circulation Element and negative declaration to the Town Council. Motion carried: 4-0.

NEW BUSINESS

5. REVIEW OF PROPOSED REAL PROPERTY ACQUISITION: Review for Consistency with the Tiburon General Plan of a potential real property acquisition; Portion of Point Tiburon Bayside Association common area for public pedestrian access easement

Exhibit 2
p. 5 of 5

Annotated

5 CIRCULATION ELEMENT

(Text Revised and Expanded)

The Tiburon Peninsula possesses unique constraints and opportunities for circulation. The constraints are largely a function of the relative isolation that results from being a lengthy peninsula and from topography that is dominated by relatively steep hillsides. The unique opportunities are provided by the navigable waters that surround the peninsula, the clustering of pedestrian-oriented development in downtown, and the heavily-used Old Rail Trail, a multi-use path that runs most of the length of the peninsula. This Element sets forth a guiding vision and principles for the transportation system, and detailed goals and policies for each aspect of the system, which will shape the Town's implementation of a Complete Streets approach to mobility in the future. The Element discusses the existing conditions for mobility in Tiburon, including all modes of transportation that residents, visitors, and employees on the peninsula use regularly, and the sources of traffic congestion. It concludes with a list of programs designed to implement these goals and policies, and with a summary of proposed circulation and mobility improvements.

5.1 VISION & GUIDING PRINCIPLES

VISION *(Text Unchanged)*

Town goals and policies should be guided by its overall vision for the transportation system. This vision contains an overall statement of purpose as well as principles that support the Circulation Element's critical features, such as the state-mandated Complete Streets policy. The following statement provides the vision for this Element:

> "The Town of Tiburon envisions a transportation system that supports the Town's goals for safe and healthy transportation, sustainability, a sense of small-town community character, a high-quality of life for residents, and economic vibrancy of the downtown area. Tiburon envisions that that its streets and pathways will form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards. This entails the integration of Complete Streets concepts into street designs that are comfortable and convenient for the breadth of travel choices while creating more vital places in keeping with desired community character. Complete Streets are routinely planned, designed, operated, and maintained with consideration for the needs and safety of all travelers along and across the entire public right of way. Complete Streets will meet the needs of all ages and abilities who are walking, bicycling, using transit, traveling with mobility aids, driving vehicles, and transporting commercial freight."

EXHIBIT NO. 3

GUIDING PRINCIPLES *(New Section)*

To support the vision statement, several principles are proposed to guide the Circulation Element:

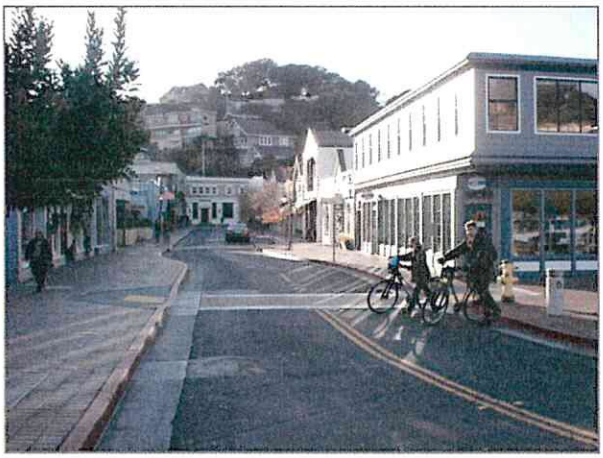
- **Congestion.** Automobile traffic volumes along major corridors—especially Tiburon Boulevard (State Highway 131)—should be managed to improve traffic flow and enhance quality of life and safety. In particular, the Town shall address growing school and service-oriented/contractor traffic on weekdays, and visitor traffic on weekends. It is important to note, however, that Tiburon Boulevard is owned and maintained by the State of California and not by the Town of Tiburon, limiting the Town's ability to effectuate significant change.
- **Health.** The Town's transportation system should support opportunities for active transportation choices, including walking and biking, which contribute to the community's health. Emissions from automobiles should be managed so as to lessen the negative health consequences of particulate matter contained in vehicle exhaust.
- **Economy.** The Town's transportation system should support economic vitality in the Town' commercial areas as well as provide convenient access to other destinations. These functions are essential to maintaining the Town's appeal as a desirable place to live and work. Safe and reliable transportation connections to destinations across the San Francisco Bay Area are vital the Town's desirability and economic well-being.
- **Environmental Sustainability.** The Town values the preservation of local natural resources such as scenic beauty, open space and water quality. The Town also recognizes that local governments can play a key role in reducing greenhouse gas emissions and mitigating the potential impacts of global climate change. Transportation policies in the Town should support both of these objectives.
- **Safety.** The Town's transportation network should be safe for all users, whether walking, biking, driving, or taking transit. People of all ages should feel comfortable biking and walking as a means of transportation as well as recreation.
- **Equity.** The transportation network should balance the needs of all users, as well as people of different incomes who may have limited access to automobiles. Senior citizens and people with disabilities who are no longer able to drive should also be served by high-quality transportation options such as paratransit or Marin Village.
- **Choice.** Town residents and visitors to Tiburon should have the choice to travel by different modes as they see fit, safely, and with convenience and flexibility. Driving is likely to remain the most common mode of travel for the foreseeable future in Tiburon, but walking, biking, and riding transit (as well as carpooling) may become attractive choices for an increasing number of people.
- **Management and Measurement.** Roadway and circulation network performance metrics—encompassing all modes of travel—should be established and measured. The transportation network should be managed to achieve set targets, such as reducing automobile congestion, reducing the number of collisions, and improving parking availability.
- **Design.** Tiburon has views of natural and urban settings that are among the finest in the world. The design of transportation facilities should take into account and enhance the

Town's setting of residential tranquility intertwined with nature beauty, as well as enhance the vibrancy and appeal of its small, village-like downtown.

What are Complete Streets? *(Unchanged but Relocated)*

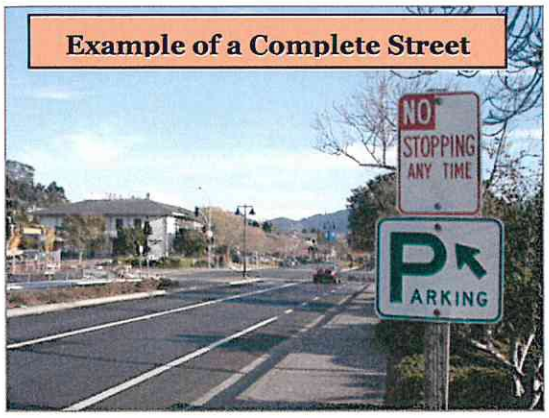
In 2008, the State of California enacted the Complete Streets Act, which required cities and counties to revise their General Plans to incorporate the principles embodied in the Act. Briefly, Complete Streets are routinely planned, designed, operated and maintained with consideration of the needs and safety of all travelers along and across the entire public right of way. This includes people of all ages and abilities who are walking; driving vehicles such as cars, trucks, motorcycles or buses; bicycling; using transit, traveling with mobility aids; or shipping freight. Every street and its environs are different, such that physical manifestation of what constitutes a "complete street" will change based on the local context. However, providing for all users is a core tenet of Complete Streets.

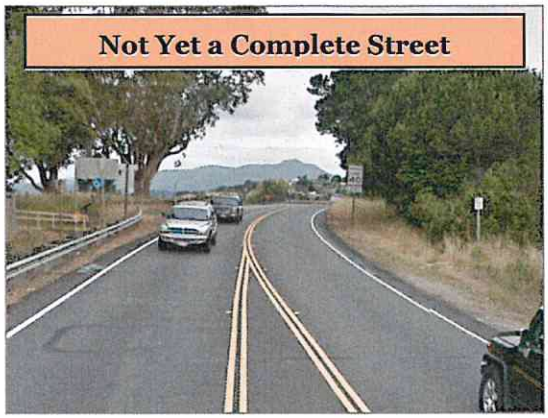
The Complete Streets movement fundamentally redefines what a street is intended to do, what goals a transportation agency is going to meet, and how a community will spend its transportation money. The Complete Streets approach breaks down the traditional separation between highways, transit, biking, and walking, and instead focuses on the desired outcomes of a transportation system that supports safe use of the roadway for everyone.



Complete Streets policies formalize a community's intent to plan, design, operate, and maintain streets so they are safe and accessible for all users of all ages and abilities. Policies direct decision-makers to consistently fund, plan, design and construct community streets to accommodate all anticipated users, including pedestrians, bicyclists, public transit users, motorists and freight vehicles.

There are many types of Complete Streets—it is not necessary that every street has sidewalks, bike lanes and transit. On streets with low traffic volumes, such as those in Tiburon's hilly residential neighborhoods, a Complete Street may be a shared space with traffic calming that ensures walking and bicycling is safe, even without marked bike lanes or sidewalks. On busier thoroughfares such as Tiburon Boulevard or Trestle Glen Boulevard, separated walking and biking facilities are more appropriate. There is no one-size-fits-all solution, and the design of every street must take into account local land use, traffic volumes, and the role of the street in the overall multimodal network.

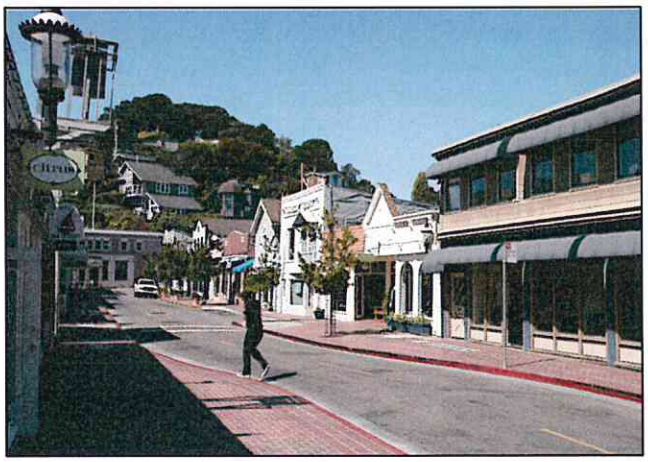




5.2 EXISTING MOBILITY CONDITIONS

Walking & Bicycling *(Entire Section 5.2 is Updated & Revised)*

Walking



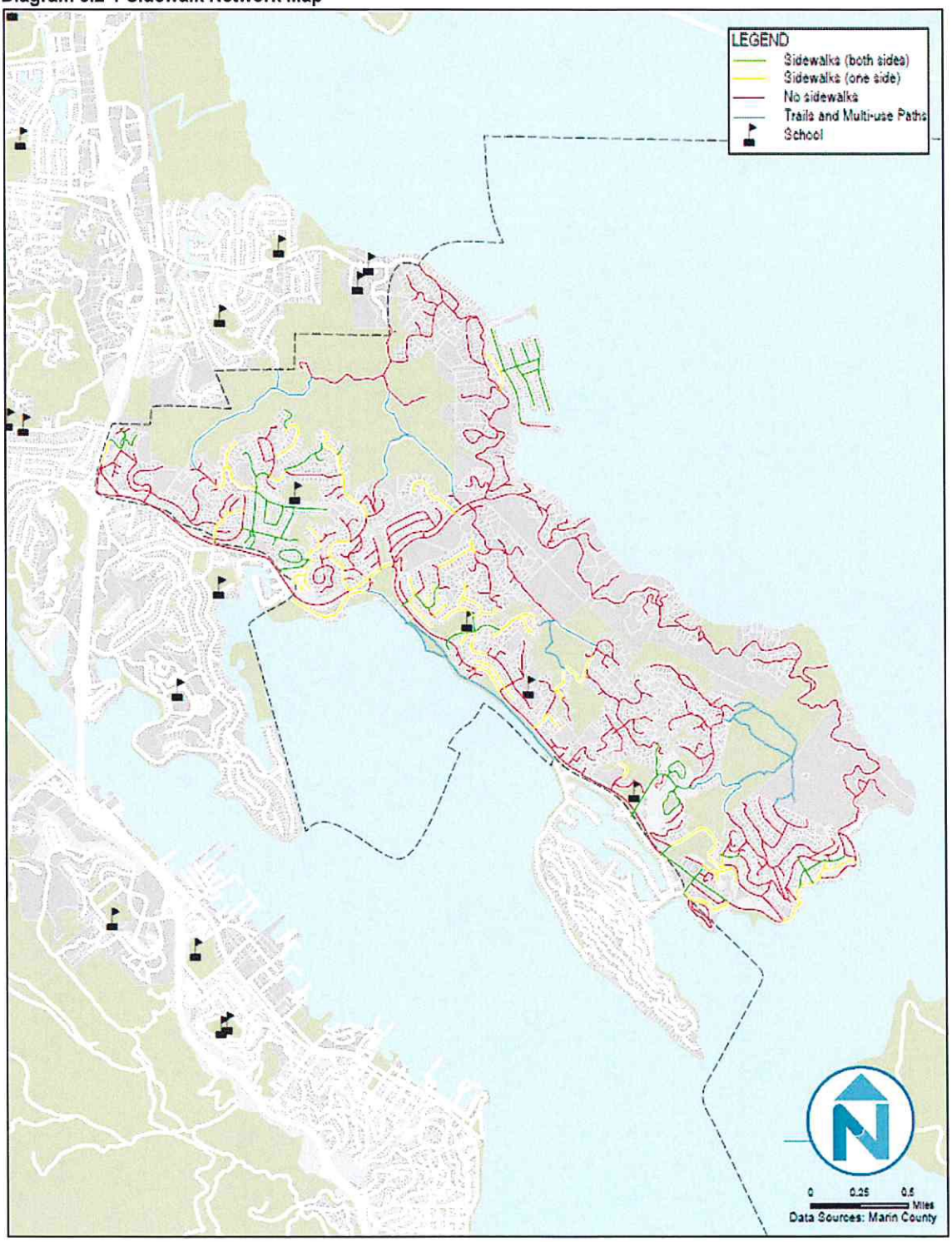
Tiburon has a well-established network of paths, particularly in Old Tiburon near Downtown, which provide alternate access between homes and Downtown businesses and transportation services. In areas with older, substandard roads, these lanes and paths provide safe connections for pedestrians between and within neighborhoods. These lanes and paths range from formal lanes that are the property of the Town to informal paths that are privately held and serve only a few homes. Many of the lanes and paths are open to public use.

Pedestrians in Tiburon use a variety of facilities, including streets (with and without sidewalks), Old Rail Trail, and trails designed primarily for recreational purposes, such as the Tiburon Ridge Trail and its many tributaries. Sidewalks exist on portions of some arterial and collector streets, but most local streets in Tiburon do not have sidewalks. Diagram 5.2-1 provides an inventory of complete sidewalk segments.

On residential streets with low traffic speeds and relatively low traffic volumes, sidewalks may not be necessary as pedestrians are able to safely share the road with automobiles. Sidewalks are especially important on higher-volume streets with higher traffic speeds. Sidewalks may be necessary even when an adjacent multi-use path is available—as is the case along Tiburon Boulevard parallel to the Old Rail Trail—to ensure that pedestrians can make connections from the path to key destinations such as schools. Most streets leading to schools on the peninsula have sidewalks, with the exception of St. Hilary School, where the lack of sidewalks poses a challenge to

walking safely. Paradise Drive, the main road around the north and east side of the peninsula, also lacks sidewalks, thus discouraging pedestrian use.

Diagram 5.2-1 Sidewalk Network Map



Biking

Bikeways in the Tiburon Planning Area are categorized into three classes:



- **Class I bicycle paths** are separated from adjacent roadways that serve the exclusive use of bicycles and pedestrians. The Old Rail Trail multi-use path from Blackie's Pasture to Mar West Street/Cove Road is a Class I facility.
- **Class II bicycle lanes** consist of established lanes within the paved area that serve the preferential use of bicycles. Tiburon has a Class II facility that runs along Tiburon Boulevard from Mar West Street to Main Street and on Paradise Drive from Main Street to Mar West Street.
- **Class III bikeways** are shared with other vehicles, with no bike lanes.

San Francisco Bay Trail

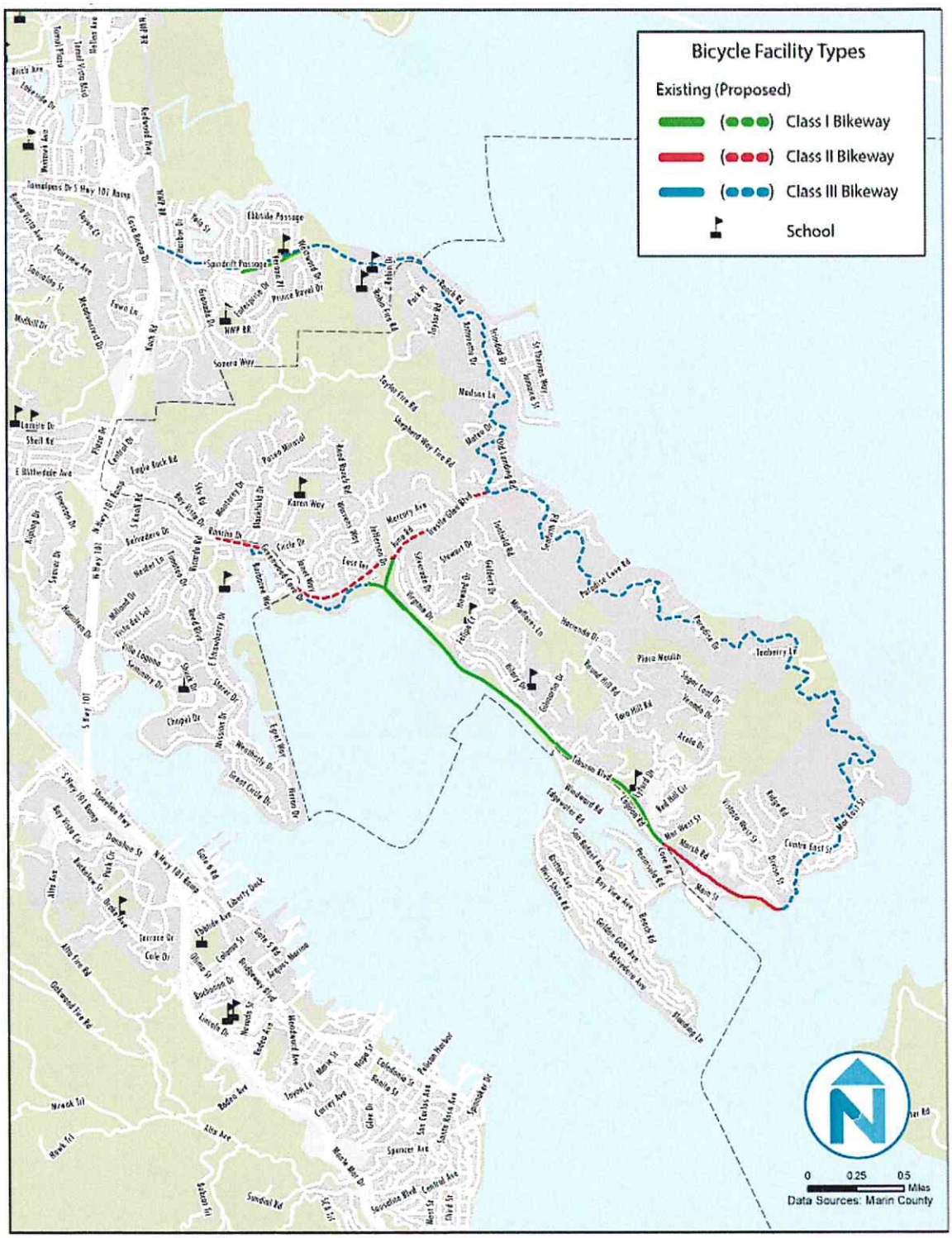
The Bay Trail is a recreational corridor that when fully complete will circle San Francisco and San Pablo Bays with a continuous 400-mile network of biking and hiking trails. To date approximately 210 miles of the trail have been completed.

Within the Tiburon Planning Area, the Bay Trail roughly consists of Greenwood Cove Drive, Greenwood Beach Road, the Richardson Bay Lineal Park's Old Rail Trail, Tiburon Boulevard, and Paradise Drive. Trestle Glen Boulevard provides a Bay Trail spur connection from Tiburon Boulevard to Paradise Drive, and there are other trails, such as the Tiburon Ridge Trail and trails found on Ring Mountain, which connect to the Bay Trail.

Bicycle & Pedestrian Master Plan

This Circulation Element is supplemented for bicycle and pedestrian mobility purposes by the most-recently adopted Town of Tiburon Bicycle & Pedestrian Master Plan. The Master Plan provides much more detailed information and programming than is practicable in a General Plan Circulation Element. The Bicycle & Pedestrian Master Plan is informed and guided by the vision, goals, policies and programs as set forth in the Circulation Element, but provides additional specificity relative to bicycle and pedestrian mobility issues. The Town's Parks, Open Space & Trails Commission, acting in its capacity as the Town's Bicycle & Pedestrian Advisory Committee, provides major input and direction in the preparation and adoption of the Master Plan.

Diagram 5.2-2 Bicycle Network Map



Motor Vehicle Traffic

This section provides an overview of existing motor vehicle circulation conditions.

Street Network & Classifications

The street network in the Tiburon Planning Area consists of approximately 60 miles of arterial, local and collector streets. The Town's adopted street classifications are defined as follows:

- **Freeway:** A highway serving high-speed traffic with no crossings interrupting the flow of traffic (i.e., no crossing at grade). Streets and Highways Code Sec. 23.5, in part, states that "Freeway means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access." Freeways also accommodate transit vehicles for service between communities on a regional scale.
- **Arterial:** A street carrying the traffic of local and collector streets to and from freeways and other major streets, with controlled intersections and generally providing direct access to properties. Safe pedestrian and bicycle facilities, where feasible and appropriate, should be provided along arterials.
- **Collector:** A street for automobile traffic moving between arterial and local streets, generally providing direct access to properties. Safe pedestrian and bicycle facilities should be provided along the collectors where feasible and appropriate.
- **Local:** A street providing direct access to properties and designed to discourage through-traffic. Dedicated bicycle and pedestrian facilities, even if feasible, may not be necessary if traffic speeds are slow enough to comfortably share the roadway space.

Table 5.2-1 Roadway Designations, Tiburon Planning Area

Type	Function	Examples	Traffic Lanes
Freeway	Connects regional activity centers	U.S. 101	> 4
Major Arterial	Connects major local activity centers; also connects arterials with freeways	Tiburon Blvd., from U.S. 101 to Trestle Glen Blvd.	4
Minor Arterial	Connects major arterials with collector and local streets.	Tiburon Blvd., from Trestle Glen Blvd. to Main St.; Trestle Glen Blvd.	2 – 4
Collector	Collects traffic from local streets and channels it to arterial streets.	Blackfield Dr., Reed Ranch Rd., Lyford Dr., Stewart Dr., Rock Hill Rd.	2
Local	Serves adjacent residential and commercial property.	Gilmartin Dr., Cecilia Way, Main St., Mountain View Dr., Mt. Tiburon Rd., Juno Rd.	2

Motor Vehicle Traffic

This section provides an overview of existing motor vehicle circulation conditions.

Street Network & Classifications

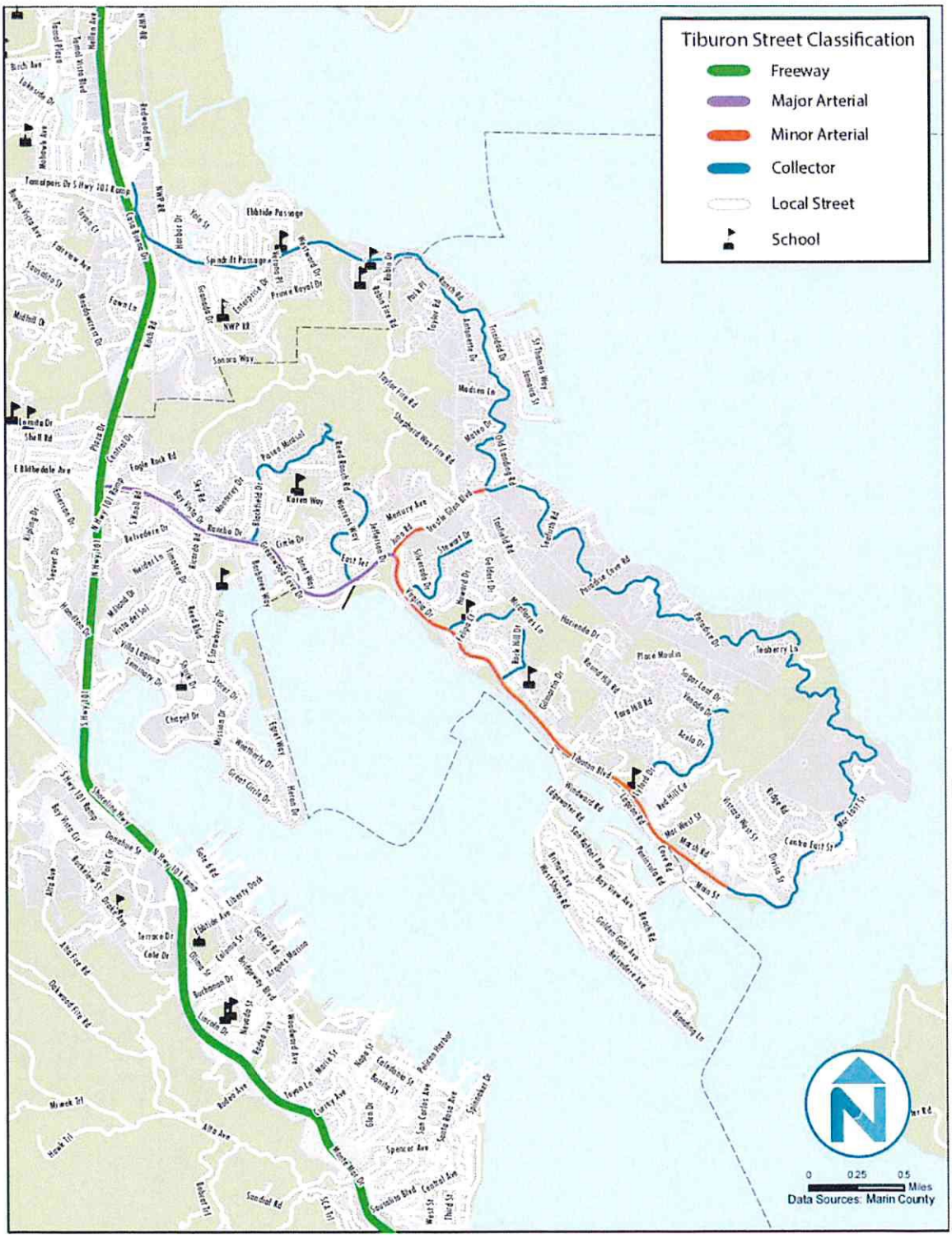
The street network in the Tiburon Planning Area consists of approximately 60 miles of arterial, local and collector streets. The Town's adopted street classifications are defined as follows:

- **Freeway:** A highway serving high-speed traffic with no crossings interrupting the flow of traffic (i.e., no crossing at grade). Streets and Highways Code Sec. 23.5, in part, states that "Freeway means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access." Freeways also accommodate transit vehicles for service between communities on a regional scale.
- **Arterial:** A street carrying the traffic of local and collector streets to and from freeways and other major streets, with controlled intersections and generally providing direct access to properties. Safe pedestrian and bicycle facilities, where feasible and appropriate, should be provided along arterials.
- **Collector:** A street for automobile traffic moving between arterial and local streets, generally providing direct access to properties. Safe pedestrian and bicycle facilities should be provided along the collectors where feasible and appropriate.
- **Local:** A street providing direct access to properties and designed to discourage through-traffic. Dedicated bicycle and pedestrian facilities, even if feasible, may not be necessary if traffic speeds are slow enough to comfortably share the roadway space.

Table 5.2-1 Roadway Designations, Tiburon Planning Area

Type	Function	Examples	Traffic Lanes
Freeway	Connects regional activity centers	U.S. 101	> 4
Major Arterial	Connects major local activity centers; also connects arterials with freeways	Tiburon Blvd., from U.S. 101 to Trestle Glen Blvd.	4
Minor Arterial	Connects major arterials with collector and local streets.	Tiburon Blvd., from Trestle Glen Blvd. to Main St.; Trestle Glen Blvd.	2 – 4
Collector	Collects traffic from local streets and channels it to arterial streets.	Paradise Dr., Blackfield Dr., Reed Ranch Rd., Lyford Dr., Stewart Dr., Rock Hill Rd., Avenida Miraflores	2
Local	Serves adjacent residential and commercial property.	Gilmartin Dr., Cecilia Way, Main St., Mountain View Dr., Mt. Tiburon Rd., Juno Rd., all others	2

Diagram 5.2-3 Street Classification Map



Traffic Patterns

Tiburon Boulevard is the main arterial road through Tiburon and experiences greater traffic congestion than any other street in the town. The sources of traffic on Tiburon Boulevard are varied. During the school year traffic is heavily peaked in the morning and mid-afternoon as school pick-up and drop-off occurs. Commuters driving northwest on Tiburon Boulevard in the morning and southeast in the evening peak hours are another major contributor to traffic. Contractors and service workers driving to sites throughout residential neighborhoods are a continuous source of traffic throughout the day. On weekends and during the summer, when school is out of session, visitors to downtown Tiburon also contribute to traffic on Tiburon Boulevard. Many drivers on Tiburon Boulevard are simply running errands or making various other trips that do not fall into any of these categories. At peak times, these diverse sources of traffic can create conditions on Tiburon Boulevard that cause delay to drivers, and traveling from downtown Tiburon to U. S. Highway 101 can take significantly longer than during times when traffic is free flowing—a frustrating experience for drivers.

A widely held concern amongst Planning Area residents relates to school traffic. There are several schools in Tiburon, and Tiburon Boulevard is the only viable street for access to most of them. Traffic counts confirm that traffic volumes are higher due to school traffic. School traffic was observed to be especially high as a share of all traffic on Tiburon Boulevard at Lyford Drive (near Reed Elementary School) and at East Strawberry Drive (near Bel Aire Elementary School and Strawberry Point School). The mid-peninsula location for Del Mar Middle School also exacerbates traffic congestion. The morning peak hour traffic volumes observed were slightly higher than the evening peak hour traffic volumes at most locations, which reflect the congestion impacts of school-related trips on the morning commute.

In order to better understand circulation patterns in Tiburon, 24-hour counts were carried out at four locations – Tiburon Blvd just east and just west of Trestle Glen Blvd, Trestle Glen Blvd north of Tiburon Blvd, and Paradise Dr east/south of Trestle Glen Blvd. Counts were also conducted an additional 11 locations over two-hour periods in the morning, mid-afternoon, and late afternoon rush hour to determine the peak hours of traffic at those times. A map of count locations is shown in Diagram 5.2-4.

Unsurprisingly, there is significantly more traffic closer to U. S. Highway 101 and progressively less traffic the further along Tiburon Boulevard towards downtown Tiburon and the ferry terminal. The segment of Tiburon Boulevard between Trestle Glen Boulevard and Rock Hill Road experiences especially high levels of congestion, due to the combination of high traffic volumes and a more narrow roadway configuration than exists on other segments of Tiburon Boulevard.

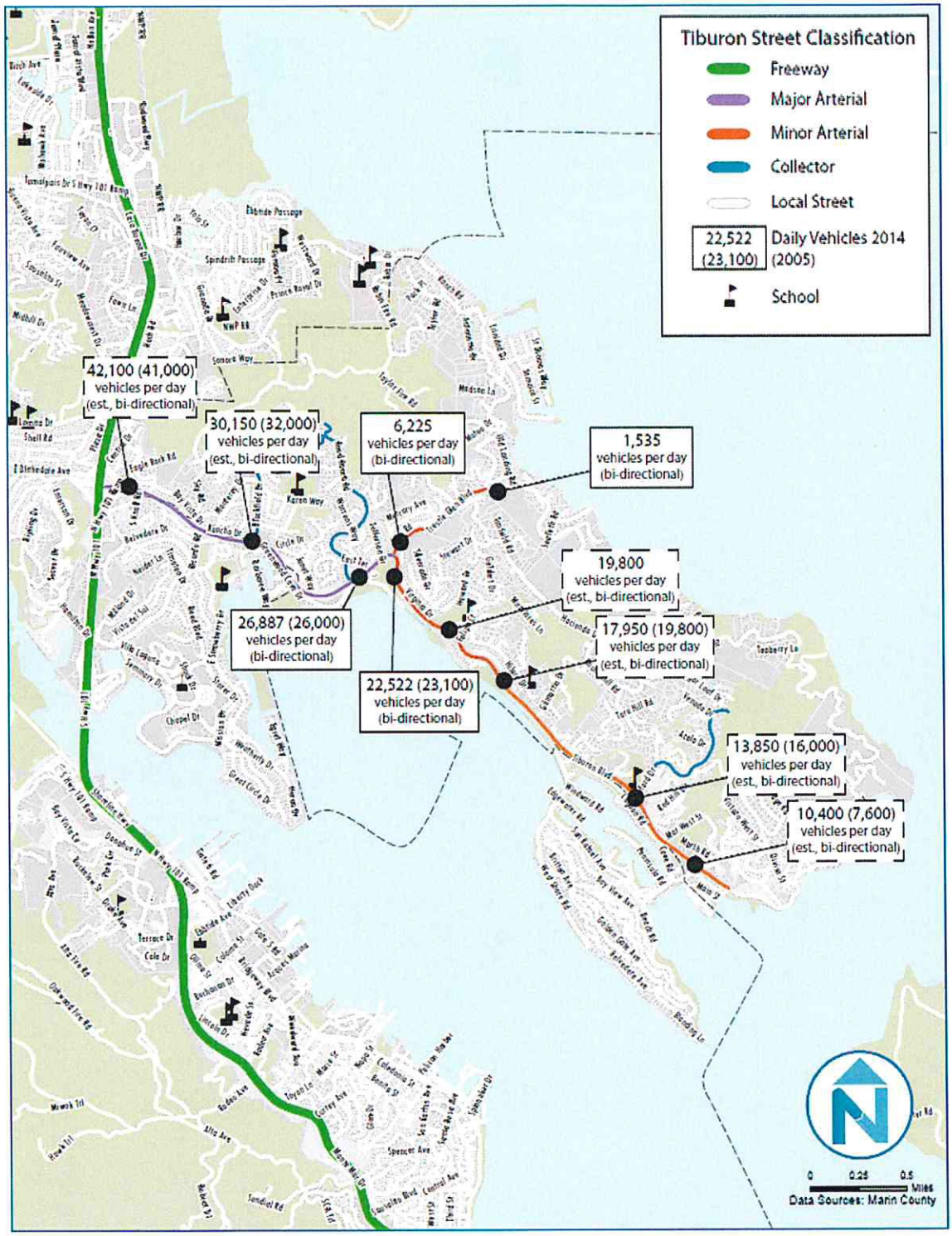
From 2011-2013, the Town spearheaded a group called Community Action to Reduce Traffic (CART). CART was comprised of Council representatives from Tiburon, Belvedere, and Corte Madera; Reed Union School District and St. Hilary's School officials; Reed School PTA and a Safe Routes to School representatives; and the city managers and police chiefs from Tiburon and Belvedere. Technical assistance was provided by Marin Transit. CART's objective was to explore and consider every approach to reduce traffic on Tiburon Boulevard. A partial list of the approaches studied by CART in order to reduce traffic is as follows:

- Altering school bell times
- Altering school child drop-off practices and policies
- Additional school buses , routes and bus stops

- Carpools (school pools)
- Subsidization of bus pass costs
- Bank partnerships to help parents stagger payments for bus passes
- Public subsidies for school buses (tax measure)
- Bike trains and programs to encourage bike ridership
- Crossing guard practices and policies
- In formational campaigns to increase awareness of alternative modes to reach schools
- Traffic signal timing and coordination adjustments
- Underpasses and/or overpasses along Tiburon Boulevard
- Lengthening of left turn pockets
- Roundabouts
- Better coordination with public transit
- Before and after school programs to stagger drop-off and pick-up times
- Park & Ride lots in Blackie's Pasture or other locations
- School incentives for students who walk or bike
- Altering construction start times for contractors
- Increasing ferry service and ridership
- Trams, shuttles, and alternative modes of transport on Tiburon Boulevard and/or Old Rail Trail

Following a public forum, CART released its Summary Report in May 2013. Its broadest conclusion was a new understanding of the difficulty of addressing the Tiburon Boulevard congestion problem. The report concluded that Tiburon Boulevard simply lacked adequate physical capacity for the traffic that the Peninsula's business, work, school and recreational life create. The group found no "silver bullet" to make the problem disappear, but recommended several steps that could incrementally improve traffic flow along Tiburon Boulevard during the peak AM and mid-afternoon times. These included several items from the above list, including traffic signal adjustments, an enhanced school bus program combined with altered school bell times, bike trains, Marin Transit's Tiburon Boulevard Shuttle program, and additional crossing guards and training. All of these concepts were implemented to one degree or another. The most ambitious effort has been the Yellow School Bus Challenge 2.0, which launched in August 2015 with a greatly expanded school bus fleet, additional routes and additional bus stops. Early indications are that the program appears to be noticeably reducing congestion on Tiburon Boulevard during school drop-off and pick-up times, especially in the morning. If ultimately determined to be successful, an ongoing source of funding would be required to sustain the program, which was funded on a one-time trial basis for school year 2015-2016 through cash contributions from the Town of Tiburon, City of Belvedere, and Town of Corte Madera.

Diagram 5.2-4 Daily Traffic Volumes



Traffic Level of Service (LOS)

Level of Service (LOS) is a qualitative assessment of perceived traffic conditions. LOS generally reflects driving conditions such as travel time and speed, freedom to maneuver, and traffic interruptions. Table 5.2-2 provides a qualitative description of LOS.

Table 5.2-2 Qualitative Description of Level of Service

LOS	Driver's Perception
A/B	LOS A/B is characterized by light congestion. Drivers are still able to pass through traffic-controlled intersections in one green phase.
C	LOS C represents moderate traffic congestion. Average vehicle speeds continue to be near the driver's desired speed for two and four lane roads. Occasionally, drivers do not clear the intersection on the first green phase.
D	LOS D is characterized by congestion with average vehicle speeds decreasing below the driver's desired level for two and four lane roads. Multiple cars must wait through more than one green phase at a traffic signal.
E	LOS E is the lowest grade possible without stop-and-go conditions. At signalized intersections, long vehicle queues can form waiting to be served by the signal's green phase.
F	LOS F represents stop-and-go conditions for two and four lane roads. Drivers at signalized intersections may wait several green phases prior to being served.

Key Level of Service Findings[1]

The Highway Capacity Manual (HCM) is commonly used by jurisdictions to evaluate automobile traffic conditions at key intersections. However there are limitations to using automobile level of service as the sole guideline for recommending future transportation improvements. The current General Plan calls for level of service (LOS) standards of LOS C or better at most intersections, and LOS D or better at selected intersections on Tiburon Boulevard near the U. S. Highway 101 interchange. After evaluating future growth scenarios in the Circulation Element, it is apparent that capacity improvements would be needed at several intersections to mitigate the LOS to these levels. The capacity improvements are physically and financially undesirable and would alter the character of those intersections and may require acquisition of right-of-way from adjacent properties.

Currently the state of California is developing new requirements for environmental review under the California Environmental Quality Act (CEQA), which utilizes criteria to evaluate the transportation network that do not include automobile LOS under the HCM. The Town of Tiburon should monitor these developments within the state legislature and plan for the future on how transportation impacts are evaluated in light of the state-mandated changes.

One limitation of LOS is that its methodology considers a weighted aggregate of delay for all approaches over the peak 15 minutes for each the morning and afternoon weekday peak hours.

[1] The LOS analysis conducted in this section pertains to intersections, as opposed to road segments, in order to capture delays from both Tiburon Boulevard and its connecting streets – both important elements for a citywide Circulation Element.

The volumes during these 15-minute periods often are unrepresentative of the traffic patterns for the remaining hours of the week. Another limitation to auto LOS is that it only considers the movement of automobiles through the transportation network. Any capacity improvements that include widening the roadway and adding additional lanes would increase pedestrian crossing distances, increase vehicle speeds, and could decrease safety for all roadway users.

The analysis of traffic at key intersections on Tiburon's major thoroughfares revealed several important findings:

- Most intersections operate at LOS C or better, with the exception of the following:
  - Rock Hill Road & Tiburon Boulevard operates at LOS E during the AM Peak Hour. This may reflect the peaking pattern associated with AM school traffic.
  - Tiburon Boulevard & Mar West Street operates at LOS D during the PM Peak Hour.
  - Redwood Highway and the U. S. Highway 101 Northbound Ramp operate below LOS C in one or both periods. At these locations, LOS D is considered acceptable based on Town criteria. The U.S. Highway 101 Northbound Ramp intersection operates at LOS E in the PM, which is below what is currently considered acceptable.
- It should be noted that at some intersections, the letter grade assigned by the Highway Capacity Manual (HCM) may not be indicative of conditions experienced by motorists as vehicle demand exceeded capacity during the peak period counts. This is due to the model's methodology, which measures the throughput of vehicles and may not represent the actual demand for that period (i.e. cars that queued at the end of the signalized green phase). This occurred predominantly northwest of the Tiburon Boulevard and Trestle Glen Boulevard intersection in the AM peak period for the 30 minutes before the start of the schools, and southeast of the intersection in the mid-day and PM peak periods, where large queues formed.
- Overall, it is relevant to note that peak-hour conditions in most Bay Area cities include locations where LOS D, E and F are prevalent. Traffic conditions in Tiburon are similar or better than typical for the surrounding region.

It should be noted that since the traffic counts were conducted, some of these LOS determinations may have improved following implementation of the Yellow School Bus Challenge 2.0 program, especially between Mar West Street and Blackfield Drive.

Public Transit

This section provides an overview of public transit service in the Planning Area. In total, 10.5% of workers commute by public transportation in Tiburon, which is similar to the rate across the Bay Area (10.1%) and somewhat higher than Marin County as a whole (8.6%).

Bus Service

Bus service is provided in the Planning Area by the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit), and by Marin Transit.

Bus service fills an important role in Tiburon, providing ferry commuters with a connection from their homes to the Ferry Plaza, as well as serving employees who work in Tiburon but live outside the community. Many high school students in Tiburon also rely on public buses to travel to school. Approximately 3.1% of Tiburon residents use a bus to commute to work, lower than the

share of Marin County residents on the whole (6.2%) and the Bay Area (5.5%)[2]. This reflects a greater use of ferry service among Planning Area residents.

Ferry Service

Due to its peninsular geography and convenient ferry service to San Francisco, Tiburon has a very high percentage (7.4%) of ferry commuters compared to other Bay Area cities.

Blue & Gold Fleet provides four morning commute trips from Tiburon to the Ferry Building and four evening trips from the Ferry Building to Tiburon on weekdays. In addition, Blue & Gold Fleet services a reverse commute with three morning trips from the Ferry Building to Tiburon and four evening trips from Tiburon to the Ferry Building. Unlike other Bay Area commuter ferry routes, the Tiburon Ferry does not receive public subsidy. Blue & Gold also provides service between Tiburon and Pier 41 in San Francisco and serves as a cross Bay connection for bicyclists. Blue & Gold offers six roundtrips daily on this route. In 2015, Blue & Gold Fleet announced its intention to drop the Tiburon commuter ferry service runs. The Golden Gate Bridge & Highway Transportation District is currently exploring taking over the Tiburon ferry service.

In total, the Blue & Gold Fleet has approximately 825 daily riders on its services from the Tiburon Ferry Plaza to San Francisco[3].

Ferries are also the primary means for getting from Tiburon to Angel Island State Park. Ferry service to Angel Island is provided by the privately owned Angel Island – Tiburon Ferry Company. During the high season from May to September, the Angel Island Ferry makes four roundtrips daily on weekdays and makes hourly trips on weekends from 10 a.m. to 5 p.m. The Angel Island Ferry provides less frequent service during the balance of the year.

Paratransit

The Americans with Disabilities Act of 1990 (ADA) requires all public transit systems that provide fixed route bus service to also provide paratransit service for people with disabilities who cannot use the fixed route bus service. Paratransit alternatives usually consist of vans and small buses.

In Marin County, paratransit services are operated by Marin Access through a contract with Whistlestop Wheels. Marin Transit sponsors the paratransit services.

School Bus Service

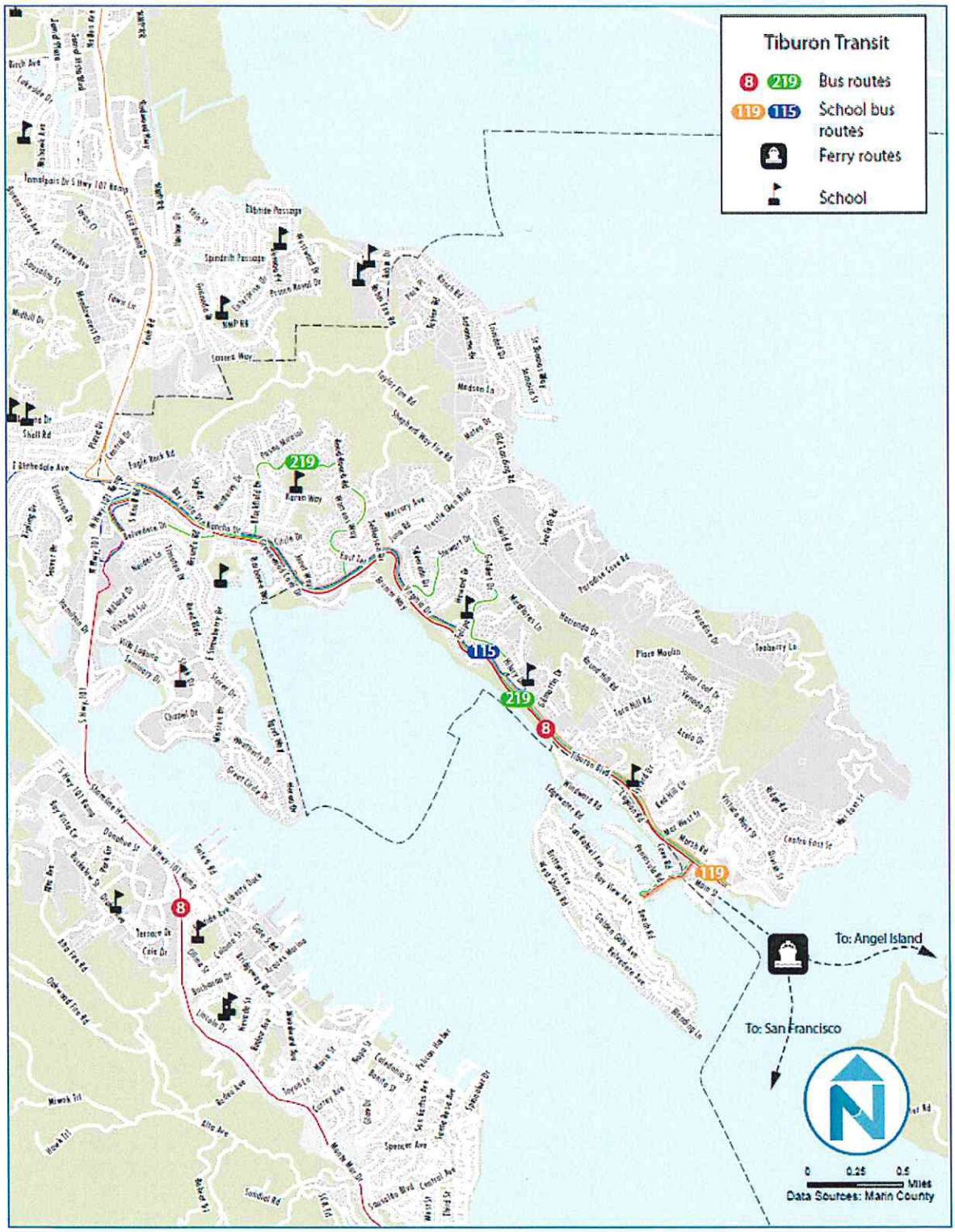
The Reed Union School District (RUSD) has for many years provided only limited school bus service within the Planning Area. In 2014, school bus service included three routes, stopping at Bel Aire School, Del Mar School, and Reed School. Each route made a single trip in the morning and afternoon, and the annual fee for using school buses was $427 each way ($854 for both morning and evening service). The Yellow Schools Challenge 2.0, launched for the 2015-2016 school year, greatly expanded the number of buses, bus routes and bus stops, while heavily subsidizing the cost of school bus passes. Over 1200 one-way passes were sold prior to the start of school in August 2015, a sizeable increase over previous years.

---

[2] Tiburon and Marin County data is taken from the 2008-2012 American Community Survey. Bay Area data is taken from the 2006-2010 American Community Survey, which is the most recent data available that has been compiled by the Metropolitan Transportation Commission at the regional level.

[3] Tiburon Transit Needs Assessment.
http://www.dot.ca.gov/hq/tpp/offices/orip/Grants/final_products/2013/04_MTC_MCTDTiburonTNA2012.pdf

Diagram 5.2-5 Public Transit Service Map



5.3 GOALS & POLICIES

Circulation System

GOAL C-A *(formerly C-L)*

Comprehensive Transportation System. Provide a multimodal transportation system that supports the vision, goals, and objectives of the Town and is effectively planned, funded, operated, and maintained.

POLICIES

C-1 *(formerly C-48)*

Right-of-Ways. The Town shall preserve and manage rights-of-way consistent with the goal to provide Complete Streets, and the Town's goals for preserving residential quality of life and aesthetics.

C-2 *(formerly addressed by Goal C-D and Policy C-47)*

Emergency Services. The Town shall prioritize emergency service needs when developing transportation plans and making transportation network changes.

C-3 *(New)*

Facilities and Infrastructure. The Town shall prioritize the maintenance and operation of the existing transportation network over major expansions to the transportation network when investing discretionary revenue.

GOAL C-B *(formerly C-M)*

Multimodal System. Increase multimodal accessibility throughout the Tiburon Planning Area with an emphasis on improved walking, bicycling, and transit modes.

POLICIES

C-4 *(formerly C-49)*

Multimodal Choices. The Town shall strive to achieve an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit. This would increase travel choices and aid in achieving a more balanced transportation system, thereby reducing air pollution and greenhouse gas emissions.

C-5 *(formerly C-50)*

Multimodal Access. The Town shall facilitate multimodal access along appropriate corridors, to major facilities destinations such as Blackie's Pasture, schools, and Downtown Tiburon.

GOAL C-C *(New)*

Barrier Removal. Improve accessibility and system connectivity by removing physical and operational barriers to safe travel.

POLICIES

C-6 *(New)*

Eliminate Gaps. The Town shall eliminate "gaps" in bikeways and pedestrian networks where feasible and appropriate.

C-7 *(New)*

Improve Transit Access. The Town shall support Marin Transit and the Golden Gate Bridge, Highway and Transportation District in addressing identified gaps in public transit networks by working together to appropriately locate passenger facilities and stations, providing and maintaining pedestrian walkways and bicycle access to transit stations and stops, and dedicating public rights of way as necessary for transit stops.

C-8 *(New)*

Barrier Removal for Accessibility. The Town shall remove barriers, where feasible, to allow people of all abilities to move freely and efficiently throughout the Planning Area, with the highest priority given to areas that are near Downtown or in other flat areas.

C-9 *(New)*

Connections to Transit Stations. The Town shall work to ensure adequate connections to transit stations by identifying, prioritizing, and seeking funding to plan and construct roadway, bikeway, and pedestrian improvements within ½ mile of existing and planned transit stations. Such improvements shall emphasize the development of complete streets.

Streets and Roadways

Goals and Policies

GOAL C-D *(formerly covered by C-A, C-F and C-N)*

Context-Sensitive Roadways. Create a context-sensitive street and roadway system that provides safe access to all users between activity centers within the Planning Area and to destinations across the San Francisco Bay Area, including places of employment, shopping and recreation. As such, the Town shall strive to balance the needs for congestion relief, personal travel, goods movement, parking, social activities, business activities, and revenue generation, when planning, operating, maintaining, and expanding the roadway network.

POLICIES

C-10 *(formerly C-51)*

Balancing Community, Social, Environmental, and Economic Goals. The Town shall evaluate and strive to address community, environmental, and townwide economic development goals when adding or modifying public rights-of-way.

C-11 *(formerly C-52)*

Transportation Impacts of Land Use. Land use decisions shall take into consideration potential multimodal access and automobile traffic impacts.

C-12 *(formerly C-2)*

Transportation Mitigation Fee. All new projects shall be required to pay a pro rata share of needed multimodal access improvements (a transportation mitigation fee) in accordance with the burden created by such new projects.

C-13 *(formerly C-3)*

Updating the Transportation Mitigation Fee. The transportation mitigation fee program shall be periodically reviewed and updated to ensure that it continues to provide funds for addressing multimodal transportation impacts generated by new projects.

C-14 *(formerly C-5 but revised)*

Level of Service. For signalized intersections in the Tiburon Planning Area, the average peak hour level of service (LOS) shall not deteriorate below LOS D, with the exception of:

1. Intersections from U.S. Highway 101 interchange to E. Strawberry Drive/Bay Vista Drive (inclusive), which shall not deteriorate below LOS E.
2. Locations where Complete Streets roadway engineering improvements are necessary to ensure safe access for pedestrians and bicyclists, which shall be evaluated on a case-by-case basis, weighing safety with traffic delay considerations.

C-15 *(formerly C-6)*

Traffic signals. At such time as any unsignalized intersection along Tiburon Boulevard meets signal warrants, the Town shall approach Caltrans to approve and/or provide signalization or other appropriate improvements.

C-16 *(formerly C-7)*

Congestion Management Plan. The Town shall comply with the Transportation Authority of Marin's Congestion Management Plan (CMP), including adopting and monitoring the level of service (LOS) of the CMP network. As of 2015, the CMP LOS standards are LOS E for U.S. Highway 101 during the P.M. peak hour and LOS D for Tiburon Boulevard during the P.M. peak hour.

C-17 *(formerly C-8)*

Overhead Utility Lines. In conjunction with Land Use Element policies, the Town shall encourage overhead utility lines to be placed underground along Tiburon Boulevard, Paradise Drive, and Trestle Glen Boulevard, working with the County of Marin where applicable.

C-18 *(New)*

Roundabouts. Where feasible, the Town shall consider roundabouts as an intersection traffic control option with demonstrated air quality, safety, and mobility

benefits. In particular, the Town shall further study installing a roundabout at the intersection of Tiburon Boulevard and Mar West Street, due to the importance of this location as a gateway to Downtown, and potential traffic flow and safety benefits.

C-19 *(formerly C-4)*

Tiburon Ridge and Significant Ridgelines. In connection with the ridgeline policies of the Open Space & Conservation Element, the Town shall ensure that no new streets, driveways, or utilities are installed along or over the Tiburon Ridge or Significant Ridgelines except for the use of emergency services, or where no other access is viable.

GOAL C-E *(formerly C-C)*

Residential Streets. To maintain all existing, as well as to design all future, residential streets with consideration of a combination of residents' safety, cost of maintenance, and protection of residential quality of life.

POLICIES

C-20 *(New)*

Traffic Calming Measures. The Town should consider traffic calming measures, where safe, warranted, and appropriate given topographical and other physical conditions, to increase safety in residential areas by reducing vehicle speeds and volumes and encouraging walking and bicycling. Specific measures may include, but are not limited to, marked crosswalks, curb extensions, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts, traffic circles, on-street parking, planter strips with street trees, chicanes, and other geometric design features.

C-21 *(formerly C-9)*

Gated Streets and Subdivisions. The Town strongly discourages gated streets, roadways and subdivisions. This policy is not intended to prevent single family homeowners from installing gates on private driveways serving their individual residence.

C-22 *(formerly C-10)*

Street Lights. Street lights shall be installed only at intersections or where required for safety purposes. Light sources shall be of a warm, subdued nature and should be down-lights and/or properly shielded.

GOAL C-F *(formerly C-K)*

Complete Streets. The Town and other agencies with jurisdiction over roadways within Town limits shall plan, design, operate and maintain all streets and roadways to accommodate and promote safe and convenient travel for all users – pedestrians, bicyclists, transit riders, and persons of all abilities, as well as freight and motor vehicle drivers.

POLICIES

C-23 *(formerly C-45)*

Accommodate All Users. The Town shall ensure that, where feasible and appropriate, all new roadway projects and any reconstruction projects designate sufficient travel space for all users including bicyclists, pedestrians, transit riders, and motorists except where pedestrians and bicyclists are prohibited by law from using a given facility.

C-24 *(formerly C-46)*

Pedestrian and Bicycle-Friendly Streets. The Town shall ensure that all street construction projects support pedestrian travel. Improvements may include sidewalks, roundabouts, traffic circles, narrow lanes and other traffic calming devices, target speeds less than 35 miles per hour, street trees, high-visibility pedestrian crossings, and bikeways.

C-25 *(formerly C-47)*

Identify and Fill Gaps in Complete Streets. The Town shall identify streets that can be made more "complete" through a reduction in the width of travel lanes, with consideration for emergency vehicle operations. The Town shall consider including new bikeways, sidewalks, and on-street parking on these streets by re-arranging and/or re-allocating how the available space within the public right of way is utilized. All new street configurations shall provide for adequate emergency vehicle operation. The Town shall explore the addition or enhancement of crosswalks on Tiburon Boulevard at key locations in conjunction with safety improvements to ensure that vehicular collisions with pedestrians are reduced.

Tiburon Boulevard

Overview *(New, but partially addressed by former C-11 and C-13)*

Tiburon Boulevard is the Town's main arterial street and serves multiple functions. There is a natural tension between moving vehicles quickly along Tiburon Boulevard and serving local functions, such as providing more pedestrian crossings and easier vehicle turning movements from local streets. To better meet the needs of the different segments of Tiburon Boulevard, this Element classifies Tiburon Boulevard into three distinct segments.

- **Highway 101 to Trestle Glen Boulevard**: This four-lane segment will remain a "major arterial" primarily serving auto traffic and allowing for higher speeds than other segments of the road.
- **Trestle Glen Boulevard to Mar West Street**: This segment will remain a "minor arterial." However, it will no longer be considered a "rural highway," as it was described in the previous Circulation Element. For many residents the term "rural highway" suggests high speeds and few access points. This characterization does not fit this roadway segment, which has moderate travel speeds, largely because it has only one travel lane in each direction, despite relatively high traffic volumes. It also has a high number of direct connections to residents' homes and schools, which causes further tension with fast-moving traffic.

- **Mar West Street to the Ferry Terminal**: This segment is designated as a "downtown thoroughfare" (a type of local street), and is specifically intended to be walkable and to prioritize pedestrians because downtown Tiburon is a relatively dense, mixed-use area. Bicyclists are also integrated into the street design of this segment in that the Class II bike lane begins at Mar West Street where the Old Rail Trail multi-use path ends.

GOAL C-G *(New; formerly addressed in Element text only)*

Tiburon Boulevard. To cooperatively plan for the maintenance and improvement of Tiburon Boulevard.

POLICIES

C-26 *(New)*

Roadway Classification. Tiburon Boulevard has three distinction segments, and future design treatments should reflect the character of each segment. Between Highway 101 and Trestle Glen Boulevard, Tiburon Boulevard is classified as a major arterial with priority for vehicle movement. Between Trestle Glen Boulevard and Mar West Street, Tiburon Boulevard is classified as a minor arterial with consideration for both vehicle traffic and the need for residential access as well as biking and walking. From Mar West Street to Ferry Plaza, Tiburon Boulevard is classified as a downtown thoroughfare (a type of local street), with priority given to pedestrians and bicyclists.

C-27 *(New)*

Additional curb cuts should be discouraged on Tiburon Boulevard except where other access points are not feasible or if necessary for emergency vehicle access. Unnecessary curb cuts should be eliminated.

C-28 *(formerly C-12)*

Parking Lot Frontages. The Town should discourage parking lots that have substantial frontage on Tiburon Boulevard. Consistent with Downtown Element policies, such parking lots should be located in the rear of buildings to the extent possible. Parking lots should also be screened by buffers or berms where feasible.

C-29 *(formerly C-13)*

Parking. Tiburon Boulevard between Rock Hill Road and San Rafael Avenue should remain free from parking on the water side to enhance and preserve views and the experience of a landscaped waterfront drive.

C-30 *(formerly C-14)*

Water Views. Water views for pedestrians and drivers shall not be obscured. Overgrown planting shall be trimmed to frame, rather than block, views for pedestrians and drivers to the maximum extent feasible. The Town shall consider approving selective removal or thinning of undesirable trees that block water views.

Paradise Drive

GOAL C-H *(unchanged)*

Paradise Drive. To cooperatively plan for the maintenance and improvement of Paradise Drive.

POLICIES

C-31 *(partially addressed in former C-16, but revised)*

Access. The Town shall attempt to work with the County of Marin to secure safe and reliable access for all users to and from the northeastern side of the Tiburon Peninsula along Paradise Drive. Due to the very high maintenance costs associated with Paradise Drive, the Town will avoid taking on the burden of maintaining additional portions of Paradise Drive unless a suitable and stable ongoing source of funding is established.

C-32 *(formerly C-17)*

Views. Scenic views from Paradise Drive shall be preserved wherever possible.

C-33 *(formerly C-18)*

Overlooks. Where appropriate, scenic overlooks should be established along Paradise Drive.

C-34 *(formerly C-19)*

Driveways and Roadways. New driveways and roadways intersecting Paradise Drive shall be kept to the minimum number possible and be situated in safe locations. To meet this objective, to the extent feasible, multiple residences shall be served by a single access from Paradise Drive.

C-35 *(formerly C-20)*

Turn-Outs and Widened Shoulders. Turn-outs and widened shoulders on Paradise Drive should be created where possible to protect the health and safety of its users.

Bicycles and Pedestrians

Goals & Policies

GOAL C-I *(New)*

Bicycle and Pedestrian System. To design, construct, and maintain a universally accessible, safe, convenient, integrated and well-connected bicycle and pedestrian system that promotes biking and walking. Provide bicycle facilities, programs, and services, and implement other transportation and land use policies as necessary to achieve increased bicycle and walking use.

POLICIES

C-37 *(New)*

Bicycle Safety for Children. School-related congestion increased noticeably on Tiburon Boulevard in recent years, reflecting a large jump in school enrollment at the Reed Union School District. To reduce single-child automobile trips to schools, the Town shall support infrastructure improvements and programs that encourage children to bike and/or walk safely to school, or ride a bus. This includes installation of sidewalks in critical areas where feasible.

C-38 *(formerly C-21)*

Countdown Pedestrian Signals. The Town supports, where warranted, the replacement by Caltrans of pedestrian traffic signals with "countdown-style" pedestrian signals, which inform pedestrians of the number of seconds remaining to cross safely.

C-39 *(formerly C-22)*

Trail Connections. The pedestrian paths, trails and bicycle lanes in Tiburon should connect with other paths and trails where practical.

C-40 *(formerly C-23)*

Bike Facilities. Bicycle facilities, including bike racks, shall be included as part of new public and commercial projects, particularly in Downtown Tiburon.

C-41 *(Largely new; expansion of former C-24)*

Pedestrian Streets. Pedestrian routes, particularly for school children, shall be established for all neighborhoods where feasible and appropriate. The Town shall require that pedestrian-oriented streets be designed to provide a pleasant environment for walking and other desirable uses of public space, including such elements as shade trees; plantings; and wayfinding signage where appropriate. Pedestrian routes shall include safe crossings at major intersections.

C-42 *(New)*

Speed Management Policies. The Town shall develop and implement speed management policies that support driving speeds that are safe for pedestrians and bicyclists, including consideration of bicycle riding speed limits on Old Rail Trail.

C-43 *(formerly C-25)*

Bicycle and Pedestrian Master Plan. In developing capital improvement budgets, the Town shall use the Bicycle and Pedestrian Master Plan as a guide for prioritizing bicycle and pedestrian improvements. New development shall be consistent with applicable provisions of the Bicycle and Pedestrian Master Plan.

C-44 *(formerly C-26)*

Bay Trail. The Town supports the completion and maintenance of the Bay Trail.

C-45 *(formerly C-27)*

Old Rail Trail Multi-Use Path. The Town shall monitor Old Rail Trail and consider periodic improvements that would enhance the safety of its users. The Town shall continue to encourage low to moderate bike speeds along Old Rail Trail to ensure pedestrian safety.

C-46 *(New)*

School Route Maps. The Town shall work with local schools to develop maps detailing the safest routes for children to walk and bicycle to school, including trails and other shortcuts.

Public Transit

Goals & Policies

GOAL C-J *(formerly C-G)*

Integrated Transportation System. To promote an integrated transportation system, including the preservation and enhancement of transit as an essential component of a multimodal transportation system, in order that residents and visitors may efficiently, conveniently, and safely connect to, and transfer between, different transportation modes.

POLICIES

C-47 *(Combination of former C-28 and C-31)*

Bus Service. The Town shall work with Golden Gate Transit and Marin Transit to increase service levels for buses in the Planning Area when feasible and ensure that bus service provides accessibility and mobility for all Tiburon residents, workers and visitors. Implementing evening bus service shall be a priority for the Town. The Town shall ensure high-quality bicycle and pedestrian access to bus stops. The introduction of parking meters, a measure currently being considered by the Town, may provide a potential source of revenue to finance transit passes for employees, who are a target group for increasing transit ridership. The Town shall continue to identify additional strategies to encourage residents, workers, and visitors to ride buses for trips to, from, and within the Planning Area.

C-48 *(formerly C-28)*

Utilizing Dead-Heading Buses. The Town shall encourage Marin Transit and Golden Gate Transit to service commutes on Tiburon Boulevard in the morning and evening with buses that would otherwise deadhead (return to their yard empty).

C-49 *(formerly C-29)*

Bus Shelters. Bus shelters shall be coordinated with Golden Gate Transit and Marin Transit and should receive design review approval. Covered bus shelters are preferred. Benches and paved loading pads should be provided at all bus stops.

C-50 *(formerly C-30)*

Seating at Bus Stops. The Town supports the installation and maintenance of attractive, covered, unobtrusively lighted seating areas at all bus stops along Tiburon Boulevard and will work with Golden Gate Transit, Marin Transit, and the Transportation Authority of Marin (TAM) to provide them. The Town strongly discourages the placement of commercial advertising on public bus shelters.

C-51 *(formerly C-32)*

Provisions for Bus Stops. New development along transit routes, particularly in Downtown, shall include appropriate provisions for bus stops, including covered waiting areas.

C-52 *(formerly C-33)*

Location of Transit Facilities. The location of new transit facilities shall emphasize safety and accessibility for the rider so as to encourage transit ridership.

C-53 *(formerly C-34 but revised/updated)*

Ferry Service. The Town shall help ensure that ferry service remains a viable commuter and recreational travel option. This may include helping to coordinate between Golden Gate Transit and Marin Transit bus service and ferry providers. The Town shall encourage the expansion of ferry service to Friday and Saturday evenings. In cooperation with ferry service and transit bus providers, the Town shall seek to identify public revenue sources to allow ferry service to Tiburon to be offered with lower fares and implement other improvements to increase ridership.

C-54 *(New)*

Water Taxis. The Town shall support the use of water taxi services, which provide on-demand boat trips to destinations across the Bay Area, as an alternative to driving for recreational and commuting trips when ferry service is not available.

C-55 *(formerly C-36)*

Paratransit. The Town shall support the provision of paratransit services for those riders that cannot utilize fixed route bus service.

C-56 *(formerly C-37)*

Paratransit and Senior Housing. Senior housing projects shall provide for convenient and accessible paratransit loading and unloading.

GOAL C-K *(formerly C-J)*

Reducing Reliance on Private Automobiles. To provide facilities and incentives to reduce reliance on the private automobile throughout the Planning Area.

POLICIES

C-57 *(formerly C-38)*

Provide Alternatives to Single-child Autos for School Trips. The Town shall seek to reduce the number of auto trips made by parents who are picking-up and

dropping-off children at local schools by supporting programs that provide viable and attractive alternatives to driving children to school.

C-58 *(formerly C-39, but revised)*

Employer Incentives for Alternative Transportation Modes. The Town shall coordinate with the Transportation Authority of Marin to encourage employers to work together to identify programs that provide incentives for employees to use alternative transportation modes, including carpools.

C-59 *(New)*

Contractors. The Town shall encourage contractors working on building renovations and repairs to arrive and depart outside of peak travel periods to reduce congestion on Tiburon Boulevard. The Town shall consider allowing contractors to use the Blackie's Pasture overflow parking lot as a park-and-ride location.

Parking

While studies have concluded that there is an adequate supply of parking in the Downtown area, there is a perception that available parking is inconveniently located or is too expensive if certain pay parking lots are used. Unlike many downtowns, Tiburon's is compact enough that the same parking space may be used to perform numerous errands throughout the Downtown area.

Goals & Policies

GOAL C-L *(New)*

Parking Management. To provide and manage parking such that it balances the Town goals of economic development, livable neighborhoods, convenience, sustainability, and public safety throughout the Planning Area.

POLICIES

C-60 *(New)*

Appropriate Parking. The Town shall manage public parking and regulate the provision and management of private parking to support parking availability and auto access to neighborhoods across the Planning Area, with consideration for access to existing and funded transit service and shared parking opportunities. To better manage on-street parking availability, the Town shall consider installation of parking meters or similar systems, in conjunction with a resident parking pass system, where appropriate. Parking meters can be an important tool for managing parking availability in downtown areas and for improving circulation.

C-61 *(formerly C-40)*

Reciprocal Parking. The Town shall continue to encourage and allow reciprocal parking facilities for those businesses located near one another with different peak hour operating demands.

C-62 *(formerly C-41)*

Parking for New Uses. Parking and loading should be provided for new uses and expansion of existing uses in Downtown Tiburon in accordance with the provisions of the Zoning Ordinance.

C-63 *(formerly C-42)*

Acquisition of Parking Facilities. The Town should consider the acquisition of Town-owned and/or operated downtown parking facilities.

Interagency Coordination

As described earlier, certain agencies are responsible for transportation programming and funding. It is critical that the Town of Tiburon coordinate and cooperate with these agencies.

Interagency Coordination Policies

GOAL C-M *(New; formerly addressed in Element text)*

Interagency Coordination. To improve interagency coordination between the Town and agencies responsible for transportation programming and funding.

POLICIES

C-64 *(formerly C-43)*

Coordination with TAM. The Town will engage in good faith, participatory planning efforts with the Transportation Authority of Marin and other agencies working toward alleviating congestion in the U.S. Highway 101 Corridor.

C-65 *(formerly C-44)*

Coordination with Caltrans. The Town shall maintain a good working relationship with Caltrans to ensure that improvements proposed by Caltrans are sensitive to the Tiburon community and to facilitate expeditious consideration of Town requests for improvements.

5.4 MOBILITY IMPLEMENTATION PROGRAMS

PROGRAM C-a *(formerly C-a but last sentence new)*

Traffic Model and Monitoring. The Town shall maintain its traffic model and traffic monitoring program, which periodically measures intersection performance, evaluates the impact of new projects on vehicle delay, and re-evaluates appropriate transportation mitigation fee amounts. The evaluation of transportation impacts at relevant sites shall be expanded to take into account impacts on multimodal access, including the impact of new projects on pedestrians, bicyclists, and transit users.

Supporting Policies: C-11, C-12, C-13

PROGRAM C-b *(formerly C-b but expanded)*

Reviewing Transportation Mitigation Fees. The Town's traffic model shall be used to periodically review the Town's transportation mitigation fees to ensure that they are based on current information and that they are adequately capturing the impacts of new projects on the roadways in the Planning Area, including effects on bicyclists, pedestrians, and transit users. The Town shall update its transportation mitigation fees as necessary.

Supporting Policies: C-11, C-12, C-13

PROGRAM C-c *(formerly C-c but revised)*

List of Needed Circulation Improvements. The Town shall periodically update and re-evaluate its list of needed circulation improvements.

Supporting Policies: C-3, C-4, C-5, C-6, C8

PROGRAM C-d *(formerly C-f but revised)*

Funding for Local Roads. The Town shall work with funding agencies such as Metropolitan Transportation Commission and the Transportation Authority of Marin to ensure funding for critical local roads.

Supporting Policies: C-16, C-20

PROGRAM C-e *(formerly C-g)*

Bay Trail Funding. The Town shall use the designation of Paradise Drive as part of the Bay Trail as a tool in applying for improvement funding for the road.

Supporting Policies: C-16

PROGRAM C-f *(New)*

Increase Connectivity in the Downtown. Improve pedestrian connectivity, linkages and ease of movement throughout the Downtown area through various physical and signage improvements.

PROGRAM C-g *(formerly C-i)*

Bicycle and Pedestrian Master Plan. The Town shall review and update its Bicycle and Pedestrian Master Plan periodically, and revise the list of improvements and actions called for in the Master Plan when implementation of adopted improvements has occurred, and/or when conditions warrant.

Supporting Policies: C-23, C-24, C-25

PROGRAM C-h *(formerly C-j)*

Bay Trail Improvement. The Town will work cooperatively with ABAG and neighboring jurisdictions to improve the Bay Trail around the Tiburon Peninsula.

Supporting Policies: C-22, C-26, C-27

PROGRAM C-i *(formerly C-k)*

Transit Facilities. The Town shall encourage the provision of adequate transit facilities in cooperation with transit agencies and operators.

Supporting Policies: C-28, C-29, C-30, C-31, C-33, C-34

PROGRAM C-j *(formerly C-l)*

Transit Schedules. The Town shall make available through links on its website schedules for buses, ferries, and any transit agencies that connect with those modes.

Supporting Policies: C-47, C-53

PROGRAM C-k *(formerly C-m but expanded)*

Safe Routes to School Program. The Town shall continue to work with the Reed Union School District, Tamalpais Union High School District, St. Hilary School, and with the Transportation Authority of Marin as the administrator of the County's Safe Routes to Schools Program, to promote alternative transportation programs that reduce traffic congestion around schools. This will include improving safe access routes to school for children walking and biking, as well as developing appropriate measures identified by the Community Action to Reduce Traffic (CART) committee.

Supporting Policies: C-38

PROGRAM C-l *(formerly C-n but updated)*

Ridesharing. The Town shall promote and publicize the 511 Rideshare program to employers and employees as a resource for exploring ways to reduce traffic and parking congestion.

Supporting Policies: C-39

PROGRAM C-m *(formerly C-o)*

Mitigation Fee Program in Unincorporated Areas. Coordinate with Marin County for complementary spending of transportation mitigation fees collected from Planning Area projects on improvements within the Tiburon Planning Area.

Supporting Policies: C-31, C-34, C-35

PROGRAM C-n *(formerly C-p)*

U. S. Highway 101 Corridor Planning Program. Maintain an active role in the Transportation Authority of Marin and/or U.S. Highway 101 Corridor planning program with the purpose of ensuring that improvements enhance inter-city movement.

PROGRAM C-o *(formerly C-q and C-r)*

Complete Streets Implementation. Implement the complete streets goals and policies set forth in this Element by utilizing Town Council Resolution No. 42-2012 and referrals to the Parks, Open Space & Trails Commission (acting as the Bicycle and Pedestrian Advisory Committee).

Supporting Policies: C-43, C-44

PROGRAM C-p *(New)*

Review and Revise Parking Regulations for Downtown. Review and revise the parking regulations set forth in the Tiburon Zoning Ordinance to better reflect the realities and uniqueness of Downtown Tiburon's parking milieu and to encourage increased activity near streets, such as outdoor dining.

Supporting Policies: C-60, C-61, C-62, C-63

PROGRAM C-q *(New)*

Main Street Enhancement. Enhance Main Street usage for pedestrian-only events on selected occasions by use of bollards or similar devices allowing for periodic temporary event closures.

5.5 PROPOSED CIRCULATION IMPROVEMENTS

It has become increasingly clear in recent years that there is no single "silver bullet" solution to traffic congestion on the Tiburon peninsula, and that a combination of numerous supply improvements and demand reduction methodologies will be required to improve and maintain mobility during peak travel times. The Circulation Improvements identified below are a mixture of supply and demand strategies intended to reduce congestion and improve traffic flow. These improvements and programs are intended to be applied and interpreted broadly and liberally. While the improvements and programs are intended to address known problems in the transportation network, they are not intended to be literally binding. Improvements similar and/or equivalent to those listed below may be substituted to achieve the desired results.

Capital Infrastructure Improvements

Roadway

Tiburon Boulevard & Gilmartin Drive ***(unchanged)***

Add a dedicated right turn only lane from southbound Gilmartin Drive to westbound Tiburon Boulevard.

Tiburon Boulevard & Cecilia Way ***(unchanged)***

Add a merge (acceleration) lane for traffic turning left from Cecilia Way to Tiburon Boulevard.

Tiburon Boulevard between N. Knoll Road and the U. S. Highway 101 Interchange ***(modified)***

Add an additional westbound lane extending to the Redwood Highway Frontage Road and merging before the U.S. Highway 101 overpass in order to improve northbound traffic flow during the PM period.

Roundabout at Tiburon Boulevard & Mar West Street ***(modified from traffic signal)***

To better accommodate growth, changing demographics, and travel patterns within the Town of Tiburon, and in order to create a signature gateway treatment entering the Downtown area, the intersection of Tiburon Boulevard and Mar West Street is proposed for conversion from a two-way stop controlled intersection to a single lane roundabout. This replaces a proposed traffic signal improvement in the prior Circulation Element.

Roundabouts can provide for a better safety record at intersections, operate with less delay and increased capacity overall than stop controlled intersections, and calm traffic entering the Downtown area. This intersection could operate more efficiently from a traffic perspective and result in fewer conflict points if replaced by a roundabout. The intersection at Mar West Street offers the greatest benefit as it would improve circulation and reduce vehicle speed as motorists enter Downtown. In addition, the roundabout should include a gateway treatment to alert motorists, pedestrians, and bicyclists to the downtown character of the street.

Limit Driveway Access along Tiburon Boulevard in Downtown ***(New)***

The consolidation of driveway access for businesses along Tiburon Boulevard has several benefits. It reduces the number of points where turning movements occur, thus reducing the number of conflict points for pedestrians. Although these driveways are not considered "true" intersections in the traditional sense, they still can cause delays for vehicles when drivers have more choices than is necessary for basic access.

Driveways near the Downtown area recommended for consolidation include:

- two driveways along the south side of Tiburon Boulevard between Mar West Street and the Boardwalk Shopping Center;
- two driveways along the south side of Tiburon Boulevard between Beach Road and Main Street;
- one driveway along the east side of Beach Road just south of Tiburon Boulevard.

There are several different types of materials that can be used for limiting driveway access, depending on the degree of permanency and funding limitations. Potential materials can be large cast-in-place concrete planters, a series of smaller prefabricated planters, or a full reconstruction of the curb and sidewalk.

Signal Optimization ***(New)***

The signalized intersections and maintenance of Tiburon Boulevard (State Highway 131) are currently under the control of Caltrans. Although there are many traffic signals on this main arterial, it is unclear whether they are optimally coordinated. Investigating the coordination can be a simple and effective means of improving the traffic flow during the AM and PM peak hours, especially at the signals in the western portion of the study area near the U. S. Highway 101 ramps. The large distance between signalized intersections can result in a loss of effectiveness in coordination of signals due to the variation in speeds of vehicles over these long segments between signals. Increased or altered cycle lengths may be beneficial for the following intersections:

- Rock Hill Road – Increase the cycle length to give more green time to Tiburon Boulevard
- Avenida Miraflores – Alter the green splits to reflect future demand during peak hours.
- Strawberry Drive/Bay Vista Drive – Decrease cycle length and change the green phase splits based on demands in the AM and PM peak periods.
- U.S. Highway 101 Northbound Ramps – Change the green splits to reflect an additional westbound through lane beginning at Eagle Rock Road.
- Redwood Highway Frontage Road – Decrease cycle length and change the green phase splits based on demands in the PM peak period

Bicycle

Improvements to Bicycle Parking ***(New)***

The Downtown Circulation and Parking Analysis report from 2012 concludes that while Downtown-wide bicycle parking was not fully utilized, there are various hotspots of demand and areas of concern. It recommends placement of new racks, including bicycle corrals in on-street parking spaces, and identifies facilities in poor condition that are in need of replacement and/or relocation. Careful selection of standardized types of bicycle racks is important to ensure security, proper use, and longevity of the infrastructure. Nearby jurisdictions such as San Francisco can be looked upon as a model for consistent bike rack inventory and placement procedures.

Improvements from 2008 Bike/Ped Plan ***(New)***

The following are recommended improvements detailed in the Town of Tiburon Bicycle and Pedestrian Master Plan (2008) and are arranged by the type of bicycle facility.

- Class I (Multi-use Path)
    - There are no new Class I pathways planned, but improvements planned to existing facilities can be found in Appendix A of the 2008 Tiburon Bicycle and Pedestrian Master Plan
- Class II (Striped On-Street Bicycle Lane)
    - Tiburon Boulevard from U. S. Highway 101 to Trestle Glen Boulevard
    - Trestle Glen Boulevard from Tiburon Boulevard to Paradise Drive
- Class III (Signed On-Street Bicycle Route)
    - Paradise Drive from Mar West Street to Tiburon Town Limit

- Greenwood Beach Road/Greenwood Cove Drive from Brunini Way to Barbaree Way
- Paradise Drive from Trestle Glen Boulevard to Corte Madera Town Limit

These improvements are subject to change depending on the most recently adopted Bicycle and Pedestrian Master Plan.

Pedestrian

Infill of Walkway Gaps ***(New)***

"Walkway gaps" are locations in Tiburon where there is no walkway and where the pedestrian network is discontinuous. These locations can be identified from Diagram 5.2-1, which maps the pedestrian network throughout the Planning Area. Gaps in walkways are not recommended and can decrease safety by forcing pedestrians to walk in the roadway or cross at undesirable locations. For example, sidewalk installation on the land-side of Tiburon Boulevard, and new crosswalks that direct pedestrians to cross at specific crossing points, may be warranted in certain locations.

Upgrade Mid-Block Crosswalks in Downtown Area ***(New)***

Within the Downtown area, Tiburon Boulevard contains several mid-block crosswalks for pedestrians to freely move from one side of the street to another. At these crosswalks, motorists are required to yield to pedestrians crossing the street. To increase the percentage of motorists who yield to pedestrians and increase the visibility of the crosswalks and street, the Town of Tiburon can install new high visibility crosswalks for all midblock crossings along Tiburon Boulevard. Upgraded signage using newer style fluorescent yellow-green as well as advance yield lines at each of the midblock crossings on Tiburon Boulevard can enhance the safety of the crossings. A new mid-block crossing was recently installed on Tiburon Boulevard between Beach Road and Main Street, closing a prior 700 foot gap between crosswalks in that area.

Adding new crosswalks is not recommended at all intersections. A landmark study by the Federal Highway Administration (FHWA) determined that installing marked crosswalks at uncontrolled intersections on roadways with high traffic volumes does not improve pedestrian safety. Instead, the FHWA study recommends installing crosswalks at locations where it is also possible to add traffic signals with pedestrian signals or rapidly-flashing beacons, provide raised medians, speed-reducing measures, or other measures to increase safety for pedestrians. For instance, adding a crosswalk on Tiburon Boulevard at Gilmartin Drive has been discussed as part of ongoing planning processes to increase pedestrian safety. Adding crosswalks at this location poses challenges; however, as there may not be sufficient room to include safety features such a pedestrian refuge island.

TDM Programs *(Entirely New Section)*

Safe Routes to School and Other Programs

Automobile traffic during school start and end times is a large component of the peak hour traffic volumes on the Tiburon Peninsula. Some suggested recommendations for programs are listed below.

Yellow School Bus Challenge 2.0

The Yellow School Bus Challenge 2.0 program, initiated in 2015, is showing promising results over its first three months of operation in reducing school-related traffic during critical drop-off and pick-up times on those morning and afternoon weekdays when school is in session. If the program continues to demonstrate its success, an ongoing funding mechanism will be required to sustain the program over time. The Yellow School Bus Challenge 2.0, combined with staggered start times for peninsula schools, remains the single most-likely-to-be-effective measure for reducing transportation demand during critical periods.

Bike Train/Bike to School Days

In 2013, the Town of Tiburon's Community Action to Reduce Traffic (CART) submitted a report to the Mayor and Town Council recommending a "bike train" starting at Blackie's Pasture or The Boardwalk Shopping Center parking lot to encourage students to ride their bicycles to school. The bike train would have adults ride with kids from the collection points to the schools. An outreach and education component on the program and the benefits of bike ridership would accompany the program to increase participation.

Traffic counts conducted in 2014 show a significant number of students riding their bike to school, with spikes during the AM peak period at Del Mar Intermediate School as well as Bel Aire School. The numbers are considerably less at Reed Elementary School, most likely because of the younger student body (kindergarten through second grade). A supervised bike train could increase bicycle ridership for those students whose parents have reservations on allowing their children to ride alone to school.

Private School Shuttle

To complement the Reed Union School District's school bus service, or in the event the Yellow School Bus Challenge 2.0 programs fails to be sustained, a shuttle service could be operated from a predetermined pick up and drop off point within the Planning Area. Further investigation would be needed to maximize the utility of the shuttle program with reference to pick up and drop off times and locations, number of shuttle buses, and who would operate the shuttle service. Special concern will need to be taken into account for parents who may have concerns such as younger children sharing the shuttle with older children.

This program could include an informal "kiss-and-ride" area at Blackie's Pasture for parents to drop off students traveling to school. This drop-off area should be coupled with adequate Marin Transit and school bus service.[4]

Varied School Start Times

Due to the proximity of the three schools in the Reed Unified School District and their similar start times, the peak traffic in the morning hours is very heavily concentrated during the half-hour between 7:30 am and 8:00 am. For the 2014-2015 school year, the start times of all schools were between 8:10 am and 8:20 am. It was believed that a difference in start time of 30 minutes could smooth out the demand over the peak hour. As part of the Yellow School Bus Challenge 2.0 effort, start times at the schools were adjusted for the 2015-2016 school year, with Bel Aire Elementary beginning at 8:00 a.m., Del Mar Middle School beginning at 8:15 a.m., and Reed Elementary School beginning at 8:30 a.m.

---

[4] Although not school-related, Blackie's Pasture parking linked to transit service could also be used separately by employees who wish to park at Blackie's Pasture and take transit into downtown.

Employee-Commuter Related Programs

TAM-sponsored Programs

The Transportation Authority of Marin sponsors several TDM programs, including Green Commute Programs such as the Emergency Ride Home, Vanpool Assistance, Employer Outreach and Support Services programs, and GO TIME MARIN commuter tool-kit. Increased employer and employee awareness of these programs could be effectuated through Town actions.

Current

5 CIRCULATION ELEMENT

The Tiburon Peninsula has both unique circulation constraints and unique circulation opportunities. The constraints are largely a function of the relative isolation from being a peninsula dominated by steep hillsides. The unique opportunities are provided by the navigable waters which surround the peninsula.

5.0 VISION

Town goals and policies should be guided by its overall vision for the transportation system. This vision can contain an overall statement of purpose as well as principles that support the Circulation Element's critical features, such as complete streets. The following statement provides the vision for this element:

"The Town of Tiburon envisions a transportation system that supports the Town's goals for safe and healthy transportation, sustainability, a sense of small-town community character, a high-quality of life for residents, and economic vibrancy of the downtown area, which will continue to grow as a draw for visitors and residents. The Town furthermore envisions that that its streets and pathways will form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards. This entails the integration of Complete Streets into street designs that are comfortable and convenient for the breadth of travel choices while creating more vital places in fitting with desired community character. Complete Streets are routinely planned, designed, operated, and maintained with the consideration of the needs and safety of all travelers along and across the entire public right of way. Streets will meet the needs of all ages and abilities who are walking, bicycling, using transit, traveling with mobility aids, driving vehicles, and driving commercial freight."

EXHIBIT NO. 4

5.1 THE EXISTING COMMUTE

Table 5.1-1 Means of Transportation to Work, Town of Tiburon, 2000

Mode	Town of Tiburon Number	Town of Tiburon Percent	Marin County Percent	Bay Area Percent
Drove alone	2,634	63.0 %	65.5 %	68.1 %
Worked at home	518	12.4 %	8.8 %	4.1 %
Carpooled	430	10.3%	10.7 %	12.9 %
Ferry	352	8.4 %	2.6 %	0.2 %
Walked	92	2.2 %	3.0 %	3.3 %
Bus	76	1.8 %	7.3 %	5.3 %
Motorcycle	33	0.8 %	0.3 %	0.4 %
Bicycle	16	0.4 %	1.0 %	1.1 %
Other Means	92	0.7 %	0.6 %	0.7 %

Source: Census 2000 Summary File 3 – Sample Data

Table 5.1-1 shows that most (63%) Tiburon residents drive alone to work. This percentage is comparable with the percentage in Marin County (65.5%) and the Bay Area (68.1%). Tiburon residents also utilize carpools and the ferry for a significant number of work trips. A relatively high percentage of Tiburon workers also work at home.

5.2 PLANNED CIRCULATION SYSTEM IMPROVEMENTS

The table below provides a list of circulation improvements which are anticipated for the Planning Area. These projects are concepts and are not currently fully designed or funded. Prior to construction, plans and environmental review for these projects will be completed.

Table 5.2-1 Planned Circulation Improvements

Project Name	*Date*	*Source*
Tiburon Blvd./Reed Ranch Road merge/acceleration lane	2005	A
Trestle Glen Bikeway	2005	A
Tiburon Blvd./Trestle Glen Blvd. intersection improvements	2006	A
Tiburon Blvd./Stewart Drive intersection improvements	2007	A
Tiburon Blvd./Cecilia Way merge/acceleration lane	2007	A
U.S. 101/Tiburon Blvd. Interchange Improvements	2010	B

Sources: A – Town of Tiburon Draft 5-Year Capital Improvement Program (2004)
B – Metropolitan Transportation Commission: 2001 Regional Transportation Plan for the San Francisco Bay Area

The Town has also received grant funding for the construction of a pedestrian path which connects the Richardson Bay Lineal Park with

Paradise Drive. The Town will continue to apply for grant funding for the construction of a Class II bikeway on Trestle Glen Boulevard.

5.3 *REGIONAL TRANSPORTATION AGENCIES AND PLANS*

There are several regional agencies which have an impact on traffic and transportation issues. Below is a review of those agencies as well as recent planning initiatives which they have taken to improve transportation regionally.

Metropolitan Transportation Commission

The majority of federal, state, and local financing available for transportation projects is allocated at the regional level by the Metropolitan Transportation Commission (MTC), the transportation planning, coordinating, and financing agency for the Bay Area.

The current regional transportation plan, known as *Transportation 2030,* was adopted by MTC on February 23, 2005. *Transportation 2030* specifies a detailed set of investments and strategies throughout the region from 2005 through 2030 to maintain, manage, and improve the surface transportation system. The plan specifies how anticipated federal, State, and local transportation funds will be spent in the Bay Area through 2030. Most of this "committed funding" will go toward protecting the region's existing transportation infrastructure. The Golden Gate Bridge seismic retrofit project, the Golden Gate Bridge moveable median barrier projects, improvements to Sir Francis Drake Boulevard, and acquisition and upgrade of Sonoma-Marin Rail station sites are projects with committed funding. Interchange improvements at U.S. Highway 101 and Tiburon Boulevard, which is intended to be partially funded with developers' fees, are included in the list of priority projects in Marin County.

Transportation Authority of Marin

The Transportation Authority of Marin (TAM) is a 12-member board comprised of representatives from the Marin County Board of Supervisors and the City or Town Council of each local government in Marin County.

Congestion Management Program

The TAM is required to prepare, update, and monitor a Congestion Management Program (CMP) which does the following:

- Identifies a network of transportation facilities, and design level of service standards for highways and roadways, and monitor congestion levels periodically.
- Establishes performance measures to evaluate current and future multi-modal system performance for the movement of people and goods.
- Identifies and encourages alternatives to the single occupant vehicle through the use of Transportation Demand Management (TDM) techniques.
- Develops a process to determine the impacts of local development decisions on the regional transportation network, facilitating integration of decisions about land development, transportation investment and air quality.
- Develops a computer travel model and database to be used for estimating future transportation needs and impacts.
- Develops and updates a seven year capital improvement program to promote the goals of the CMP.

The *2003 Marin County Congestion Management Program* was adopted in January 2004. Roads in the Planning Area which are part of the CMP network are Tiburon Boulevard and U.S. Highway 101.

The TAM is required by state law to biannually determine whether the County and its cities and towns conform to the requirements of the CMP. For a local jurisdiction to conform to the CMP, the following requirements must be met:

- Maintaining the highway LOS standards.
- Participating in a program to analyze the impact of land-use decisions, including the estimate of the costs associated with mitigating these impacts.
- Participating in adoption and implementation of a deficiency plan when highway and roadway LOS standards are not maintained on portions of the designated system.

Transportation Sales Tax Expenditure Plan

In November 2004, Marin County voters approved Measure A, the Traffic Relief and Better Transportation Act. Measure A is expected to generate $331.6 million over 20 years, and the money would be used to implement the *Vision Plan* through the *Transportation Sales Tax Expenditure Plan*. The goals of the *Expenditure Plan* is to improve mobility and reduce local congestion for everyone who lives or works in Marin County by providing a variety of high quality transportation options designed to meet local needs.

Nonconformance with the CMP could result in the loss of an increment of gasoline tax subvention funds and not having projects programmed in the Regional Transportation Improvement Program (RTIP).

No Marin County jurisdiction, including Tiburon, is considered out of conformance with the CMP in 2005.

Transportation Vision for Marin County

In addition to the CMP, in 2003, the TAM produced *Moving Forward, A 25-Year Transportation Vision for Marin County,* the purpose of which "is to act as a blueprint that will guide development of a detailed implementation or expenditure plan that establishes priorities against a framework of financial opportunities and constraints."

Moving Forward provides a framework for an integrated multi-modal transportation system that would reduce congestion by increasing transportation choices for all people in Marin County. Among the benefits highlighted for Tiburon include congestion relief at the Tiburon Boulevard/U.S. Highway 101 interchange, expanded ferry service to San Francisco, and late night subsidized taxi service.

Water Transit Authority

The Water Transit Authority (WTA) was formed in October 1999 and charged with creating a plan for new and expanded water transit services and related ground transportation terminal access services. It was further mandated that the WTA study ridership demand, cost-effectiveness and expanded water transit's environmental impact.

In the *Final Implementation & Operations Plan,* approved in July 2003, the WTA recommends new ferry service to several new cities, including Richmond, Berkeley, and Redwood City, and to enhance the service already provided to those cities which currently have service, including Tiburon and San Francisco.

5.4 CIRCULATION GOALS

C-A: **Roadway System.** To maintain and improve the roadway system to a measurable standard of effectiveness and safety to accommodate circulation between activity centers within the Planning Area and to and from U.S. Highway 101.

C-B: **Safe and Convenient Movement.** To provide safe and convenient movement of local residents and visitors to their places of employment, shopping and recreation in the San Francisco Bay Area.

C-C: **Design Considerations.** To maintain all existing, as well as to design all future, residential streets with consideration of a combination of residents' safety, cost of maintenance, and protection of residential quality of life.

C-D: **Emergency Vehicles.** To provide an adequate means of circulation for emergency vehicles.

C-E: **Bike-Pedestrian Improvements.** To improve the circulation system for pedestrians and bicyclists, including safety enhancements.

C-F: **Congestion.** To minimize traffic congestion.

C-G: **Integrated System.** To promote an integrated transportation system, including the preservation and enhancement of transit, in order that residents and visitors can efficiently and conveniently transfer and connect between different transportation modes.

C-H: **Paradise Drive.** To cooperatively plan for the maintenance and improvement of Paradise Drive.

C-I: **Parking.** To provide adequate parking throughout the Planning Area.

C-J: **Non-Auto Travel.** To provide facilities and incentives to encourage non-auto travel throughout the Planning Area.

C-K: **Complete Streets.** The Town and other agencies with jurisdiction over roadways within Town limits shall plan, design, operate and maintain all streets and roadways to accommodate and promote safe and convenient travel for all users – pedestrians, bicyclists, transit riders, and persons of all abilities, as well as freight and motor vehicle drivers.

C-L: **Comprehensive Transportation System.** Provide a multimodal transportation system that supports the vision, goals, and objectives of the Town and is effectively planned, funded, operated, and maintained.

C-M: **Multimodal System.** Increase multimodal accessibility throughout the Tiburon Planning Area with an emphasis on improved walking, bicycling, and transit modes.

C-N: **Context-Sensitive Roadways.** Create a context-sensitive street and roadway system that provides safe access to all users between activity centers within the Planning Area and to destinations across the San Francisco Bay Area, including places of employment, shopping and recreation. As such, the Town shall strive to balance the needs for personal travel, goods movement, parking, social activities, business activities, and revenue generation, when planning, operating, maintaining, and expanding the roadway network.

5.5 *ROADWAY SYSTEM DESIGN & TRAFFIC STANDARDS*

There are approximately 60 miles of roads and streets in the Planning Area. These facilities range from U.S. Highway 101, which serves as the primary route between San Francisco and Marin and Sonoma counties, to local streets which serve individual homes in neighborhoods.

Diagram 5.5-1 shows the street system for the Planning Area. Following are definitions for the components of the street system, taken from the 2003 State of California *General Plan Guidelines.*

Freeway: A highway serving high-speed traffic with no crossings interrupting the flow of traffic (i.e., no crossing at grade). Streets and Highways Code Sec. 23.5, in part, states that "Freeway means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access."

Arterial: A street carrying the traffic of local and collector streets to and from freeways and other major streets, with controlled intersections and generally providing direct access to properties.

Collector: A street for traffic moving between arterial and local streets, generally providing direct access to properties.

Local: A street providing direct access to properties and designed to discourage through-traffic.

Below, Table 5.5-1 provides the functional designations for roads within the Tiburon Planning Area.

Table 5.5-1 Roadway Designations, Tiburon Planning Area

Type	Function	Examples	Traffic Lanes
Freeway	Connects regional activity centers.	U.S. 101	> 4
Major Arterial	Connects major local activity centers; also connects arterials with freeways.	Tiburon Blvd., from U.S. 101 to Trestle Glen	4
Minor Arterial	Connect major arterial with collector and local streets.	Tiburon Blvd., from Trestle Glen to Main St.; Trestle Glen Blvd.	2 – 4
Collector	Collects traffic from local streets and channels it to arterial streets.	Blackfield Dr., Reed Ranch Rd., Lyford Dr., Stewart Dr.	2
Local	Serve adjacent residential and commercial property.	Gilmartin Dr., Cecilia Way, Main St., Mountain View Dr., Mt. Tiburon Rd., Juno Rd.	2

Level of Service Standards

Level of Service (LOS) is a qualitative assessment of perceived traffic conditions. LOS generally reflects driving conditions such as travel time and speed, freedom to maneuver, and traffic interruptions. Table 5.5-2 provides a qualitative description of LOS.

Table 5.5-2: Qualitative Description of Level of Service

LOS	Driver's Perception
A/B	LOS A/B is characterized by light congestion. Drivers are still able to pass through traffic-controlled intersections in one green phase.
C	LOS C represents moderate traffic congestion. Average vehicle speeds continue to be near the driver's desired speed for two and four lane roads. Occasionally, drivers do not clear the intersection on the first green phase.
D	LOS D is characterized by congestion with average vehicle speeds decreasing below the driver's desired level for two and four lane roads. Multiple cars must wait through more than one green phase at a traffic signal.
E	LOS E is the lowest grade possible without stop-and-go conditions. At signalized intersections, long vehicle queues can form waiting to be served by the signal's green phase.

LOS	Driver's Perception
F	LOS F represents stop-and-go conditions for two and four lane roads. Drivers at signalized intersections may wait several green phases prior to being served.

Roadway System & Traffic Standards Policies

C-1: Land use decisions shall take into consideration potential traffic and circulation impacts.

C-2: All new projects shall be required to pay a pro rata share of needed traffic improvements in accordance with the burden created by such new projects.

C-3: The traffic mitigation fees shall be periodically reviewed and updated to ensure that the fees continue to provide funds for increasing street capacity to accommodate additional traffic generated by new projects.

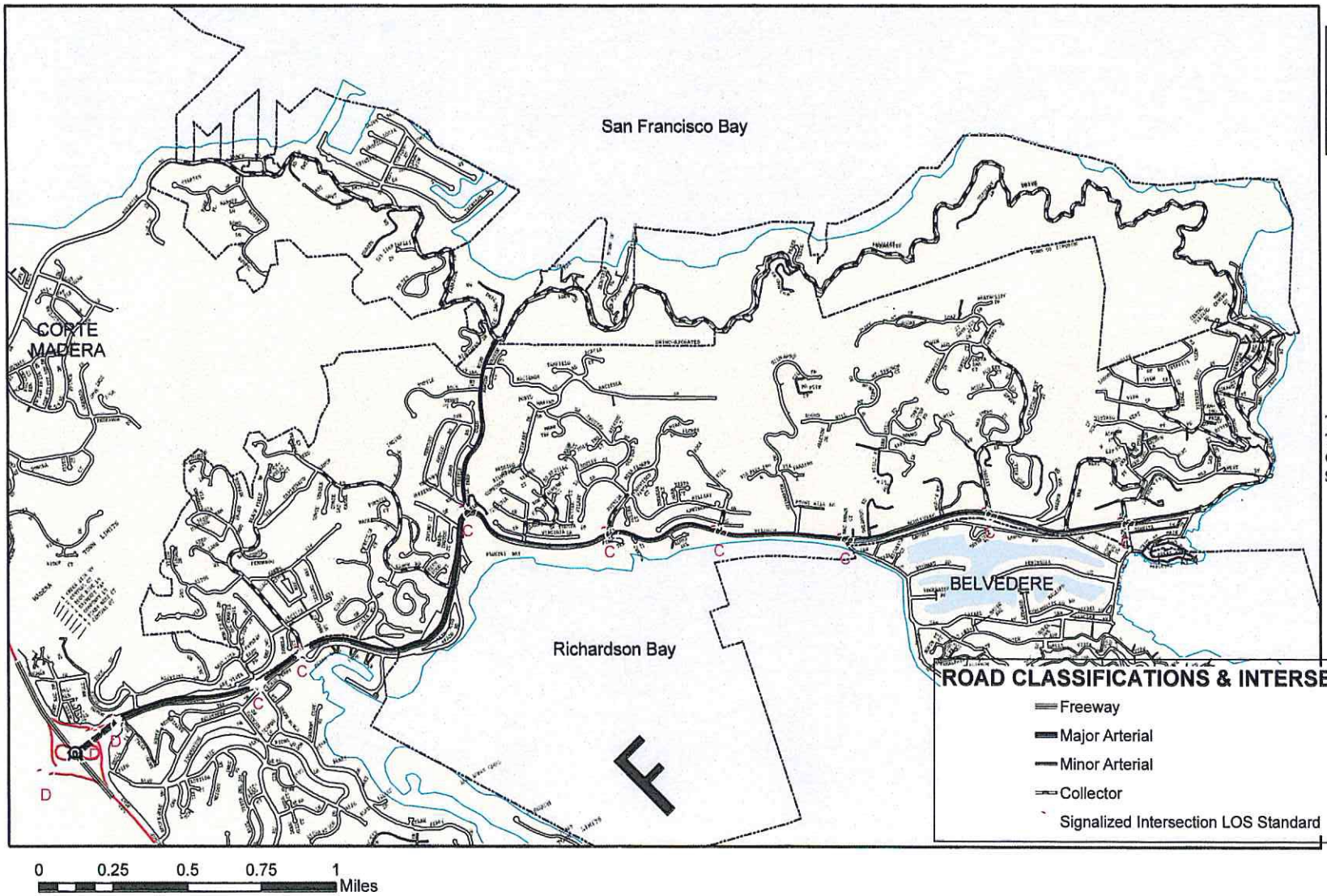
C-4: In connection with the ridgeline policies of the Open Space & Conservation Element, the Town shall ensure that no new streets, driveways, or utilities are installed along or over the Tiburon Ridge or Significant Ridgelines except for the use of emergency services, or where no other access is viable.

C-5: For signalized intersections in the Tiburon Planning Area, the average peak hour level of service (LOS) shall not deteriorate below LOS C, with the exception of intersections located near the U.S. 101 interchange, as depicted in Diagram 5.5-1, which shall not deteriorate below LOS D.

C-6: At such time as unsignalized intersections meet signal warrants, the Town shall approach Caltrans to approve and/or provide signalization.

C-7: The Town shall comply with the Transportation Authority of Marin's Congestion Management Plan (CMP), including adopting and monitoring the level of service (LOS) of the CMP network. As of 2004, the LOS standards are LOS E for U.S. Highway 101 during the P.M. peak hour and LOS D for Tiburon Boulevard during the P.M. peak hour.

C-8: In conjunction with Land Use policy LU-18, the Town shall encourage overhead utility lines to be placed underground



NOTE:
This Diagram is developed for general planning purposes. The Town of Tiburon is not responsible or liable for use of this Diagram beyond its intended purpose.

TIBURON 2020
Town of Tiburon
General Plan
September 2005

ROAD CLASSIFICATIONS & INTERSECTIONS

- Freeway
- Major Arterial
- Minor Arterial
- Collector
- Signalized Intersection LOS Standard

Diagram 5.5-1 Street System

along Tiburon Boulevard, Paradise Drive, and Trestle Glen Boulevard, working with the County of Marin where applicable.

C-9: The Town strongly discourages gated subdivisions. This policy is not intended to prevent single-family homeowners from installing gates.

C-10: Street lights shall be installed only at intersections or where required for safety purposes. Light sources shall be of a warm, subdued nature and should be down-lights and/or properly shielded.

Tiburon Boulevard Policies

Tiburon Boulevard is the primary access for Tiburon, connecting the U.S. 101 freeway to Downtown Tiburon.

C-11: Tiburon Boulevard between Trestle Glen Boulevard and Mar West Street should retain its existing rural highway character.

C-12: The Town should discourage parking lots which have substantial frontage on Tiburon Boulevard. To the extent feasible, all parking lots should be screened by buffers or berms.

C-13: Tiburon Boulevard between Rock Hill Drive and San Rafael Avenue should remain free from parking on the water side to enhance and preserve views and the experience of a waterfront drive.

C-14: Water views for pedestrians and drivers shall not be obscured. Overgrown planting shall be trimmed to frame, rather than block, views for pedestrians and drivers to the maximum extent feasible.

C-15: To provide a more attractive entrance to Downtown, the informal parking area on Tiburon Boulevard near Lyford Drive should be beautified while maintaining as much parking as possible.

Paradise Drive Policies

Paradise Drive runs along the northeast facing side of the Tiburon peninsula and connects the Town of Corte Madera to Downtown Tiburon.

C-16: The Town shall work with the County of Marin and LAFCO to secure safe and reliable access for all users to and from the northeastern side of the Tiburon Peninsula along Paradise Drive.

C-17: Scenic views from Paradise Drive shall be preserved wherever possible.

C-18: Where appropriate, scenic overlooks should be established along Paradise Drive.

C-19: New driveways and roadways intersecting Paradise Drive shall be kept to the minimum number possible and be situated in safe locations. To meet this objective, to the extent feasible, multiple residences shall be served by a single access from Paradise Drive.

C-20: Turn-outs and widened shoulders on Paradise Drive should be created where possible to protect the health and safety of its users.

Implementing Programs for Roadway System & Traffic Standards

C-a: The Town shall maintain its traffic model and traffic monitoring program, which periodically measures intersection levels of service, evaluates the impact of new projects on the roadway network, and re-evaluates appropriate traffic mitigation fee amounts.



C-b: The Town's traffic model shall be used to periodically review the Town's traffic mitigation fees to

ensure that they are based on current information and that they are adequately capturing the impacts of new projects on the roadways in the Planning Area. The Town shall update its traffic mitigation fees as necessary.

C-c: The Town shall re-evaluate its list of needed circulation approximately every five (5) years.

C-d: The Town shall work with the County of Marin and LAFCO to formulate a long-term plan for maintaining and improving Paradise Drive.

'aradise Drive, a narrow and winding road that rovides access to the northeast part of the 'eninsula, is an expensive road to maintain and nprove.

C-e: The Town shall work with the County of Marin and LAFCO to identify and implement a financing strategy for maintenance and improvement of Paradise Drive.

C-f: The Town shall lobby funding agencies such as Metropolitan Transportation Commission and the Transportation Authority of Marin to ensure that funding for critical local roads, including Paradise Drive.

C-g: The Town shall use the designation of Paradise Drive as part of the Bay Trail as a tool in applying for improvement funding for the road.

C-h: The Town of Tiburon Traffic Safety Committee shall maintain a list of desired traffic safety improvements for implementation over time.

5.6 *BICYCLES AND PEDESTRIANS*

About 2.6% of Tiburon residents commute to work by cycling or walking. This is a smaller percentage than Marin County (4.0%) and the Bay Area (4.4%). Tiburon is a popular destination for recreational walkers and bikers, however. The *Marin County Bicycle and Pedestrian Master Plan,* adopted in June 2000, includes bicycle and pedestrian counts for different locations throughout the County. Table 5.6-1 shows the counts for areas within the Planning Area.

Table 5.6-1 Mid-Day Bicycle and Pedestrian Counts, 1999

BICYCLE COUNTS		*PEDESTRIAN COUNTS*	
Location, period	**1-hr count**	**Location**	**1-hr count**
Multi-Use Path, weekend	106	Main Street, weekend	770
Main Street, weekend	43	Multi-Use Path, weekday	54
Multi-Use Path, weekday	32	Multi-Use Path, weekend	50
Paradise Drive, weekend	33	Paradise Drive, weekend	8

Note: Counts, except for Paradise Drive, conducted at the same one hour period in September 1999.

Source: Marin County Bicycle and Pedestrian Master Plan, June 2000
Tiburon Glen Revised Draft Environmental Impact Report, May 2003

Existing Facilities

Bicycle routes are categorized into three classes, I, II, or III. Class I bikeways serve the exclusive use of bicycles and pedestrians. The Multi-Use Path from Blackie's Pasture to Mar West St./Cove Road is a Class I facility. Class II bikeways consist of established lanes within the paved area which serve the preferential use of bicycles. Tiburon has a Class II facility which runs along Tiburon Boulevard from Mar West Street to Main Street and on Paradise Drive from Main Street to Mar West Street. Class III bikeways are shared with other vehicles, with no bike lanes. Diagram 5.6-1 shows the existing and proposed bicycle routes in the Planning Area.

Pedestrians use a variety of facilities, from streets, to the Multi-Use Path, to trails designed primarily for recreational purposes. Sidewalks exist on some arterial and collector streets, but most local streets in Tiburon do not have sidewalks.

The Town also has a well-established network of lanes and paths, particularly in Old Tiburon near Downtown, which provide alternate access between homes and Downtown businesses and transportation services. In areas with older, substandard roads, these lanes and paths provide safe connections for pedestrians between and within neighborhoods. These lanes and paths range from formal lanes that are the property of the Town to informal paths which are privately held and serve only a few homes. Most of the lanes and paths are open to public use.

Bay Trail

The Bay Trail is a planned recreational corridor that, when complete, will circle San Francisco and San Pablo Bays with a continuous 400-mile network of biking and hiking trails. To date, approximately 210 miles of the trail have been completed.

Within the Planning Area, the Bay Trail roughly consists of Greenwood Beach Road, the Richardson Bay Lineal Park, Tiburon Boulevard, and Paradise Drive. Trestle Glen Boulevard provides a connection from Tiburon Boulevard to Paradise Drive, and there are other trails, such as those found on Ring Mountain, which connect to the Bay Trail.

Bicycles and Pedestrians Policies

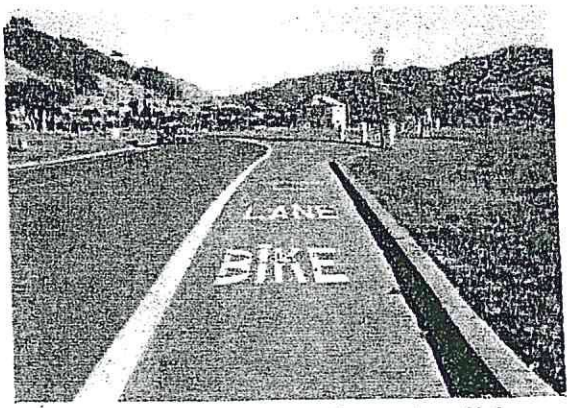
C-21: The Town supports the replacement of pedestrian traffic signals with Countdown Pedestrian Signals, which inform pedestrians of the number of seconds remaining to cross safely.

C-22: The pedestrian paths and bicycle trails in Tiburon should connect with other paths and trails where practical.

C-23: Bicycle facilities, including bike racks, shall be included as part of new public and commercial projects, particularly in Downtown Tiburon.

C-24: Pedestrian routes, particularly for school children, shall be established for all neighborhoods.

C-25: In developing capital improvement budgets, the Town shall use the *Bicycle and Pedestrian Master Plan* as a guide for prioritizing bicycle and pedestrian improvements.



The Town aims to increase the number of bike lanes in the Town. This lane is on Paradise Drive along Shoreline Park.

C-26: The Town supports the completion and maintenance of the Bay Trail and shall seek funding for that purpose.

C-27: The Town shall monitor the Multi-Use Path and consider periodic improvements which would enhance the safety of its users.

Implementing Programs for Bicycles and Pedestrians

C-i: The Town shall review the *Bicycle and Pedestrian Master Plan* periodically, and revise the list of improvements and actions called for in the *Plan* when implementation of adopted improvements has occurred, and/or when conditions warrant.

C-j: The Town will work cooperatively with ABAG and neighboring jurisdictions to improve the Bay Trail around the Tiburon Peninsula.

5.7 *ALTERNATIVE TRANSPORTATION MODES*

Buses

A significantly smaller percentage of Tiburon residents (1.8%) rely on the bus to commute to work than do residents of Marin County (7.3%) and the Bay Area (5.3%). However, bus service is important to Tiburon because buses are used by ferry commuters to connect from their homes to the Ferry Plaza, and because a number of employees, who work in Tiburon but live outside of the community, rely on buses as their only means of transportation.

Bus service is provided in Marin County, including the Planning Area, by the Golden Gate Bridge, Highway and Transportation District (GGBHTD).

The routes which serve the Planning Area are shown on Diagram 5.6-1.

Ferries

Tiburon has the highest percentage (8.4%) of ferry commuters among Bay Area cities with ferry service.

Table 5.7-1 Ferry Riders as Pct. of Commuters

City	Number of Ferry Commuters	Percent of Total Commuters
Tiburon	352	8.4 %

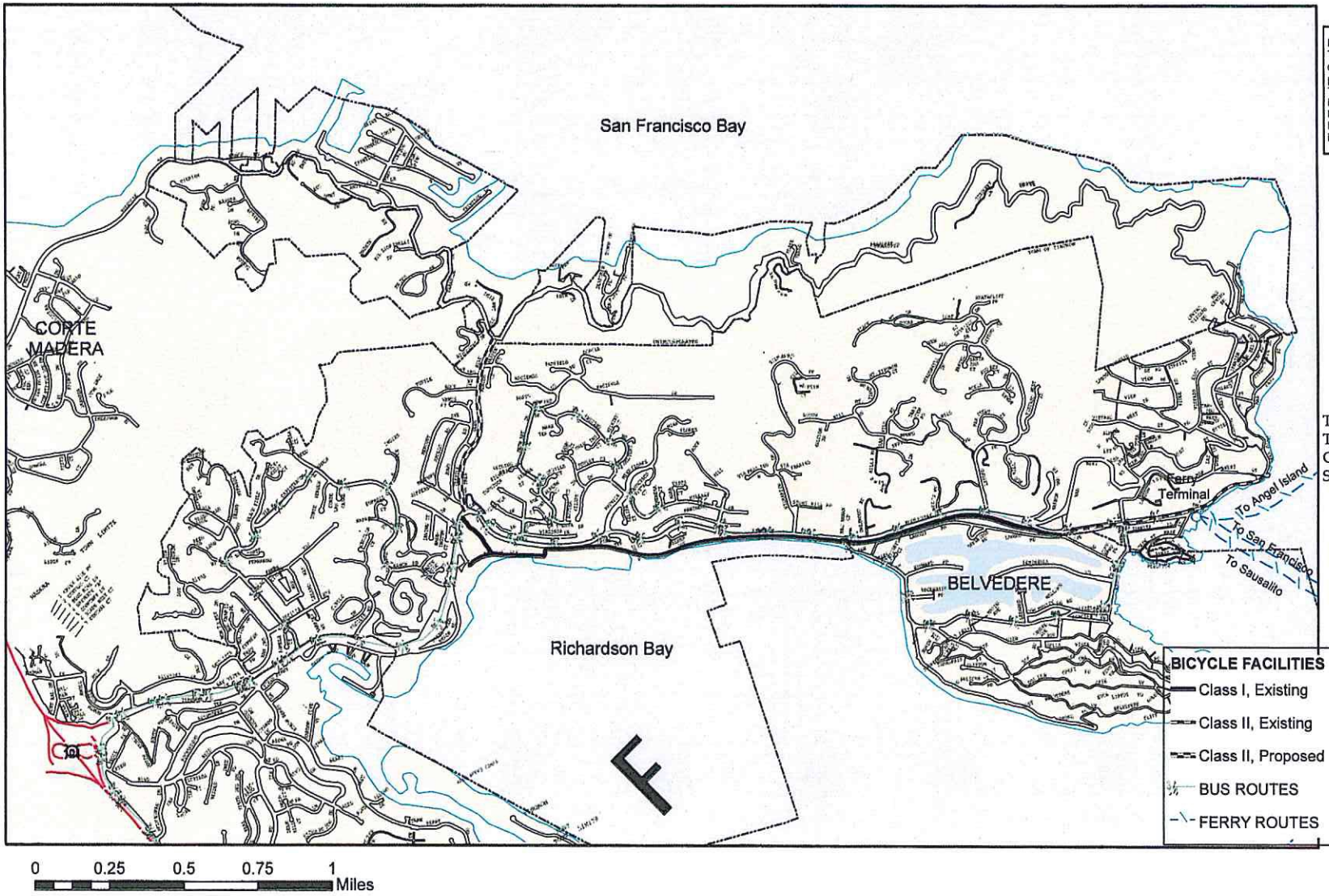


Diagram 5.6-1 Bicycle, Bus, and Ferry Routes

Larkspur	467	7.0 %
Sausalito	333	6.6 %
Alameda	855	2.3 %
Vallejo	614	1.2 %
Oakland	197	0.1 %
San Francisco	187	0.0 %

Source: Census 2000 Summary File 3 - Sample Data

Blue & Gold Fleet provides four morning commute trips from Tiburon to the Ferry Building and four evening trips from the Ferry Building to Tiburon. In addition, Blue & Gold Fleet services a reverse commute with two morning trips from the Ferry Building to Tiburon and three evening trips from Tiburon to the Ferry Building. Unlike other Bay Area commuter ferry routes, the Tiburon - Ferry Building route does not receive public subsidy. Including commuters, the Blue & Gold Fleet has approximately 850 daily riders on its service from the Tiburon Ferry Plaza to the San Francisco Ferry Building.

Blue & Gold also provides service between Tiburon and Pier 41 in San Francisco and serves as a cross Bay connection for bicylists. Blue & Gold offers seven trips daily on this route, which also serves Sausalito.

Ferries are also the primary means for getting from Tiburon to Angel Island State Park. Ferry service to Angel Island is provided by the privately owned Angel Island - Tiburon Ferry Company. During the high season from May to September, the Angel Island Ferry makes four round trips daily on weekdays and makes hourly trips on weekends. The Angel Island Ferry provides less frequent service during the rest of the year. Diagram 5.6-1 shows ferry service routes.

Other Alternative Transportation

Paratransit

The Americans with Disabilities Act of 1990 (ADA) requires all public transit systems that provide fixed route bus service to also provide paratransit service for people with disabilities who cannot use the fixed route bus service. Paratransit alternatives usually consist of vans and small buses.



Whistlestop Wheels provides paratransit services throughout Marin County.

In Marin County, paratransit services are operated by the Marin Senior Coordinating Council (MSCC) through a contract with Whistlestop Wheels. The Marin County Transit District and the Golden Gate

Bridge, Highway and Transportation District, help fund the paratransit services.

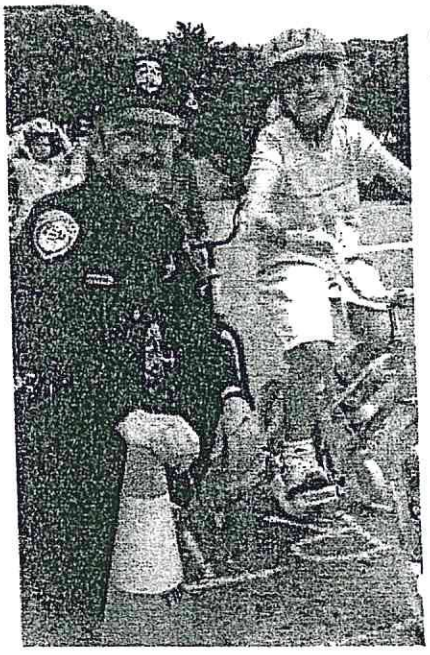
Census 2000 data reveals that Tiburon is experiencing a rapid increase of seniors, with five of the fastest growing age cohorts being 85 and over, 75 to 84, and 55 to 59. Seniors represent a great demand for paratransit services.

Programs for Schoolchildren

In January 2001 the Town of Tiburon joined the Reed Union School District (RUSD) and St. Hilary School in forming the Tiburon Peninsula Traffic Committee, which aimed to increase carpooling, walking, and biking to schools and to improve traffic flow around school neighborhoods. From that process, the Town approved a traffic safety improvement plan for areas around the schools. The improvements, including the installation of sidewalks funded by Safe Routes to Schools grants, are underway and ongoing.

Early in each school year, the Town's Police Department has officers at the school sites to monitor and educate parents and students about traffic and pedestrian safety.

The RUSD, a separate government agency, also has goals for reducing congestion around the schools. The District and the PTAs sponsor "walk-to-school" or "walk 'n roll" days to encourage children to walk, skate, or bike to school, and to organize carpools.



Tiburon's Police Department takes an active role in educating young students about bicycle and pedestrian safety.

Alternative Transportation Modes Policies

C-28: The Town shall encourage the Golden Gate Bridge, Highway and Transportation District to service commutes in the morning and evening with buses which would otherwise deadhead (return to yard empty) on Tiburon Boulevard.

C-29: Bus stops shall be located to avoid interference with turning and passing vehicles. Bus

shelters shall be coordinated with Golden Gate Transit and shall require design review approval. Covered bus shelters are preferred. Benches and paved loading pads shall be provided at all bus stops.

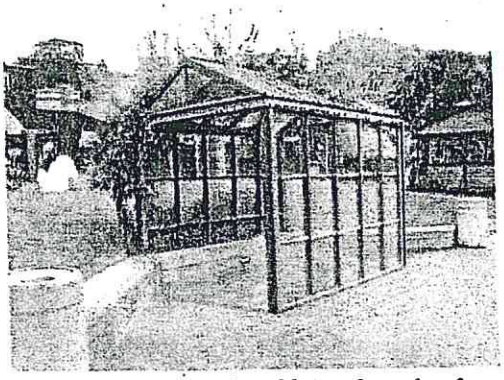
C-30: The Town supports the installation and maintenance of attractive, covered, unobtrusively lighted seating areas at all bus stops along Tiburon Boulevard and will work with the Golden Gate Bridge, Highway and Transportation District to provide them.

C-31: The Town shall work with the Golden Gate Bridge, Highway, and Transportation District and the Marin County Transit District to maintain adequate levels of service for buses in the Planning Area.

C-32: New development along transit routes, particularly in Downtown, shall include appropriate provisions for bus stops, including covered waiting areas.

C-33: The location of new transit facilities shall emphasize safety and accessibility for the rider so as to encourage transit ridership.

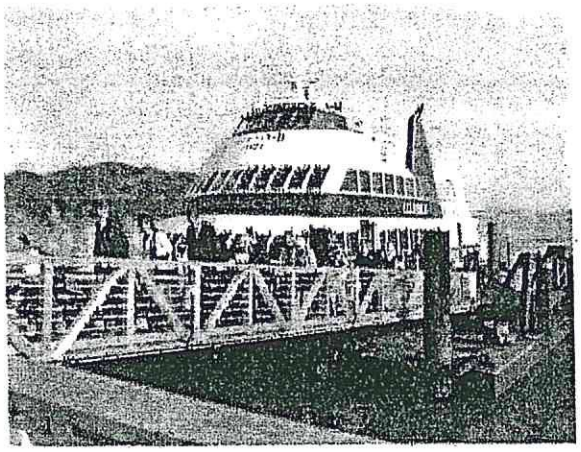
C-34: The Town shall help ensure that ferry service remains a viable commuter and recreational travel option. This may include helping to coordinate between Golden Gate Transit bus service and ferry providers and monitoring efforts of the Water Transit Authority to take advantage of opportunities to improve local ferry service.



Bus shelters provide additional comfort for bus passengers, making the bus a more viable transportation option.

C-35: In conjunction with the creation of affordable housing in Downtown, the Town shall explore the possibilities for subsidizing work-related ferry trips to San Francisco for residents of affordable units.

C-36: The Town shall support the provision of paratransit services for those riders that cannot utilize fixed route bus service.



Commuters arrive home from San Francisco's Ferry Building on Blue & Gold's Zelinsky.

C-37: Senior housing projects shall provide for convenient, accessible paratransit loading and unloading.

C-38: The Town supports alternatives to the use of single-child autos to pick-up and drop-off at local schools.

C-39: The Town shall encourage employers to work together to identify programs which provide incentives for using alternative transportation modes.

Implementing Programs for Alternative Transportation Modes

C-k: Encourage the provision of adequate transit facilities in cooperation with other agencies and operators.

C-l: The Town shall make available schedules for buses, ferries, and any transit agencies that connect with those modes.

C-m: The Town shall continue to work with the Reed Union School District and St. Hilary School to promote alternative transportation programs to reduce traffic congestion around schools.

C-n: The Town shall promote and publicize the RIDES program to employers and employees as a resource for exploring ways to reduce traffic and parking congestion.

5.8 PARKING

There is a perception that parking in Downtown Tiburon is inadequate to serve the uses that are located there.

Parking Policies

C-40: The Town shall encourage and allow reciprocal parking facilities for those businesses located near one another with different peak hour operating demands.

C-41: Adequate parking and loading should be provided for all new uses and expansion of existing uses in Downtown Tiburon in accordance with the standards of the Zoning Ordinance.

C-42: The Town should consider the acquisition of Town-owned and operated downtown parking facilities.

5.9 INTERAGENCY COORDINATION

As described earlier, many agencies are responsible for transportation programming and funding. It is critical that the Town of Tiburon coordinate and cooperate with these agencies.

Interagency Coordination Policies

C-43: The Town will engage in good faith, participatory planning with the Transportation Authority of Marin and other agencies to work toward alleviating congestion in the U.S. Highway 101 Corridor.

C-44: The Town shall maintain a good working relationship with Caltrans to ensure that improvements proposed by Caltrans are sensitive to the Tiburon community and to facilitate expeditious consideration of Town requests for improvements.

Implementing Programs for Interagency Coordination

C-o: Coordinate with Marin County for the adoption of complementary roadway improvement and mitigation fee programs for roads and intersections located in unincorporated sections of the Tiburon Planning Area.

programs for roads and intersections located in unincorporated sections of the Tiburon Planning Area.

C-p: Maintain an active role in the Transportation Authority of Marin and/or U.S. Highway 101 Corridor planning program with the purpose of ensuring that improvements enhance inter-city movement.

5.9.5 COMPLETE STREETS

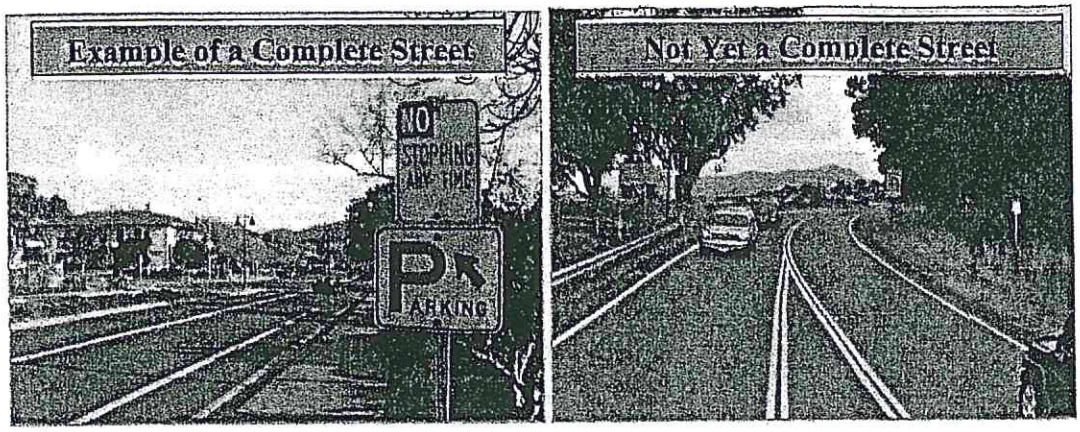
What are Complete Streets?

Complete Streets are routinely planned, designed, operated and maintained with consideration of the needs and safety of all travelers along and across the entire public right of way. This includes people of all ages and abilities who are walking; driving vehicles such as cars, trucks, motorcycles or buses; bicycling; using transit, traveling with mobility aids; or shipping freight. Every street and its environs are different, such that physical manifestation of this principle will change based on the local context. However, providing for all users is a core tenet of Complete Streets.

The Complete Streets movement fundamentally redefines what a street is expected to do, what goals a transportation agency is going to meet, and how a community will spend its transportation money. The Complete Streets approach breaks down the traditional separation between highways, transit, biking, and walking, and instead focuses on the desired outcomes of a transportation system that supports safe use of the roadway for everyone.

Complete Streets policies formalize a community's intent to plan, design, operate, and maintain streets so they are safe and accessible for all users of all ages and abilities. Policies direct decision-makers to consistently fund, plan, design, and construct community streets to accommodate all anticipated users, including pedestrians, bicyclists, public transit users, motorists and freight vehicles.

There are many types of Complete Streets—it is not necessary that every street has sidewalks, bike lanes and transit. On streets with low traffic volumes, such as those in Tiburon's hilly residential neighborhoods, a Complete Street may be a shared space with traffic calming that ensures walking and bicycling is safe, even without marked bike lanes or sidewalks. On busier thoroughfares such as Tiburon Boulevard, separated walking and biking facilities are more appropriate. There is no one-size-fits-all solution, and the design of every street must take into account local land use, traffic volumes, and the role of the street in the overall multimodal network.



Complete Streets Policies

C-45: Accommodate all users by ensuring that where feasible and appropriate, all new roadway projects and any reconstruction projects designate sufficient travel space for all users including bicyclists, pedestrians, transit riders, and motorists except where pedestrians and bicyclists are prohibited by law from using a given facility.

C-46: The Town shall provide pedestrian- and bicycle-friendly streets by ensuring that all street construction projects support pedestrian travel. Improvements may include sidewalks, narrow lanes, target speeds less than 35 miles per hour, street trees, high-visibility pedestrian crossings, and bikeways.

C-47: The Town shall identify and fill gaps in Complete Streets. The Town shall identify streets that can be made more "complete" through a reduction in the width of travel lanes, with consideration for emergency vehicle operations. The Town shall consider including new bikeways, sidewalks, and on-street parking on these streets by re-arranging and/or re-allocating how the available space within the public right of way is utilized. All new street configurations shall provide for adequate emergency vehicle operation.

C-48: The Town shall preserve and manage rights-of-way consistent with the goal to provide Complete Streets and the Town's goals for preserving residential quality of life and aesthetics.

C-49: The Town shall strive to achieve an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit. This would increase

travel choices and aid in achieving a more balanced transportation system, thereby reducing air pollution and greenhouse gas emissions.

C-50: The Town shall facilitate multimodal access along appropriate corridors, to major facilities and destinations such as Blackie's Pasture, schools, and Downtown Tiburon.

C-51: The Town shall evaluate and strive to address community, environmental, and town-wide economic development goals when adding or modifying public rights-of-way.

C-52: Land use decisions shall take into consideration potential multimodal access and automobile traffic impacts.

Implementing Programs for Complete Streets

C-q: Implement the complete streets goals and policies set forth in this Element by utilizing Resolution No. 42-2012 (or successors thereto).

C-r: Refer complete streets related projects as appropriate to the Parks, Open Space & Trails Commission (acting as the Bicycle and Pedestrian Advisory Committee) for its review and recommendations.

5.10 PROPOSED CIRCULATION IMPROVEMENTS

The Circulation Improvements identified below are intended to be applied broadly and liberally. While the improvements are intended to address known problems in the transportation network, they are not intended to be literally binding. Improvements similar and/or equivalent to those listed below may be substituted to achieve the desired capacity improvements.

Incorporated Town of Tiburon

- *Tiburon Boulevard/Reed Ranch Road*
  Add a merge/acceleration lane for traffic turning left from Reed Ranch Road onto Tiburon Boulevard.

Add a second westbound Tiburon Boulevard through lane and extend it back from Trestle Glen Boulevard as far east toward Stewart Drive as practicable.

- *Tiburon Boulevard/Stewart Drive*
  Consider applying to Caltrans for installation of a traffic signal at Stewart Drive even if the intersection does not meet signal warrants. This is a safety improvement, not a capacity improvement.

- *Tiburon Boulevard/Gilmartin Drive*
  Consider adding a merge/acceleration lane for traffic turning left from Gilmartin Drive onto Tiburon Boulevard, and/or a dedicated right turn only lane from southbound Gilmartin Drive to westbound Tiburon Boulevard.

- *Tiburon Boulevard/Mar West Street*
  Signalize the Mar West Street/Tiburon Boulevard intersection when signal warrants are met.

Unincorporated Planning Area

- *U.S. Southbound Off-Ramp/East Blithedale Avenue*
  Add a second southbound lane to the U.S. 101 Southbound Off-Ramp and re-stripe the turn lanes at the Southbound U.S. 101 Off-Ramp/E. Blithedale Avenue intersection to provide two left turn lanes and two right turn lanes (per Caltrans' *Project Study Report* scheduled improvement).

- *Tiburon Boulevard/Redwood Highway Frontage Road*
  1) Add a third northbound Frontage Road lane, resulting in one left turn lane, a combined left/through lane, and one right turn lane -or-
  2) Add a third westbound Tiburon Boulevard through lane -or-
  3) Add a third northbound Frontage Road lane and a third westbound Tiburon Boulevard through lane

- *Tiburon Boulevard/Cecilia Way*
  Add a merge/acceleration lane for traffic turning left from Cecilia Way onto Tiburon Boulevard.

Town of Tiburon General Plan Circulation Element Update

Initial Study/Draft Negative Declaration

November 2015

Prepared for: Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920

Prepared by: Leonard Charles and Associates
7 Roble Court
San Anselmo, California 94960

EXHIBIT NO. 5

TABLE OF CONTENTS

Section		Page
1.	Draft Negative Declaration	1
2.	Introduction and Background	2
2.	Project Location and Setting	2
3.	Project Objectives and Description	2
4.	Lead Agency Information	7
5.	Regulatory Oversight & Agency Review	8
6.	Related Projects	8
7.	References	8
8.	Initial Study Checklist & Methodology	9
9.	Determination of Significant Effect	41

TABLE OF FIGURES

Map		Page
1.	Project Location	3

NEGATIVE DECLARATION (DRAFT)

TO: ____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

____ County Clerk, Marin County
3501 Civic Center Drive, Room 234
San Rafael, CA 94903

FROM: Town of Tiburon Community Development Department
1505 Tiburon Blvd.
Tiburon, CA 94920

Project Title: Tiburon General Plan Circulation Element Update

Proponent: Town of Tiburon

Project Location: Tiburon, CA 94920

Project Description: The project is an update of the Town of Tiburon Circulation Element of the General Plan. It incorporates a 2104 amendment that added Complete Streets concepts to the element (in compliance with the California Complete Streets Act of 2008), and includes updates to the Existing Mobility Conditions section, the Goals and Policies section, the Implementation Programs section, and the Proposed Circulation Improvements section of the element.

Finding: Based on the attached Initial Study, it has been determined that the proposed project would not result in a significant, adverse environmental effect.

Signature: _____ _____
Date

Scott Anderson
Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

1.0 Introduction and Background

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code 21000 *et seq* and the *State CEQA Guidelines*, California Code of Regulations Section 15000 *et seq* and the Town of Tiburon Local CEQA Guidelines. The project assessed in this Initial Study consists of proposed update of the Town of Tiburon's General Plan Circulation Element.

2.0 Project Location and Setting

The Town of Tiburon is located within the County of Marin within the San Francisco Bay area. The Town is located seven miles north of San Francisco on a peninsula that extends into San Francisco Bay. The Town's Planning Area encompasses 17 square miles, including 11 square miles of water area and six square miles of land area. The Planning Area includes the Town's incorporated lands plus lands outside the Town that are designated by the Local Agency Formation Commission (LAFCO) as within the Town's Sphere of Influence (see Figure 1).

3.0 Project Objectives and Description

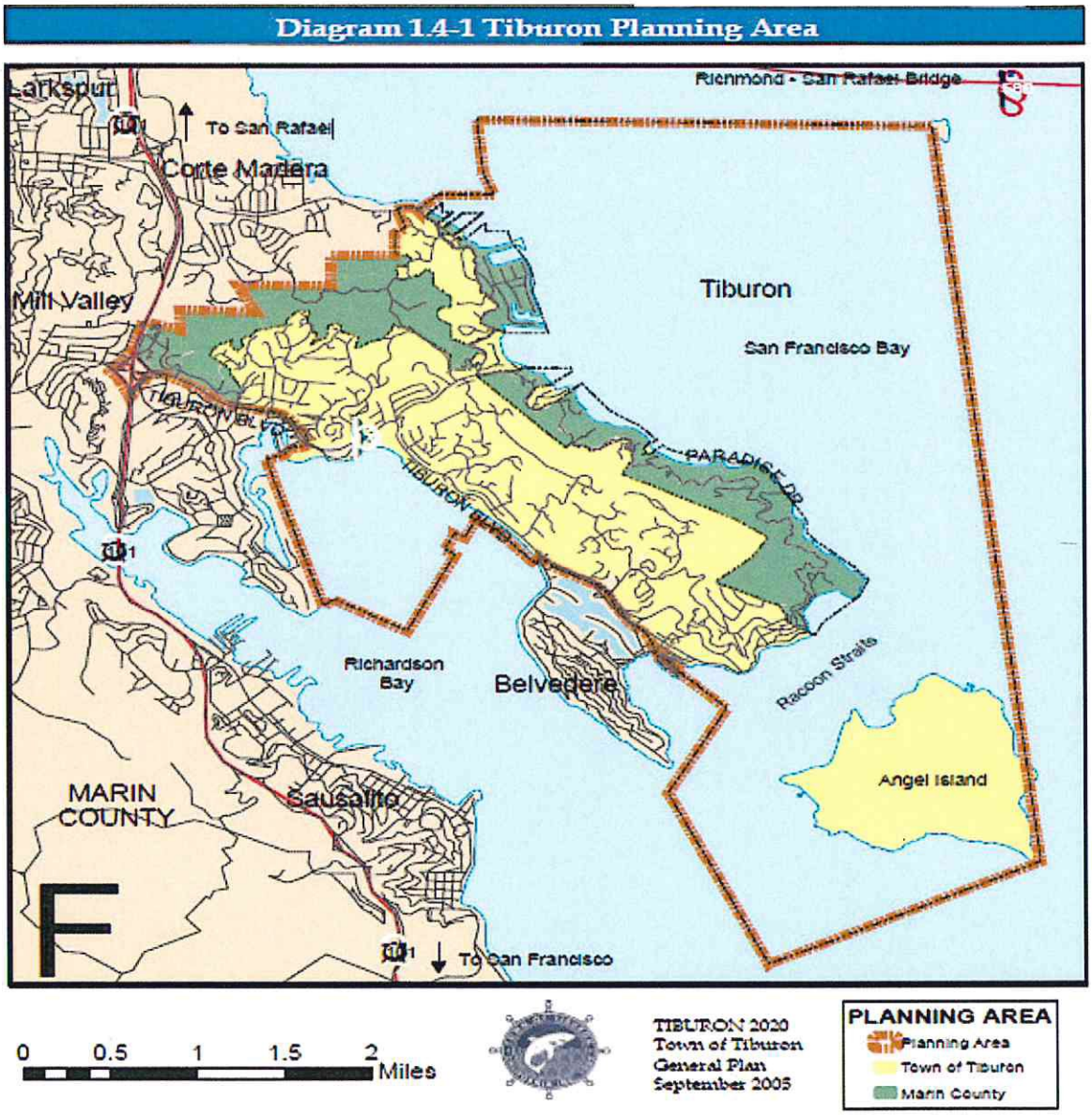
The Town of Tiburon adopted its existing General Plan (*Tiburon 2020*) in 2005. In 2014, the Town amended that 2005 General Plan with an updated Circulation Element. The currently proposed update of the Circulation Element modifies the 2014 update in several areas with the principal proposed changes summarized below.

The proposed update expands upon the existing 2014 Circulation Element's inclusion of the principles of the State's Complete Streets Act. Adopted by the State of California in 2008, this act requires cities and counties to revise their General Plans to incorporate the certain principles. Briefly, it calls for streets to routinely be planned, designed, operated and maintained with consideration of the needs and safety of all travelers along and across the entire public right of way. This includes people of all ages and abilities who are walking; driving vehicles such as cars, trucks, motorcycles or buses; bicycling; using transit; traveling with mobility aids; or shipping freight. Every street and its environs are different, such that physical manifestation of what constitutes a "complete street" will change based on the local context. However, providing for all users is a core tenet of Complete Streets.

The Complete Streets movement fundamentally redefines what a street is intended to do, what goals a transportation agency is going to meet, and how a community will spend its transportation money. The Complete Streets approach breaks down the traditional separation between highways, transit, biking, and walking, and instead focuses on the desired outcomes of a transportation system that supports these principles. Consistent with these principles, the Town's Draft Circulation revises the older Circulation Element goals and policies to emphasize the Town's aim to provide a transportation system that provides multimodal access and choices wherever feasible.

By focusing on developing and enhancing the Complete Streets approach, the proposed update is consistent with current State policy that moves the focus of transportation planning from minimizing roadway and intersection congestion for vehicle drivers to encouraging and facilitating alternative transportation modes such as walking, bicycling and use of public transit

Project Location and Vicinity Map - Figure 1



as well as encouraging land use that can be efficiently served by such alternate transit modes. Such an approach is consistent with the State's goal to reduce greenhouse gas emissions and reduce the future adverse effects of climate change.

Draft Circulation Element goals relevant to the Complete Streets principles include:

Goal C-A: Comprehensive Transportation System. Provide a multimodal transportation system that supports the vision, goals, and objectives of the Town and is effectively planned, funded, operated, and maintained.

Goal C-B: Multimodal System. Increase multimodal accessibility throughout the Tiburon Planning Area with an emphasis on improved walking, bicycling, and transit modes. The Draft Circulation Element contains policies describing how the Town will reach these goals.

Policies C-4 and C-5 under this goal emphasize that the Town will strive to achieve an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit. This would increase travel choices and aid in achieving a more balanced transportation system, thereby reducing air pollution and greenhouse gas emissions. The Town will facilitate multimodal access along appropriate corridors, to major facilities destinations such as Blackie's Pasture, schools, and Downtown Tiburon.

Goal C-D: Context-Sensitive Roadways. Create a context-sensitive street and roadway system that provides safe access to all users between activity centers within the Planning Area and to destinations across the San Francisco Bay Area, including places of employment, shopping and recreation. As such, the Town shall strive to balance the needs for personal travel, goods movement, parking, social activities, business activities, and revenue generation, when planning, operating, maintaining, and expanding the roadway network.

Policy C-10 under this goal states how the Town will take into consideration multimodal access and traffic impacts when considering new land use proposal. Policy C-14 identifies acceptable levels of service for Town roadways. For signalized intersections in the Tiburon Planning Area, the average peak hour level of service (LOS) shall not deteriorate below LOS D, with the exception of intersections along Tiburon Boulevard from U.S. Highway 101 interchange to E. Strawberry Drive/Bay Vista Drive, which shall not deteriorate below LOS E.

This policy changes the previous Circulation Element LOS standards, which were that for signalized intersections in the Tiburon Planning Area, the average peak hour level of service (LOS) shall not deteriorate below LOS C, with the exception of intersections located near the U.S. 101 interchange, which shall not deteriorate below LOS D.

Policy C-18 states that where feasible the Town shall consider the use of roundabouts at intersections. It specifically states the Town will study placing a roundabout at the Tiburon Boulevard/ Mar West Street intersection. The previous Circulation Element recommended potential future signalization of this intersection.

Goal C-F: Complete Streets. The Town and other agencies with jurisdiction over roadways within Town limits shall plan, design, operate and maintain all streets and roadways to accommodate and promote safe and convenient travel for all users – pedestrians, bicyclists,

transit riders, and persons of all abilities, as well as freight and motor vehicle drivers. Policies under this goal call for new roadway projects to accommodate all users, if feasible, and to ensure pedestrian and bicycle-friendly streets.

Goal C-G: Tiburon Boulevard. To cooperatively plan for the maintenance and improvement of Tiburon Boulevard.

Tiburon Boulevard is the Town's main arterial street and serves multiple functions. There is a natural tension between moving vehicles quickly along Tiburon Boulevard and serving local functions, such as providing more pedestrian crossings and easier vehicle turning movements from local streets. To better meet the needs of the different segments of Tiburon Boulevard, Policy C-26 of the Draft Element classifies Tiburon Boulevard into three distinct segments.

- Highway 101 to Trestle Glen Boulevard: This four-lane segment will remain a "major arterial" primarily serving auto traffic and allowing for higher speeds than other segments of the road.

- Trestle Glen Boulevard to Mar West Street: This segment will remain a "minor arterial." However, it will no longer be considered a "rural highway," as it was described in the previous Circulation Element. For many residents the term "rural highway" suggests high speeds and few access points. This characterization does not fit this roadway segment, which has moderate travel speeds, largely because it has only one travel lane in each direction, despite relatively high traffic volumes. It also has a high number of direct connections to residents' homes and schools, which causes further tension with fast-moving traffic.

- Mar West Street to the Ferry Terminal: This segment is designated as a "downtown thoroughfare" (a type of local street), and is specifically intended to be walkable and to prioritize pedestrians because downtown Tiburon is a relatively dense, mixed-use area. Bicyclists are also integrated into the street design of this segment as the Class II bike lane begins at Mar West Street where the Old Rail Trail multi-use path ends.

Goal C-I: Bicycle and Pedestrian System. To design, construct, and maintain a universally accessible, safe, convenient, integrated and well-connected bicycle and pedestrian system that promotes biking and walking. Provide bicycle facilities, programs, and services, and implement other transportation and land use policies as necessary to achieve increased bicycle and walking use. Policies under this goal aim at improving safety, increasing access, and improving bicycle facilities.

Goal C-J: Integrated Transportation System. To promote an integrated transportation system, including the preservation and enhancement of transit as an essential component of a multimodal transportation system, in order that residents and visitors may efficiently, conveniently, and safely connect to, and transfer between, different transportation modes. Policies under this goal aim to improve bus service and access as well as improving other available forms of mass transit.

Goal C-K: Reducing Reliance on Private Automobiles. To provide facilities and incentives to reduce reliance on the private automobile throughout the Planning Area. Policy C-57 under this goal aims to provide alternatives to private autos for school trips by supporting programs that provide viable alternatives.

Proposed Circulation Improvements

The Draft Circulation Element contains a list of circulation improvements aimed at implementing the goals and policies. The Circulation improvements identified below are intended to be broad guidelines – while the improvements are intended to address known problems in the transportation network, they are not intended to be literally binding. Improvements similar and/or equivalent to those listed below may be substituted to achieve the desired capacity improvements.

> Tiburon Boulevard and Gilmartin Drive. Add a dedicated right-turn-only lane from southbound Gilmartin Drive to westbound Tiburon Boulevard. This improvement was also listed in the existing Circulation Element.
>
> Tiburon Boulevard and Cecilia Way. Add a merge (acceleration) lane for traffic turning left from Cecilia Way to Tiburon Boulevard. This improvement was also listed in the existing Circulation Element.
>
> Tiburon Boulevard between N. Knoll Road and the U. S. Highway 101 Interchange. Add an additional westbound lane extending to the Redwood Highway Frontage Road and merging before the U.S. Highway 101 overpass in order to improve northbound traffic flow during the PM period. This improvement was also listed in the existing Circulation Element.
>
> Roundabout at Tiburon Boulevard & Mar West Street. To better accommodate growth, changing demographics, and travel patterns within the Town of Tiburon, and in order to create a signature gateway treatment entering the Downtown area, the intersection of Tiburon Boulevard and Mar West Street is proposed for conversion from a two-way stop controlled intersection to a single lane roundabout. This replaces a proposed traffic signal improvement in the prior Circulation Element.

The following two improvements recommended for consideration in the existing Circulation Element have been deleted from the proposed Draft Element.

> Tiburon Boulevard/Trestle Glen Boulevard
> Add a second westbound Tiburon Boulevard through lane and extend it back from Trestle Glen Boulevard as far east toward Stewart Drive as practicable.
>
> Tiburon Boulevard/Gilmartin Drive
> Consider adding a merge/acceleration lane for traffic turning left from Gilmartin Drive onto Tiburon Boulevard, and/or a dedicated right turn only lane from southbound Gilmartin Drive to westbound Tiburon Boulevard.

Transportation Demand Management (TDM) Programs

The Draft Circulation Element Update recommends that the Town work with other agencies to develop a new school bus plan to relieve peak hour congestion. As described below, the Town and other agencies have initiated programs to reduce school-generated traffic.

The Yellow Bus Challenge 2.0 program began at the start of school in August 21, 2015. The program was devised by a committee that included members from the Town, Belvedere, and the Reed Union School District plus parents and transportation experts. The program improves on an earlier unsuccessful program by addressing impediments of that earlier plan. The impediments included the cost to parents, the length of time spent on the bus, and the mixing of ages on the bus; there was also a preference for dedicated school-bound buses to particular neighborhoods. The goal was to sell 1,200 one-way bus passes, and this target was exceeded in August 2015. The program was funded by bus pass sales plus subsidies from the Town, Belvedere and Corte Madera. Though quantitative study of the effect on congestion has not been done, there are ample anecdotal observations that peak hour congestion has decreased (e.g., the Town's on-line Tiburon Talk Newsletter of August 31, 2015; " Traffic eases during school rush hours in first week of pass program," The Ark, Sept. 2, 2015; and "Hard data show bus program slashed traffic," The Ark, Sept. 30, 2015). The latter article described how the Marin Transit Director of Operations and Planning reported that at 8:00 a.m. shuttle buses using Tiburon Boulevard took 29 percent less time to travel from Stewart Drive to downtown Tiburon, while there was a 42 percent reduction traveling west between downtown and Stewart Drive.

4.0 Lead Agency Information

1. Project Title:

Town of Tiburon General Plan Circulation Element Update

2. Lead Agency Name and Address:

Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

3. Contact Person and Phone Number:

Scott Anderson
Director of Community Development, Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920
Phone: (415) 435-7392
Fax: (415) 435-2438
Email: sanderson@townoftiburon.org

4. Project Number:

GPA2015-001

5. Assessor Parcel Number:

Town-wide project.

6. Type of Approval Sought:

Adoption of update to the General Plan Circulation Element for the Town of Tiburon.

7. Size of Subject Property:

Town-wide project.

5.0 Regulatory Oversight and Agency Review

The Town of Tiburon is the public agency responsible for approving the proposed project and is considered the Lead Agency under CEQA. The Town is responsible for preparing this Initial Study. There are no responsible or trustee agencies for this project pursuant to CEQA.

6.0 Related Projects

To assess future traffic conditions on the Town's roadway network and cumulative impacts, a projection of maximum buildout of the Planning Area by 2020 was developed by the Tiburon Community Development Department. This worst-case buildout scenario was used to assess traffic and certain other impacts. It is noted here at the outset that this level of development would likely never occur (as it assumes full buildout of every parcel in the Planning Area) and certainly not by 2020. However, to insure full disclosure of potential impacts, this buildout scenario is used in this Initial Study to assess impacts related to traffic.

7.0 References

The following is a list of references used in the preparation of this document. Each of the topics addressed in Section C, Evaluation of Environmental Impacts, includes a list of references by number. The numbers for the reference sources correspond with the sources that are listed below by number.

1. Tiburon General Plan 2020, Town of Tiburon, September 2005
2. Tiburon General Plan 2020 Final EIR, Town of Tiburon, May 2005
3. Town of Tiburon Zoning Ordinance
4. Initial Study for the Town of Tiburon General Plan Circulation Element Amendments, Town of Tiburon, October 2014
5. Draft Tiburon Circulation Element Update, Town of Tiburon, September 2015
6. Town of Tiburon Circulation Element Update: Baseline Conditions Report, Nelson/Nygaard, August 2015

7. Future-Year Traffic Analysis with Proposed Circulation Network Improvements, Nelson/Nygaard Team, September 2015

8. Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743, California Office of Planning and Research, August 2014

9. Marin County Congestion Management Plan Update, Transportation Authority of Marin, October 2013

10. Updating Transportation Impacts Analysis in the CEQA Guidelines, Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743, Governor's Office of Planning and Research, August 2014

11. Downtown Tiburon Design Handbook, Town of Tiburon, 2002

12. BAAQMD CEQA Guidelines Assessing the Air Quality Impacts of Projects and Plans, BAAQMD, May 2011

13. Town of Tiburon Climate Action Plan, Town of Tiburon, 2011

14. Town of Tiburon *Storm Drain Master Plan*, Town of Tiburon, 2008

15. Marin County Important Farmland Map, California Dept. of Conservation, Office of Land Conservation's Farmland Mapping and Monitoring Program

8.0 Initial Study Checklist and Methodology

This Initial Study is based on CEQA's Environmental Checklist Form. Each item on the checklist is answered as either "potentially significant impact," "less than significant with mitigation incorporated," "less than significant," or "no impact" depending on the anticipated level of impact. The checklist is followed by explanatory comments corresponding to each checklist item.

A "no impact" response indicates that it is clear that the project will not have any impact. In some cases, the explanation accompanying this response may include reference to an adopted plan or map. A "less than significant impact" response indicates that there will be some impact but that the level of impact is insufficiently substantial to be deemed significant. The text explains the rationale for this conclusion. A "less than significant impact with mitigation incorporated" response indicates that there will be a potentially significant impact, but the Initial Study determines there are adequate mitigations, which are described and have been included in the project, to reduce the impact to an insignificant level. Finally, a "potentially significant impact" response would indicate that the Initial Study cannot identify mitigation measures to adequately reduce the impact to a level that is less than significant. In the case of this response, an EIR would be required.

Impact Analysis Overview

This Initial Study assesses whether the proposed Circulation Element Update would result in new or more substantial impacts than those identified and assessed in the adopted Negative Declaration for the existing Circulation Element as well as the certified EIR for the General Plan and whether those new or changed impacts would be considered significant. CEQA defines an

environmental impact as a change in the physical environment. Because the Circulation Element is a policy document, it does not directly result in changes to the physical environment. Therefore, the project would have no direct impacts on the environment.

As noted under the previous Project Description section, the Draft Circulation Element Update does include a list of possible future roadway improvements the Town may consider implementing when warranted and feasible. These potential circulation improvements address known and projected deficiencies in the transportation network. These improvements are not currently funded and are not legally binding upon adoption of the Circulation Element Update. Accordingly, these improvements are not considered part of the circulation network for purposes of this Initial Study. These possible improvements were also listed in the 2005 and 2014 Circulation Elements. The CEQA documents for those two versions of the Circulation Element did not address future impacts from these improvements for the same reason listed above. It is further noted that the number of possible future roadway improvements included in the Draft Circulation Element Update is smaller than the number listed in the existing Circulation Element. While not required, this Initial Study does discuss the range of effects that could be expected if these future roadway improvements were proposed and constructed in order to provide full disclosure of possible future impacts.

Policy C-14 of the Draft Circulation Element Update describes the acceptable level of service (LOS) at intersections on the Town's roadway system. Previously, the lowest acceptable LOS for most intersections was LOS C; this has been revised to allow LOS D at these intersections in the proposed update. Intersections near U.S. Highway 101 now allow LOS E as an acceptable LOS, whereas previously LOS D was the lowest acceptable LOS. These changes to what is considered an acceptable intersection LOS recognize that the existing LOS at several intersections along Tiburon Boulevard is lower than the old LOS standards and that additional traffic generated by areawide growth and buildout allowed under the Town's General Plan would further decrease the LOS at more intersections. Proposed roadway improvements listed in the Circulation Element Update would result in all intersections operating at the minimally acceptable LOS described in Policy C-14 even with buildout of the entire Town Planning Area by 2020. As noted previously, this buildout assumes full development of every parcel within the Town and its unincorporated Planning Area. Such buildout is unrealistic and particularly unrealistic by the year 2020. It is a "worst case scenario" for purposes of the CEQA analysis. Policy C-14 ensures that the Circulation Element is consistent with other elements of the Town's General Plan and does not include contradictory goals and policies. The policy does not allow or encourage any more development than allowed under the land use element or other elements of the Town's General Plan. Therefore, it does not result in any more possible development or resulting impacts to the physical environment than were identified and assessed in the EIR that was certified for the General Plan. The Initial Study summarizes those long-term impacts.

It is worth noting that the proposed update will make the General Plan more consistent with State policies aimed at focusing transportation and land use policy to discourage the number and length of trips by single-person vehicles and encourage other forms of transportation as well as land use patterns that minimize trip lengths in order to reduce greenhouse gas emissions. As required by Senate Bill 743, the new proposed Section 15064.3 of the State CEQA Guidelines, transportation impacts of projects would no longer be measured on the basis of how vehicle delay caused by a project would affect the level of service (LOS) at an intersection or on a roadway, but would instead be measured on the basis of the "vehicle miles

traveled" (VMT) that the project generates and on the project's effects on transit, non-motorized travel, and traveler safety. The preliminary guidelines go on to state that a transportation project whose primary purpose is improving safety or operations generally would not have a significant transportation impact (Reference 9).

The following pages describe the possible impacts resulting from the project for each resource identified in Appendix G of the CEQA Guidelines.

I. Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Have a substantial adverse effect on a scenic vista?*				x
b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*				x
c. *Substantially degrade the existing visual character or quality of the site and its surroundings?*				x
d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*				x

Discussion of Possible Impacts to Aesthetic Resources - Checklist Items I(a) through I(d). ***No impacts.***
(References 1, 2, 3, and 11)

A substantial adverse effect to visual resources could result when a project introduces physical features that are not characteristic of current development, obstructs an identified public scenic vista, or makes a substantial change to the natural landscape or nighttime environment. The adoption of the vision statement, goals, discussion section, policies and programs proposed in the Circulation Element Update are high-level policy matters that do not fund or approve any actual projects. The intent of the proposed update is to encourage a multi-modal approach to the Town's circulation system and provide safe access to all users, regardless of age or ability, and secondly to maintain consistency of the Circulation Element with other elements of the General Plan.

The policies could result in the future in improvement of roadway shoulders and right-of-way areas as necessary to accommodate bicyclists, pedestrians and other users. Such projects are unknown and unidentified at this time. Additionally, there are possible future roadway improvements that have yet to be funded or designed. Any of these projects would be subject to compliance with the California Environmental Quality Act (CEQA) on a project-level basis. It is expected that any future projects would occur primarily, if not entirely, within the right of way of existing streets or paths. Construction of additional or expanded travel lanes or a roundabout would not be expected to result in substantial changes to existing views or from these travelways and would not be expected to degrade scenic views or the visual character of the roadway system or adjacent residential and commercial uses. The proposed update, as well as any future projects proposed to implement Circulation Element goals and policies, would be expected to have a less-than-significant impact on aesthetic resources. Future roadway system projects would be assessed by project-level CEQA analyses to confirm this preliminary conclusion. If necessary, those CEQA analyses would include project-specific mitigations to ensure each future project's consistency with the Town's General Plan policies and other

requirements relevant to design review codified in the Town's Zoning Ordinance as well as the *Downtown Tiburon Design Handbook.*

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning as well as other local policies or ordinances protecting aesthetic resources. The EIR prepared for the Town's General Plan found that several visual impacts resulting from Town buildout could be significant because at the time that EIR was prepared it was unknown exactly what would be built in what location. Given these uncertainties, that EIR concluded that the impacts should be considered to be significant. The proposed update would not change this conclusion. However, the update would not result in any new or increased impact on aesthetic resources. In addition, the types of improvements that might result from future implementation of the Circulation Element would not be expected to make a cumulatively considerable contribution to any cumulative visual impact.

Based on the above considerations, it is concluded that the proposed update would have no impact on aesthetics and visual resources

II. Agricultural and Forestry Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*				x
b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*				x
c. *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*				x
d. *Result in the loss of forest land or conversion of forest land to non-forest use?*				x
e. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*				x

Discussion of Possible Impacts to Agricultural and Forestry Resources - Checklist Items II(a) through II(e). **No impacts.**
(References 2 and 15)

There is no land within the Town of Tiburon that is shown as Prime Farmland, Unique Farmland or Farmland of Statewide Importance on the Marin County Important Farmland Map produced by the State Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. The proposed Circulation Element Update does not change any potential for agricultural activities. There are no proposals contained in the proposed update to convert Prime Farmland or any farmland of unique or State-wide importance. In addition, there is no activity proposed on forest land or land or timber property zoned Timberland Production. There are also no proposals that would conflict with existing agricultural zoning or a Williamson Act contract, or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or conversion or loss of forest land. Based on the above, the proposed update would result in no impacts to agricultural or forest resources.

III. Air Quality

Where available, the significance criteria by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Conflict with or obstruct implementation of the applicable air quality plan?*				x
b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*				x
c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*				x
d. *Expose sensitive receptors to substantial pollutant concentrations?*				x
e. *Create objectionable odors affecting a substantial number of people?*				x

a. *Conflict with or obstruct implementation of the applicable air quality plan?* **No impact.**
(References 2, 4, and 12)

The Town of Tiburon is within the nine-county San Francisco Bay Area Air Basin. The Federal Clean Air Act governs air quality in the U.S. In addition to being subject to federal requirements, air quality in California is also governed by more stringent regulations under the California Clean Air Act. The California Clean Air Act is administered by the California Air Resources Board (CARB) at the State level and by the

Air Quality Management Districts at the regional and local levels. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

Problem air pollutants in Tiburon and the Bay Area include ozone, particulate matter (PM10) and toxic air contaminants (TACs). Ozone is not a pollutant that affects Tiburon, but emissions from motor vehicles in the Town contribute to high ozone levels in other parts of the Bay Area. There are many sources of PM10 emissions in the Town, including combustion, industrial processing, grading and construction, and motor vehicles.

BAAQMD has developed guidelines and thresholds of significance for local plans. Inconsistency with Clean Air Plan (CAP) is considered a significant impact. The EIR certified for the Town's General Plan found that the general plan was consistent with the CAP, CAP population and Vehicle Miles Travelled (VMT) assumptions, and Transportation Control Measures (TCMs).

The Draft Circulation Element Update will not alter the land use designations of the General Plan nor alter the amount of development that could occur under the General Plan. Accordingly, future development in Tiburon will remain consistent with Association of Bay Area Governments (ABAG) population growth projections that are used in the regional Clean Air Plan. The proposed update would be consistent with the Clean Air Plan and have no impact regarding implementation of that plan.

b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* **No impact.**
(References 2, 4, 10, and 12)

As noted above, the project is consistent with the Clean Air Plan. The proposed update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly result in any emissions or violations of an air quality standard. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of air quality impacts from construction. If warranted, mitigation measures may be required to reduce construction emissions to an acceptable level.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning and consistent with regional policies and regulations protecting air quality. The EIR prepared for the General Plan concluded that the plan would not violate air quality standards. The principal way to reduce emission of pollutants is to reduce the vehicle miles travelled (VMT), since the fewer miles travelled, the less emission of pollutants. By enhancing, and therefore encouraging, other modes of transportation, the Draft Circulation Element Update provides the policy framework for reducing VMT in the future. The update is consistent with State and BAAQMD policies to

reduce VMT. The update enhances the Town's efforts to reduce VMT and to continue to implement TCMs.

c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors?* **No impact.**
(References 2, 4, 10, and 12)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. As described above, the proposed update is consistent with the Clean Air Plan. The multi-modal emphasis of the proposed policies is likely to reduce vehicle trips and VMT. Accordingly, the proposed update would not directly affect air quality. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of air quality impacts from project construction.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan, current zoning, and regional policies and regulations governing air quality. The EIR prepared for the Town's General Plan found that all air quality impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town, State, and federal regulations that address air quality. The proposed update would not alter these conclusions.

Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact as regards air quality.

d. *Expose sensitive receptors to substantial pollutant concentrations?* **No impact.**
(References 2, 4, 10, and 12)

As described in the previous three Checklist items, the proposed update would not result in emission of air pollutants and would not significantly affect people living near Town roadways. Future roadway improvement projects as well as other development in the Town would be subject to CEQA review and review for consistency with the Town's General Plan and municipal code and BAAQMD requirements. The multimodal focus of the update would likely result in reduced emissions and pollutant concentrations in the future.

e. *Create objectionable odors affecting a substantial number of people?* **No impact.**
(Reference 2)

The proposed update is not an industrial project and would not result in future projects that might generate odors. There would be no impact as regards odors. Future roadway improvement projects as well as other development in the Town would be subject to

CEQA review and review for consistency with the Town's General Plan and municipal code as regards odor generation.

IV. Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?*				x
b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?*				x
c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*				x
d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*				x
e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*				x
f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*				x

Discussion of Possible Impacts to Biological Resources - Checklist Items IV(a) through IV(f). **No impacts.**
(References 2 and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect any biological resource. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of construction or operational impacts to all biological resources. It is expected that these future improvements would occur adjacent to existing roadways and paths, which are areas generally devoid of significant biological resources. It is not expected that such projects would have significant biological effects. However, this preliminary conclusion would need to be confirmed by the project-level CEQA analysis for each future project.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning as well as with federal, State, and local policies and regulations protecting biological resources. The EIR prepared for the Town's General Plan found that all biological impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town, State, and federal regulations that address protection of biological resources. The one exception was the cumulative loss of wildlife habitat. Possible future roadway improvement projects would be located in already developed areas that would not be expected to support significant wildlife populations. The proposed update would not contribute to any cumulative impact to wildlife habitat.

Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact to biological resources.

V. Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*				x
b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*				x
c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*				x
d. *Disturb any human remains, including those interred outside of formal cemeteries?*				x

Discussion of Possible Impacts to Cultural Resources - Checklist Items V(a) through V(d). **No impacts.**
(References 2 and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect any cultural resource. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project was designed and proposed. This CEQA review would include analysis of construction impacts to all cultural resources. It is expected that these future improvements would occur adjacent to existing roadways and paths, which are areas that likely have been previously disturbed and are likely devoid of significant cultural resources. It is not expected that such projects would have significant effects on cultural resources. However, this preliminary conclusion would need to be confirmed by the project-level CEQA analysis for each future improvement project.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning as well as with local, State, and federal policies and regulations protecting cultural resources. The EIR prepared for the Town's General Plan found that all cultural resource impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town, State, and federal regulations that address protection of these resources. Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact to cultural resources.

VI. Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				x
ii. Strong seismic ground shaking?				x
iii. Seismic-related ground failure, including liquefaction?				x
iv. Landslides?				x
b. Result in substantial soil erosion or the loss of topsoil?				x
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				x
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				x
e. Have soils incapable of adequately supporting the use of septic tanks or alternative water disposal systems where sewers are not available for the disposal of waste water?				x

Discussion of Geologic and Soil Impacts - Checklist Items VI(a) through VI(e). **No impacts.** (References 2, 3, and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly result in soil erosion or exposure of structures or people to seismic damage, unstable soils, or landslides. Neither the project nor any future development in Tiburon would require septic tanks, so impacts

relative to Checklist Item VI(e) are not pertinent to this project. There are no Alquist-Priolo Earthquake Fault Zones within the Town of Tiburon, and the town is not near any known active faults. The nearest known active faults are the San Andreas fault, about 8 miles to the southwest, and the Hayward fault, about 8 miles to the northeast. Therefore, the potential for fault surface rupture (as opposed to ground shaking) within the Town limits is low.

Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project was designed and proposed. This CEQA review would include analysis of geologic constraints on the project and the potential for the project to result in unstable slopes or soil erosion. It is expected that all roadway improvements would be designed and constructed consistent with the California Building Code and other local, State, and federal requirements for road and travelway improvement projects. The CEQA review of each project would assess the adequacy of the project design, including erosion control measures, and require additional design mitigations if warranted. It is not expected that such projects would have significant geologic effects. However, this preliminary conclusion would need to be confirmed by the project-level CEQA analysis for each future project.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning as well as with other local and State policies and regulations requiring protection from geologic hazards and protecting soil resources. The EIR prepared for the Town's General Plan found that all geologic and soil impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town and State regulations that address geologic hazards and soil protection. Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact related to geologic and soil resources.

VII. Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*				x
b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*				x

a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* **No impact.**
(References 10, 12, and 13)

Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement manufacturing, and refrigerant emissions. GHGs are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. GHGs have been accumulating in the earth's atmosphere at a faster rate over the last 150 years than has occurred historically. Increasing GHG concentrations in the atmosphere are leading to global climate change. To address this crisis, the Town adopted a *Climate Action Plan* in 2011. The plan outlines strategies that the Town and the community can take to reduce GHG emissions and address climate change.

As was discussed under previous Checklist categories, the project is a plan update that does not include specific construction projects. The proposed update does not increase the development potential within Tiburon and, therefore, does not increase the number of trips that would be generated by planning area buildout. Because the update includes policies to encourage uses of alternative forms of transit, it is expected that it will reduce VMT, which is a primary means of reducing GHG emissions. Reduction of such emissions is one of the primary goals of the State's Complete Streets Act as well as recent State legislation (Senate Bill 743) to encourage plans and projects that reduce VMT. In addition, future buildout of the Town is consistent with State and regional planning goals to encourage development in existing urban areas where there is access to alternate forms of transportation, again, to reduce future VMT and GHG emissions.

The Draft Circulation Element Update enhances the Town's and State's ability to meet their 2020 GHG Emissions Reduction Targets. The proposed update is beneficial to the State meeting its GHG emission targets.

b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* **No impact.**
(References 10, 12, and 13)

The Town has adopted a Climate Action Plan (CAP) that establishes strategies to reduce the GHG emissions known to contribute to climate change, to conserve energy and other natural resources, and to prepare the community for the expected effects of global warming. The CAP includes specific goals and objectives to reduce GHG emissions, including policies, programs, and actions that facilitate the efforts of residents and businesses to reduce their own greenhouse gas emissions. Specifically, the CAP addresses uses that generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Specific strategies recommended in the CAP include ways to reduce trips and vehicular travel (local shopping, support for safe routes to schools, etc.). Changes in the Circulation Element aimed at promoting multi-modal circulation systems would likely result in a reduction of VMT and a reduction in greenhouse gas emission over existing baseline conditions.

The proposed update does not increase the development potential within Tiburon and does not include specific development proposals. Future development proposals will be assessed to determine whether GHG emissions generated by those projects are consistent with the Town's CAP as well as California's legislative mandate on GHG emissions (AB 32) as formulated in the BAAQMD CEQA Air Quality Guidelines. Projects undergoing CEQA review or other Town review requirements may be required to include mitigations to reduce GHG emissions to meet Town GHG emission reduction targets.

VIII. Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*				x
b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*				x
c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*				x
d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*				x
e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, would the project result in a safety hazard for people residing or working in the project area>*				x
f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*				x
g. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*				x
h. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*				x

Discussion of Impacts Related to Hazards and Hazardous Materials – Checklist Items VIII(a) through VIII(h). **No impacts.**
(References 2, 3, and 4)

As has been described in previous impact discussions, the proposed update does not include specific development proposals or projects. Accordingly, the goals and policies of the update would not result in people being exposed to chemical, wildfire or other hazards or require the transport and use of hazardous materials. There is no public airport within two miles of the Town of Tiburon. The nearest public airport is Gnoss Field, which is approximately 12 miles north of Tiburon. No airstrips are located in the Town of Tiburon. The nearest private airstrip is located at Smith Ranch, which is approximately eight (8) miles north of Tiburon. There would be no impact related to air traffic. The project would have no effect on the Town's emergency response plan. In fact by potentially reducing trips, especially on Tiburon Boulevard, the project could enhance response times by emergency vehicles.

Any future proposals to improve the roadway system could involve the transport and use of diesel fuel and other petrochemicals in order to build the improvements. However, such construction would not be expected to require the use of hazardous chemicals or materials. Nevertheless, the CEQA review that would be required for future discrete improvement projects would assess all hazards associated with construction and use of those projects. If warranted, mitigation measures to reduce the risk may be required.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning as well as with pertinent local policies and regulations protecting residents from exposure to hazards. The EIR prepared for the Town's General Plan found that all hazard-related impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town, State, and federal regulations that address hazardous materials and other hazards. There has been no substantive change to the conditions described and assessed in the General Plan EIR, and it is expected that future development would not result in escape of or exposure to hazards.

Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact as regards hazards and hazardous materials.

IX. Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				x
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				x
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				x
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				x
f. Otherwise substantially degrade water quality?				x
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
j. Inundation by seiche, tsunami, or mudflow?				x

Discussion of Impacts Related to Hydrology – Checklist Items IX(a) through IX(j). **No impacts.** (References 2, 3, 4, and 14)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect hydrologic resources or result in flooding. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of construction or operational impacts as regards drainage, flooding, and water quality. It is expected that these future improvements would mainly occur adjacent to existing roadways and paths. In some cases, new construction may require relocation and/or expansion of roadside drainage facilities. These projects would need to be designed and constructed consistent with Town and (for Tiburon Boulevard) Caltrans drainage criteria, including erosion control best management practices (BMPs) to protect water quality in receiving waterways. If a project substantially increases the amount of impervious surface in the project area, then the design would need to ensure that receiving stormdrains have adequate capacity to transport any increased peak flows. However, the increased runoff would not be expected to be enough to substantially alter the drainage pattern in the area near the project. These possible future roadway improvement projects would not include the development of new housing or other buildings, and, therefore, would have no impact as regards Checklist Items IX(g) through IX(i). These projects would not substantially affect groundwater aquifers, plus the Town is supplied with water by MMWD, and wells are not used to provide potable water in the Town. So, there would be no impact per Checklist Item IX(b).

Accordingly, it is concluded that future roadway improvements proposed to implement the element's policies would be expected to have less-than-significant impacts, though this would need to be confirmed during the project-level CEQA analysis of those projects. That CEQA review would confirm that the future project would not result in discharges that adversely affect water quality and that the existing or proposed drainage system is adequately sized and designed to transport any increased flows. If warranted, mitigation measures may be required.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning as well as with pertinent local policies and regulations protecting water quality, protecting residents and structures from flooding, and ensuring that there is an adequate storm drain system to serve the new development. The EIR prepared for the Town's General Plan found that all hydrologic impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town, State, and federal regulations that address hydrology and water quality. There has been no substantive change to the hydrologic conditions described and assessed in the General Plan EIR. Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact as regards hydrology and water quality.

X. Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Physically divide an established community?*				x
b. *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*				x
c. *Conflict with any applicable habitat conservation plan or natural community conservation plan?*				x

Discussion of Impacts Related to Land Use and Planning – Checklist Items X(a) through X(c).
No impacts.
(References 2, 3, and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect land use or planning in Tiburon. The proposed update does not conflict with the remainder of the Town's General Plan; in fact, it would make the Circulation Element consistent with the buildout allowed by the Land Use Element. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. It is expected that these future improvements would occur adjacent to existing roadways and paths, and would not result in a new roadway that might divide a neighborhood or the community. They would be required to be consistent with the new Circulation Element as well as the other General Plan elements and all pertinent Town and State codes, ordinances, and regulations. There is no adopted habitat conservation plan or natural community conservation plan that includes Tiburon.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and current zoning. Given consistency with the General Plan, this future development would not physically divide the community. Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no impact as regards land use and planning.

XI. Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*				x
b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*				x

Discussion of Impacts Related to Mineral Resources – Checklist Items XI(a) and XI(b). **No impacts.**
(References 2 and 4)

Ring Mountain, which is considered by the State as a Scientific Resource Zone, is the only mineral resource located near the Town of Tiburon. Ring Mountain is preserved as open space owned by the Marin County Open Space District. Therefore, no impact would occur to this mineral resource. There are no known mineral resources of significant value in the Tiburon planning area, or categorized as locally important within the Town, that would be lost due to adoption or implementation of Circulation Element Update. Given the lack of mineral resources, future buildout of the Town also would not affect these resources. As a result, there would be no impact to mineral resources associated with the project, any future roadway improvement projects, or future buildout of the Town.

XII. Noise

Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*				x
b. *Exposure of persons to or generation of excessive groundborne vibration of groundborne noise levels?*				x
c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*				
d. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*				x
e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*				x
f. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*				x

Discussion of Impacts Related to Noise – Checklist Items XII(a) through XII(f). **No impacts.** (References 2, 3, and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly result in new noise. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of construction and operational noise impacts. It is expected that most future roadway improvements would be located adjacent to existing roadways. Traffic along these roadways produces noise, so the future project locations generally have high ambient (existing) noise levels. Construction of the improvements would result in short-term and periodic noise increases. While this noise may periodically be audible at nearby residences or businesses, it would not be expected to be considered significant due to Town requirements that construction be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and 9:30 a.m. to 4:00 p.m. on Saturday (on Saturday only "quiet work" is allowed, that is work that does not generate noise audible beyond

the property line). Additionally, heavy equipment can only be used from 8:00 a.m. to 5:00 p.m. on Monday through Friday. The Town's General Plan also contains Policy N-10 requiring standard quiet construction methods when construction activities occur within 500 feet of noise sensitive areas. Given these regulations and the cited policy the General Plan EIR concluded that construction noise impacts resulting from buildout of the Town would be less than significant. It is expected that the construction contracts for future improvement projects would include recommended noise control BMPs and that Caltrans could require additional controls to comply with its construction requirements. The CEQA review that would be conducted for these discrete future projects would measure the ambient noise environment and project noise levels resulting during construction. If the noise levels substantially increase the ambient levels, then the CEQA review may require additional noise controls to ensure consistency of the construction project with the Town's Noise Element. It is expected that construction-related noise would be reduced or controlled to a level that it would be considered less than significant, as was found in the General Plan EIR.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan and the municipal code. The EIR prepared for the Town's General Plan found that all noise impacts resulting from Town buildout would be reduced to a less-than-significant level given project consistency with General Plan policies and other existing Town and State regulations that address noise. There has been no substantive change to the noise environment described and assessed in the General Plan EIR. Based on the above considerations, it is concluded that the Draft Circulation Element Update would have no noise impact.

XIII. Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*				X
b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*				X
c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*				X

Discussion of Impacts Related to Population and Housing – Checklist Items XIII(a) through XIII(c). **No impacts.**
(References 2 and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would have no direct effect on population or housing. Possible construction of future roadway improvements would not be expected to encroach on existing houses, so housing and people would not be displaced. The update does not alter the buildout potential possible under the General Plan, and would therefore not induce additional population growth.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. The General Plan EIR found that the Land Use Element and other plan elements would not result in substantial population growth nor displace housing or people. The proposed update does not alter the conditions involving population and housing, and the conclusions that this buildout would have less-than-significant impacts would remain accurate. Based on these facts, it is concluded that the proposed update would have no impact on population on housing.

XIV. Public Services

a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Fire protection?				x
Police protection?				x
Schools?				x
Parks?				x
Other public facilities?				x

Discussion of Impacts Related to Provision of Public Services. **No impacts.** (References 2 and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect public service providers. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project was designed and proposed. This CEQA review would include analysis of whether the construction or operation of the improvements would adversely affect public service providers. Because the improvements would be expected to improve traffic safety and/or provide enhanced facilities for alternate form of transportation, it is not expected that these projects would adversely or substantially affect any service provider. In fact, the improvements could reduce traffic congestion on Tiburon Boulevard, which would have a beneficial effect on school operations and potentially reduce traffic accidents, thereby benefitting police and fire responders. This preliminary conclusion would need to be confirmed during the subsequent CEQA review of those projects.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan, current zoning, the Town's Municipal Code, and other pertinent local policies or ordinances to ensure adequate public services. The EIR prepared for the Town's General Plan found that buildout of the Town by 2020 would require expansion of water, school, and wastewater treatment facilities in order to continue to provide acceptable levels of service at Town buildout. That EIR concluded that because mitigations needed to provide these additional facilities in part relied on actions by other agencies, it could not conclude that those actions would be taken since the Town does not control other agencies' decisions or actions. As such, the impacts for those service providers were found to be significant. The proposed update would

not alter these conclusions but also would not increase the impact on any public service provider. Based on the considerations listed above, it is concluded that the Draft Circulation Element Update would have no impact on public services.

XV. Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*				x
b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*				x

Discussion of Impacts Related to Recreation – Checklist Items XV(a) and XV(b). **No impacts.** (References 2 and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect recreational facilities. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project was designed and proposed. Some of these future projects would likely enhance recreational use of the transportation system. Additional bike lanes and pedestrian facilities would indirectly add recreational facilities. This could be a beneficial effect of the update. Subsequent project CEQA reviews would include analysis of whether the construction or operation of the improvements would adversely affect recreational facilities and parks. Because the improvements would be expected to improve traffic safety and/or provide enhanced facilities for alternate forms of transportation, it is not expected that these projects would adversely or substantially affect parks or recreation. This preliminary conclusion would need to be confirmed during the subsequent CEQA review of those projects.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan, current zoning, the Town's Municipal Code, and other pertinent local policies or ordinances to ensure adequate recreational opportunities. The EIR prepared for the Town's General Plan found that buildout of the Town by 2020 would require expansion of recreational facilities in order to continue to provide acceptable parks and recreational opportunities at Town buildout. That EIR concluded that because mitigations needed to provide these additional facilities in part relied on actions by other agencies, it could not conclude that those actions

would be taken since the Town does not control other agencies' decisions or actions. As such, the impacts on parks and recreational facilities was found to be significant. The proposed update would not alter these conclusions but would not increase the impact on any public service provider. Based on the considerations listed above, it is concluded that the Draft Circulation Element Update would have no impact on recreation.

XVI. Transportation/Traffic

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*				X
b. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*				X
c. *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*				X
d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*				X
e. *Result in inadequate emergency access?*				X
f. *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*				X

a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?* **No impact.** (References 2, 3, 4, 6, 7, and 8)

The project assessed in this Initial Study will be the Town's plan for regulating its transportation network. The existing Circulation Element contains a Complete Streets Policy that expresses its commitment to serve all street users and modes, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families. The possible future infrastructure improvements and TDM programs identified in this project all seek to improve the performance of the circulation system with special consideration given to the development of bicycle and pedestrian infrastructure improvements. The proposed update is consistent with the earlier Circulation Element as regards the future effectiveness of the circulation system. The proposed update is also consistent with the State's Complete Streets Act.

Because the update includes policies to encourage uses of alternative forms of transit, it is expected that it will reduce vehicle miles travelled (VMT), which is a primary means of reducing GHG emissions. Reduction of such emissions is one of the primary goals of the State's Complete Streets Act as well as recent State legislation (Senate Bill 743) to encourage plans and projects that reduce VMT. The proposed update is consistent with this senate bill.

The proposed update does accept a lower level of service (LOS) at intersections than the existing Circulation Element. However, as described previously, this change reflects existing conditions where several intersections currently operate at a worse LOS than considered acceptable in the existing Circulation Element. Additionally, for future LOS calculations the technical analyses prepared for the draft update show that the methodology and model used to calculate future LOS likely over-predicts the amount of traffic that would be generated by 2020. Finally, SB 743 includes a provision that future CEQA analyses will not use LOS to determine impacts under CEQA. The LOS-focused analysis of earlier CEQA reports will be replaced by assessing whether a project generates excessive VMT.

To summarize, the proposed update is consistent with applicable local and State plans. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. That review would include assessment of whether those projects are consistent with plans and policies relevant to the effectiveness of the circulation system.

b. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?* **No impact.**
(References 2, 3, 4, 6, 7, 8, and 9)

The draft update contains Policy C-16 that states that the Town shall continue to comply with the Transportation Authority of Marin's (TAM) Congestion Management Plan, including adopting and monitoring the LOS of the CMP network. The proposed update is therefore consistent with the CMP.

c. *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?* **No impact.**

The Town is not near a public airport and will not cause any change in air traffic patterns. Thus, there would be no impact per this criterion.

d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* **No impact.**
(References 2, 3, 4, and 6)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect transportation hazards. However, a goal of the update is to increase safety for bicyclists and pedestrians. It is expected that any future roadway improvements would implement these safety improvements. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of the proposed design to determine whether it would result in any hazardous elements. If warranted, mitigation measures would be required to address nay safety hazards.

e. *Result in inadequate emergency access?* **No impact**.
(References 2, 3, 4, and 6)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect emergency access. However, the proposed update has an aim to reduce single vehicle traffic, which in the future would reduce congestion at peak hours. This would benefit access by emergency providers. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project is designed and proposed. This CEQA review would include analysis of the proposed design to determine whether it would result in any adverse impacts regarding emergency access. If warranted, mitigation measures would be required to address any safety hazards.

f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?* **No impact.**
References 2, 3, 4, and 6)

The proposed update specifically addresses alternative transportation methods. The current efforts to reduce school-generated traffic during peak hours; the Yellow Bus Challenge 2.0 program is but one example of the benefits of the proposed update. The update would have a beneficial effect as regards this criterion.

XVII. Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*				X
b. *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*				X
c. *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*				X
d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*				X
e. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*				X
f. *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*				X
g. *Comply with federal, state, and local statutes and regulations related to solid waste?*				X

Discussion of Impacts Related to Utilities and Service Systems – Checklist Items XVII(a) through XVII(g). **No impacts.**
References 2 and 4)

The Draft Circulation Element Update does not include any specific proposals to construct roadway improvements or projects. Accordingly, the proposed update would not directly affect utilities or public service providers. Any future improvements to the roadway system proposed to implement Circulation Element goals and policies would undergo CEQA review at the time a discrete project was designed and proposed. That CEQA review would include analysis of whether the construction or operation of the improvements would adversely affect utilities and public service providers. Because the improvements would be expected to improve traffic safety and/or provide enhanced facilities for alternate form of transportation, it is not expected that these projects would adversely or substantially affect any service provider. This preliminary conclusion would need to be confirmed during the subsequent CEQA review of those projects.

The proposed Circulation Element Update would not modify the location or amount of developable land in the Town or its Planning Area. All development projects, including road improvement projects, undertaken in Tiburon would be required to be consistent with the General Plan, current zoning, the Town's Municipal Code, and other pertinent local policies or ordinances to ensure adequate public services. The EIR prepared for the Town's General Plan found that buildout of the Town by 2020 would require expansion of water and wastewater treatment facilities in order to continue to provide acceptable levels of service at Town buildout. That EIR concluded that because mitigations needed to provide these additional facilities in part relied on actions by other agencies, it could not conclude that those actions would be taken since the Town does not control other agencies' decisions or actions. As such, the impacts for those service providers was found to be significant. The proposed update would not alter these conclusions but would not increase the impact on any public service provider. Based on the considerations listed above, it is concluded that the Draft Circulation Element Update would have no impact on utilities and public service systems.

XIX. Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*				x
b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*				x
c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*				x

a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* **No impact.**

The project does not include new grading or construction and would have no direct effects on biological or cultural resources. Future roadway improvement projects would not be expected to have significant impacts on these resources, but this would need to be confirmed through project-level CEQA review at the time a roadway improvement project is proposed and designed.

b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?* **No impact.**

The proposed update would not have any direct effects on the environment and would not allow any more development in Tiburon than is currently allowed by the Town's

General Plan. The update would therefore not contribute to any adverse cumulative impact. Over the long-term, policies and possible transportation system improvements described in the proposed update would reduce the vehicle miles travelled by the future population. This reduction in VMT and encouragement of the use of alternate travel modes would have a beneficial effect on greenhouse gas emissions, thereby assisting the Town and the State in meeting their GHG emission reduction targets.

c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* **No impact.**

The Circulation Element Update would have no direct impacts on the physical environment. Future improvement projects that may be proposed by the Town would not be expected to result in significant impacts, assuming the design of the improvements is consistent with the Town's General Plan, Zoning Ordinance, and other adopted ordinances and regulations. This preliminary conclusion would need to be confirmed at the time a design proposal is submitted and a project-level CEQA analysis is conducted. As noted previously, those improvement projects are not part of the Circulation Element Update.

9.0 Determination of Significant Effect

On the basis of this Initial Study, I find that the proposed project would not have a significant effect on the environment. A Negative Declaration will be prepared.

Scott Anderson

Scott Anderson, Director of
Community Development, Town of Tiburon

11-9-2015

Date

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Serious Drought. Help save water!

RECEIVED
DEC 08 2015
PLANNING DIVISION

December 8, 2015

MRN000082
MRN-VAR-VAR

Mr. Scott Anderson
Town of Tiburon
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920

Tiburon General Plan Circulation Element Update – Initial Study/Negative Declaration

Dear Mr. Anderson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Tiburon General Plan Circulation Element Update. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system, in which we seek to reduce statewide vehicle-miles-traveled (VMT) and increase non-auto modes of active transportation. Our comments seek to promote the State's smart mobility goals and are based on the Initial Study/Negative Declaration. Additional comments may be forthcoming pending final review.

Project Understanding

The proposed project would update the Circulation Element of the Town of Tiburon's General Plan. The update would include incorporating principles outlined in State Complete Streets Policies as well as identifying numerous circulation improvements, which would occur primarily on State Route (SR) 131 (Tiburon Boulevard). The proposed circulation improvements to the State highway system (SHS) include:

- SR 131 and Gilmartin Drive. Add a dedicated right-turn-only lane from southbound Gilmartin Drive to westbound SR 131;
- SR 131 and Cecilia Way. Add a merge (acceleration) lane for traffic turning left from Cecilia Way to SR 131;
- SR 131 between North Knoll Road and the U.S. 101 interchange. Add an additional westbound lane extending to the Redwood Highway Frontage Road and merging before the U.S. 101 overpass;
- Roundabout at SR 131 and Mar West Street. Convert the existing two-way stop controlled intersection to a single lane roundabout;
- U.S. 101 northbound ramps. Change the green splits to reflect an additional westbound

EXHIBIT NO. 6

through lane beginning at Eagle Rock Road; and
- Install Class II bicycle lanes on SR 131 from U.S. 101 to Trestle Glen Boulevard, and on Trestle Glen Boulevard from SR 131 to Paradise Drive.

Proposed Circulation Improvements
Please provide the following so that Caltrans is able to give full consideration towards each of the proposed circulation improvements to the SHS:

- A detailed traffic study is required for the proposed additional westbound lane on SR 131 between Knoll Road and U.S. 101. Additionally, since this area falls within Marin County jurisdiction, please ensure coordination with the county;
- A detailed analysis, supporting studies and evaluations of other intersection traffic controls should be prepared for Caltrans' review of the proposed roundabout at the SR 131/Mar West Street intersection. Besides roundabouts, various strategies, treatments and configurations should be considered per Caltrans' Traffic Operations Policy Directives (TOPD);
- On Page 5-10 of the Updated Circulation Element, it is stated that 24-hour traffic counts were collected along SR 131. Please provide the collection date for this data and note that all traffic counts used for traffic analysis on the SHS must not be older than three years; and
- On Page 5-17 to 18, plans to remove barriers along SR 131 should be coordinated with Caltrans' Office of Traffic Safety Engineer Ernan Acorda at (510) 286-4584.

The section titled, Tiburon Boulevard (Page 5-21, Updated Circulation Element), discusses the designation of various portions of SR 131. Caltrans' policies and regulations must be satisfied prior to commencing any work on the SHS as indicated below.

- Any proposed traffic control on the SHS must go through the Intersection Control Evaluation (ICE) process;
- Consult with Caltrans in regard to any modifications or changes to any of the signals along SHS; and
- Caltrans must be consulted at an early stage prior to any project proposal to install driveways along the SHS. Please coordinate with Caltrans' Office of Traffic Safety Engineer Ernan Acorda at (510) 286-4584.

Encroachment Permit
Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA

94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information:

http://www.dot.ca.gov/hq/traffops/developserv/permits.

Should you have any questions regarding this letter or require additional information, please contact Cole Iwamasa at (510) 286-5534 or cole.iwamasa@dot.ca.gov.

Sincerely,

Patricia

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

Scott Anderson

From: David Davenport [DDavenport@goldengate.org]
Sent: Tuesday, December 08, 2015 4:35 PM
To: Scott Anderson
Cc: Ron Downing
Subject: Tiburon Draft Circulation Element Comments

RECEIVED
DEC 08 2015
PLANNING DIVISION

Dear Mr. Anderson:

We appreciate the opportunity to review that draft Circulation Element and associated initial study/negative declaration. We do not have any comments on the IS/Neg Dec; however, we do have comments on the Circulation Element itself:

Please be advised that the District will hold a public hearing on January 21, 2016, to consider elimination of Golden Gate Transit Route 8, which provides bus service between Tiburon and San Francisco during peak periods, and implementation of new Golden Gate Ferry service between Tiburon and San Francisco during peak periods.

Should the Board of Directors authorize the changes at its meeting on February 26, 2016, the District would continue to provide public transit service to the town but with ferries instead of buses. This change would affect Policies C-47 through C-50 and C-53 by excluding Golden Gate Transit, and Policy C-53 by potentially including Golden Gate Ferry.

Please feel free to contact us if you have any questions about the changes currently under consideration.

Thank you,
David Davenport

David Davenport, Associate Planner
Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 94901
P (415) 257-4546
E ddavenport@goldengate.org

EXHIBIT NO. 7

Scott Anderson

From: Bob Harrison [rlhtran@aol.com]
Sent: Wednesday, January 13, 2016 2:41 PM
To: Scott Anderson
Subject: Re: Tiburon Circulation Element Update

Scott -- Thanks for the heads-up. I note bikes and peds dominate these days. The public concerns about auto delay on Tiburon Blvd just not enough to overcome the non-auto emphasis. (I guess).

I like your limited list of capital improvements. I have been recommending that WB lane on Tiburon Blvd at the freeway for many years but I described it as "NB Hwy 101 Only" and merge it on the NB on-ramp. To provide - 1. Remove the short term parking lane east of the Frontage Road and then, 2. Widen the ramp to accept the merge. No need to widen the structure over Hwy 101.

Roundabout at Mar West - seems right by me.

BUT -- Where is the improvement at Trestle Glen? I assume the Town staff all recognize this intersection as the primary throat in the local street system. The WB queue back to the Town Hall and many minutes of delay could be greatly reduced by adding capacity to this intersection. It could take big bucks -- perhaps $7 to $10 million -- but significant congestion relief could be provided. One would think this is clearly something that should be in Tiburon's long range plan. Caltrans is not going to do it but they may participate if the Town takes the lead and puts together a serious program.

Has anyone actually studied the operations improvements that could be provided at Trestle Glen? Answers to reduced queue; reduced delay; hours of time saved for Tiburon drivers. I am going to guess a cost benefit analysis would be more positive here than at many of the other "improvements" authorized in recent years. If you have anything on this I would love to see it.

I continue to be amazed at the lack of interest I experience whenever I bring up Trestle Glen. It seems that I became a traffic engineer in the wrong era!

Have a great 2016.

Bob

Robert L. Harrison
Transportation Planning
26 Ned's Way
Tiburon, CA 94920
415 435 2871

-----Original Message-----
From: Scott Anderson <sanderson@townoftiburon.org>

EXHIBIT NO. 8

Scott Anderson

Subject: FW: Tiburon Circulation Element Update

From: Scott Anderson
Sent: Tuesday, January 19, 2016 11:10 AM
To: 'Bob Harrison'
Cc: 'Brian Canepa'
Subject: RE: Tiburon Circulation Element Update

Bob,

Below are the promised responses regarding your comments on Trestle Glen and Redwood Highway Frontage Road improvements:

1. Regarding Trestle Glen, we all know that this intersection experiences the most delay because it goes from a 2-lane to a 4-lane arterial. We discussed at length the potential to expand lanes in the westbound direction to alleviate congestion (as the previous circulation element had recommended), but we advised not to go with that option for two related reasons:
    a. First, the ultimate outcome would be to simply shift the bottleneck further east, not necessarily solve congestion. More cars would fit at the intersection with added lanes, but unless the Town wants to convert Tiburon Blvd to a wide (and resulting higher speed) arterial all the down to near Belvedere, you're simply moving the choke point because a high number of vehicles will still need to merge at some point. This is very much in contradiction to the state-mandated Complete Streets policies we're concurrently implementing and would likely change the character of Tiburon Blvd into much more of the higher speed highway that Caltrans first envisioned in the 1950s and that is not supported by most residents.
    b. Second, given that this is essentially moving the bottleneck, we didn't think it would be a cost-effective use of funds. Even just expanding the number of westbound lanes back a few hundred feet from Trestle Glen would be very costly given the topographical changes, the drainageway, and utility relocation issues, plus there would be push-back on any encroachment into Blackie's Pasture.
    c. Third, the work itself would be extremely disruptive to traffic for an extended period of time for a project that may not be very cost-effective.
    d. No one has yet successfully addressed how the loss of the protected left-turn out of Blackie's Pasture would be solved, nor is it part of the cost estimate.
    e. As I recall, I was about the only department head who advocated for the Trestle Glen intersection widening project as a key improvement.

    All that being said, the Council has the option of adding the project back into the Element, and the staff report will say as much. We don't have any formal cost-benefit analyses on any of the recent or proposed projects. I think the likelihood of Caltrans contributing a dime is slender. They want to get rid of Highway 131, not spend more money on it. The Police Chief and Town Engineer have worked extensively with Caltrans to optimize the operational aspects of the existing intersection, with some recent success along with the yellow school bus challenge program.

2. Regarding the 101/Frontage Road changes, your description and the Town's amount to essentially the same thing. We don't detail the ramp curvature expansion because that is more involved detailed design, but the new lane would be an added onramp and there is space there to build it. No widening of the overcrossing would be

required for either project description, and Caltrans and the County of Marin will have lot to say because this improvement is in their jurisdiction and not Tiburon's.

Hope these responses are useful, and thanks again for your insights and comments.

Scott

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
February 3, 2016
Agenda Item: PH-1

STAFF REPORT

To: Mayor and Members of Town Council

From: Community Development Department

Subject: General Plan Circulation Element Update: Public Hearing to Consider Adoption of an Updated Tiburon General Plan Circulation Element and Adoption of a Related Negative Declaration of Environmental Impact

Reviewed By: LC.

BACKGROUND

The Town adopted its current General Plan Circulation Element in 2005. In 2014, the Town retained the services of Nelson-Nygaard Consulting Services to assist with a comprehensive update of the Circulation Element. Later that year, the Town Council adopted limited amendments to the Circulation Element to incorporate "complete streets" concepts required by state law. The more comprehensive update process has continued into 2015 and now reaches the Town Council for consideration of adoption.

ANALYSIS

The circulation element is one of the seven elements that by state law must be included in a community's General Plan, along with land use, housing, safety, open space, conservation, and noise elements. A circulation element is a broad "policy" document that sets forth a community's vision for its circulation systems through establishment of goals, policies, programs, standards, and classifications.

Traditionally, circulation elements have focused on street networks dominated by motor vehicles, as this is the primary mode of transportation in most communities, including Tiburon. Inclusion of complete streets principles into the a circulation element in 2014 required a change to the overall "vision" for circulation in the community as well as the inclusion of goals, discussion, policies and implementing programs specific to the complete streets concept. This vision has been carried forward into the updated element.

Staff notes that a driving force behind the initiation of the Town's circulation element update in 2014 was the worsening peak hour traffic movement along Tiburon Boulevard over the past several years. It was timely to update and run the Town's traffic model to ascertain existing conditions and predict future conditions. There was also hope that the update process might identify additional ways to address the congestion issues along Tiburon Boulevard and build on the work and findings of CART (Community Action to Reduce Traffic), which had issued its

summary report in May 2013 (see pp. 5-10 and 5-11 of the draft Circulation Element for a synopsis).

The increased congestion and delays on Tiburon Boulevard were particularly vexing in that there appeared to be no correlation with new development. For decades, Tiburon Boulevard traffic increases were primarily associated with new development on the peninsula, mostly residential subdivisions. In the period from 1985 to 2005, approximately 600 new (non-replacement) dwelling units were constructed in Tiburon, while in the eight years from 2006 through 2013 only about 15 new units were constructed in Tiburon, and there was no appreciable new non-residential development either. Development flat-lined but traffic queues grew noticeably longer. While the circulation element is a broad policy document that addresses a wide range of mobility modes and circulation-related issues other than traffic congestion, staff believes it is important to devote a portion of this report to the traffic congestion issue before moving on to other topics covered by the updated element.

The Traffic Congestion Issue

Extensive traffic counts, intersection analyses, and the traffic model update were conducted in 2014 and 2015. This was prior to the implementation of CART-identified traffic reduction measures, primarily the Yellow School Bus Challenge 2.0 (YSBC) program, which fired up in late August 2015. The traffic analyses verified what any frequent driver along Tiburon Boulevard had experienced; namely, that levels of service at Tiburon Boulevard intersections had dropped substantially during peak hours, especially during school pick-up and drop-off times. Lengthy back-ups and time-consuming trips to get on and off the peninsula during certain hours had become commonplace, virtually always on days when school was in session.

In fact, public school enrollment in Tiburon had increased over 50% between 2006 and 2013, contributing significantly to the increased congestion. Combined with the general societal trends of increased number of cars and increased vehicle miles travelled, these factors more than offset a near-zero rate of new development on the Tiburon peninsula during the same time period. Demographic changes on the peninsula, with a growing number of families with young children, were a contributing factor. Traditional development-based traffic models are ill-suited at predicting and factoring in such societal trends, or at suggesting solutions to congestion caused by such trends and factors. However, the traffic model analyses confirmed that traffic conditions on Tiburon Boulevard at certain hours had deteriorated significantly and would continue to deteriorate absent intervention.

The Nelson-Nygaard analysis reflected in the draft Element considers both "supply side" and "demand side" methodologies to reduce traffic congestion on Tiburon Boulevard. The general conclusion is that traditional "supply side" strategies such as road widening, signalization, signal-timing, and similar improvements are of limited efficacy along Tiburon Boulevard, primarily due to right-of-way limitations and related disruption and expense. While still of long-term value, the analysis concluded that physical improvements to Tiburon Boulevard should play a lesser role at reducing traffic congestion in the future, especially as the peninsula is already approaching virtual buildout. The Nelson-Nygaard analysis verified the CART conclusion that "demand side" strategies were likely to have a more immediate and greater effect on traffic congestion, as witnessed by the apparent success of the YSBC program, which greatly expanded bus numbers

and bus routes in strategic fashion to gain as many student riders as practical. The YSBC program also modified starting bell times at the three Reed Union School District public schools in Tiburon, which also contributes to reduced congestion.

Based on data provided by Marin Transit when comparing its bus travel times between locations for the same days in October 2014 (pre-YSBC) and October 2015 (post-YSBC), average travel time reductions are as follows:

For westbound AM traffic:

- 46% drop in transit time for the Main Street to Stewart segment from about 20 minutes to about 10 minutes,
- 35% drop in transit time in the Stewart to North Knoll from about 25 to 14 minutes,
- 44% drop in transit time from Main Street to North Knoll from about 25 minutes to about 14 minutes.

For eastbound AM traffic:

- 29% drop in transit time for the North Knoll to Stewart segment from about 4 minutes to about 3 minutes,
- 36% drop in transit time in the Stewart to Main Street segment from about 11 to about 7 minutes,
- 33% drop in transit time from North Knoll to Main Street from about 19 minutes to about 12 minutes.

For westbound PM traffic:

- 39% drop in transit time for the Main Street to Stewart segment from about 15 minutes to about 9 minutes,
- 2% drop in the Stewart to North Knoll segment from about 6 minutes to about 5 minutes,
- 29% drop in transit time from Main Street to North Knoll from about 21 minutes to 15 minutes.

For eastbound PM traffic:

- 3% drop in transit time for the North Knoll to Stewart segment from 4 minutes to 3 minutes,
- 9% drop in the Stewart to Main Street segment, from about 8 minutes to about 7 minutes,
- 7% drop in transit time from Main Street to North Knoll from about 12 minutes to about 11 minutes.

The YSBC program results demonstrate the potential power of "demand side" strategies to reduce traffic congestion. Perhaps the greatest challenge will be to find an ongoing source of revenue for the YSBC program, which costs in excess of $500,000 per year, roughly half of which was subsidized by the Town of Tiburon, City of Belvedere, and Town of Corte Madera for the 2015-

2016 school session. Local officials are already at work in the search for ongoing, long-term funding sources.

Bicycle & Pedestrian Mobility Issues

The Circulation Element generally addresses bicycle and pedestrian mobility in the form of goals, policies and programs, but it is important to note (as discussed on p. 5-6 of the draft element) that the Town maintains a much more comprehensive and detailed separate document, the Tiburon Bicycle & Pedestrian Master Plan, to fully address bicycle and pedestrian issues. This document is currently in the early stages of being updated by the Town through a contract administered by the Transportation Authority of Marin (TAM). Adoption is likely sometime in the latter half of 2016, and review by the Parks Open Space and Trails Commission (POST) as well as the Planning Commission will be provided prior to consideration for adoption by the Town Council.

Major Changes to the Element

Below is a list summarizing significant changes to the updated draft Circulation Element.

- A new Guiding Principles section has been added to support the existing Vision Statement (see p. 5-2). Several principles are enumerated.
- The discussion of "complete streets" has been moved up toward the front of the element (see p. 5-3). Its prior location near the rear of the element was a temporary expediency measure taken in 2014.
- The Existing Conditions section has been comprehensively updated and consolidated (see pp. 5-4 through 5-16).
- The Goals, Policies and Programs sections have been updated and consolidated (see pp. 5-17 through 5-31). A discussion of goals, policies and programs is provided later in this report and an annotated draft Element is attached identifying new, revised, and carried forward goals, policies, programs, and text sections.
- The Proposed Circulation Improvements section has been revised and updated to include a mix of supply side and demand side strategies (see pp. 5-31 through 5-36). Most of the supply side physical improvements not yet built have been carried forward from the current element, while a few have been modified or dropped. The former "signalization" of the Mar West Street intersection with Tiburon Boulevard has evolved into a "roundabout installation", while the program to widen Tiburon Boulevard at the Trestle Glen intersection has been deleted as being too expensive, very disruptive to construct, inconsistent with Complete Streets policies, and resulting in severe exiting problems from Blackie's Pasture parking lots. Consideration of signalizing the Stewart Drive intersection has also been deleted. Proposed improvements at Gilmartin Drive, Cecilia Way, and near U. S. Highway 101 remain in place. Driveway consolidation in the downtown area and signal optimization are new improvements added to the list. Several transportation demand management (TDM) strategies have been added to the list; these new measures are all demand side strategies. Should the Town Council desire to retain the Tiburon Boulevard widening through the Trestle Glen Boulevard intersection, that improvement can easily be added back into the draft Element prior to adoption. The estimated cost of the improvement is between five million and ten million dollars.

Level of Service (LOS) Policies

Based on results of the traffic model runs and other factors, Nelson-Nygaard is recommending that the acceptable average peak hour level of service (LOS) criteria for signalized intersections along Tiburon Boulevard be lowered from LOS C to LOS D or from LOS D to LOS E, depending on the proximity to U. S. Highway 101. These criteria are set forth in Policy C-14. Most Tiburon Boulevard intersections from U. S. Highway 101 to the Strawberry/Bay Vista Drive intersection are already operating at, or are projected to operate (even with mitigation) at LOS E during the peak hours. These intersections are not located within the Town of Tiburon and the Town's level of control over them is very limited. Tiburon Boulevard intersections southeast of Strawberry/Bay Vista Drive, which are nearly all in the Town of Tiburon, would have average level of service criteria set at LOS D for the peak hours.

The Highway Capacity Manual (HCM) metric of level of service (LOS) is commonly used by jurisdictions to evaluate automobile traffic conditions at key intersections, and it is used in conjunction with the Town's traffic model. However there are limitations to using automobile level of service as the sole guideline for recommending future transportation improvements, and the state of California and many local jurisdictions are abandoning LOS as a metric for transportation impacts. For the state and many local governments, the favored new metric is likely to be vehicle miles travelled (VMT). Beginning in 2016, transportation impact analysis under the California Environmental Quality Act (CEQA) will no longer include the automobile LOS metric under the Highway Capacity Manual, but will allow VMT analysis.

Another limitation of automobile LOS is that its methodology considers a "weighted aggregate of delay" for all approaches over the peak 15 minutes for each the morning and afternoon weekday peak hours. The volumes during these 15-minute periods often are unrepresentative of the traffic patterns for the remaining hours of the day or week. Another limitation to automobile LOS is it only considers the movement of automobiles through the transportation network. This is often at odds with the Complete Streets approach mandated by the state of California, which emphasizes all roadway users, not just automobiles. For example, proposed General Plan Policy C-23 includes provisions to "accommodate all users" and that "any reconstruction projects designate sufficient travel space for all users including bicyclists, pedestrians, transit riders, and motorists except where pedestrians and bicyclists are prohibited by law from using a given facility." Any capacity improvements that include widening the roadway or adding lanes would increase pedestrian crossing distances, increase vehicle speeds, and could decrease safety and usability for many roadway users. To help implement this, Nelson-Nygaard recommends that on Caltrans facilities (essentially any part of Tiburon Boulevard), the Town should collaborate with Caltrans on facility improvements that first involve changes that do not physically widen the roadway or add lanes that would negatively impact users other than automobiles. Examples of improvements that could be explored are roundabouts, intelligent transportation solutions such as altering the coordinated signal timing system, changes to lane assignments, and restricted turning movements, such as the recent work at the North Knoll Road/Tiburon Boulevard intersection.

The current Tiburon General Plan calls for level of service (LOS) of LOS C or better at most Tiburon Boulevard signalized intersections and LOS D or better at signalized intersections on Tiburon Boulevard near the U. S. Highway 101 interchange. After evaluating future growth

scenarios in the Circulation Element, it became apparent that capacity improvements or reduction in demand would be needed at several intersections to improve the LOS to this level. Many capacity improvements are physically undesirable and likely financially infeasible, and would alter the character of those intersections and possibly require acquisition (i.e., condemnation) of right-of-way from adjacent properties. In the event that transportation demand strategies (such as the YSBC program) improve operational levels of service at peak hours, as appears to be the case from early results, then the need for extensive and expensive physical improvements to Tiburon Boulevard could be greatly reduced or eliminated. However, in the absence of longer term data showing continued success and a secured long-term funding source for the YSBC program, staff believes the prudent approach is to adjust the LOS policy criteria at present. The criteria set forth in the policy would be happily revisited and amended in the future if warranted through successful implementation of demand reduction strategies, other improvements, or the adoption of other metrics to replace LOS. Should the Town Council wish to retain the higher LOS criteria in the Element, staff will have alternative phrasing for the Council's consideration at the meeting.

Bus and Ferry Service

The Golden Gate Bridge Highway and Transportation District (GGBHTD) is currently studying the possibility of assuming commuter ferry runs currently operation by the Blue & Gold Ferry Company. This might entail dropping ferry feeder bus service currently provided by GGBHTD. Public hearings and Bridge District Board discussions are ongoing and the information on these discrete topics in the draft Element could quickly become outdated. This is a risk with any long-range document that describes existing conditions and sets policies based on conditions at a given point in time (adoption), but staff will attempt to address the potential for changes in the ferry and bus service discussion section up to the last possible moment before adoption.

Changes to Goals, Policies, Programs and Text

For the ease of the Council, staff has prepared a draft Element **(Exhibit 3)** with annotations in parentheses indicating whether sections are new, revised, or unchanged from the existing Circulation Element. The annotated document cannot identify items proposed for deletion from the current element. These are as follows:

- Goals: No goals are proposed for deletion, although some have been combined into other goals or policies.
- Policies: Current Policies C-11 and C-13 regarding Tiburon Boulevard have been replaced by revised text at page 5-21 and 5-22. Policy C-15 regarding the Lyford parking lot has been deleted as the parking lot has been constructed. Policy C-35 regarding Town of Tiburon monetary subsidies for commuter-related ferry trips has been modified and folded into Policy C-53.
- Programs: Current Programs C-d and C-e have been deleted and are replaced in modified form by proposed Policy C-31. Program C-h regarding the Traffic Safety Committee has been deleted.

A copy of the current Circulation Element is attached as **Exhibit 4.**

ENVIRONMENTAL REVIEW

An Initial Study/Draft Negative Declaration was prepared for this project and released for public comment on November 12, 2015. It is attached to this report as **Exhibit 5**. The public review period ended at 5:30 PM on December 8, 2015. One comment letter from Caltrans (see **Exhibit 6**), was received conveying the typical need for studies and encroachment permits prior to actual construction of certain improvements along Tiburon Boulevard. Staff notes that there are no responsible agencies or trustee agencies associated with this project pursuant to CEQA.

The initial study indicates that the amendments and update would not result in any potentially significant environmental impacts. Staff concludes that there is no substantial evidence in the record to support a fair argument that the Circulation Element update adoption would result in a potentially significant impact on the environment. The Planning Commission has reviewed and recommended adoption of the negative declaration to the Town Council.

REVIEW BY THE PARKS, OPEN SPACE & TRAILS COMMISSION

The proposed Circulation Element was reviewed by the Parks, Open Space & Trails (POST) Commission at a public meeting on November 17, 2015, while acting in that body's capacity as the Town's Bicycle and Pedestrian Advisory Committee. The POST Commission favorably reviewed the draft and recommended adoption of the updated element.

REVIEW BY THE PLANNING COMMISSION

The Planning Commission held a public hearing on the proposed update at its meeting of December 14, 2015 and recommended adoption to the Town Council by adopting Resolution No. 2015-14 (see **Exhibit 2**).

PUBLIC AND AGENCY COMMENT

The Golden Gate Bridge, Highway and Transportation District submitted an e-mail (**Exhibit 7**) indicating that it is considering taking over the commuter ferry service currently provided to Tiburon by the Blue & Gold Ferry Company and that this could affect Policies C-47 through C-50 and Policy C-53 as well as the existing conditions discussion.

As noted above, Caltrans submitted comments indicating its recent shift in focus to reducing VMT and a modernization of its approach to the state's transportation system. The comments indicate detailed studies and encroachment permits would be required before Caltrans approval of any substantive physical improvements within the state highway right-of-way.

RECOMMENDATION

Staff recommends that the Town Council:

1) Receive the oral staff report and ask questions of staff;
2) Hold a public hearing and take testimony from interested persons;
3) Discuss and make comments on and/or revisions to the document;

4) Adopt the Resolution (**Exhibit 1**) adopting the negative declaration and the updated Circulation Element.

EXHIBITS

1. Draft Town Council Resolution adopting the updated Element.
2. Planning Commission Resolution #2015-14 and Minutes of December 14, 2015.
3. Proposed (Annotated) Circulation Element, dated November 2015.
4. Current Circulation Element (2005, amended 2014).
5. Initial Study/Draft Negative Declaration document dated November 2015.
6. Letter from Caltrans dated December 8, 2015.
7. E-mail from Golden Gate Bridge Highway & Transportation District dated December 8, 2015.
8. E-mail from Robert Harrison dated January 13, 2016 and Town response.

NOTE: The Proposed Circulation Element and the Initial Study/Draft Negative Declaration are also available on-line at www.townoftiburon.org from a link in the Tiburon News portion of the Home Page.

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
February 3, 2016
Agenda Item: PH-2

STAFF REPORT

To: **Mayor and Members of the Town Council**

From: **Community Development Department**

Subject: **27 Main Street; File No. CUP2015002**
Conditional Use Permit to Install a Canopy on a Portion of an Exterior Deck for an Existing Restaurant; 27 Main Street, LLC, Owner; Sam's Anchor Cafe, Applicant; Assessor's Parcel Number: 059-151-35

Reviewed By: ___

PROJECT DATA

Address:	27 Main Street
Assessor's Parcel Number:	059-151-35
File Number:	CUP2015002
General Plan:	VC (Village Commercial)
Zoning:	VC (Village Commercial)
Owner:	Main Street, LLC
Applicant:	Sam's Anchor Cafe
Flood Zone:	VE- Special Flood Hazard Area

SUMMARY

On December 14, 2015, Planning Commission conditionally approved a conditional use permit application for the installation of a permanent canopy for an existing restaurant (Sam's Anchor Café) located at 27 Main Street. The representative of Waters Edge Hotel (hereafter referred to as "appellant"), has filed a timely appeal of the Commission's decision. The appeal is attached as **Exhibit 1**.

PROJECT DESCRIPTION

The proposed canopy would cover 920 square feet of the easternmost portion of the existing deck (adjacent to the Waters Edge Hotel) and would connect with the existing enclosed eastern portion of the restaurant. The applicant has indicated the proposed canopy would cover 18 existing tables. To allow for the use of the structure during all conditions and to reduce any potential noise impacts, the applicant proposes to include roll-up eisenglass (vinyl) panels along the outer perimeter of the canopy. Other improvements include lighting and heating units for the patrons seated under the canopy. The area covered by the canopy would connect to the existing dining room by an operable glass door that would replace the existing full-height fixed windows on the south end of the indoor dining area.

In addition, the applicant proposes to extend the hours of operation for outdoor food services from the current "sunset closing time" to 9:30 p.m., seven days a week. The proposed closing time for the outdoor dining would be consistent with the indoor dining closing time of 9:30 p.m.

No other use or structural modifications to the existing bar and restaurant are proposed in terms of access, staffing, tables, or location of bars and service stations. The hours of operation for the lounge and indoor dining areas would remain the same.

REVIEW BY THE PLANNING COMMISSION

November 11, 2015 Planning Commission meeting

The Planning Commission first reviewed the subject application at the November 11, 2015 meeting (see minutes and staff report attached as **Exhibits 5 & 6**). At that meeting, several residents from Corinthian Island and a representative and owner of Waters Edge Hotel raised objections to the proposal, including concerns about the noise from the restaurant and patrons and the proposed later closing time. During the meeting, the hours of operation for outdoor dining services were discussed, specifically regarding the time when outdoor dining services ceased for the evening versus the time patrons were able to be seated on the deck. The Commission shared some of these concerns and added questions for the applicant, and directed the applicant to return with a noise study that included the hotel and the residences of Corinthian Island, and provide more details of the materials for the proposed eisenglass panels and canvas for the canopy. The Planning Commission continued the application to the December 14, 2015 meeting to allow the applicant time to submit the requested information.

December 14, 2015 Planning Commission meeting

On December 14, 2015, the Planning Commission held the continued meeting (see minutes and staff report attached as **Exhibits 8 & 9**). At that meeting, the Commission reviewed additional information submitted by the applicant, including a memo from an acoustics consultant (Charles M. Salter Associates) which summarized a noise study prepared for the proposed canopy (see **Exhibit 7**). The study included noise measurements conducted on multiple evenings between 8:00 P.M. and 11:00 P.M. in November 2015.

At that meeting, a resident from Corinthian Island and representatives of Waters Edge Hotel raised additional concerns regarding potential noise from patrons dining in the area to be covered by the canopy. Mr. Salter responded, the canopy would help block and attenuate noise and, when lowered in place, the eisenglass panels would reduce noise levels by 20 decibels.

The Planning Commission reviewed the noise study and discussed limits on operating hours in the canopy area. There was extensive discussion about how the operating hours should be limited. The applicant indicated their preference to limit the time when the last customers would be seated in the canopy area. Town staff and the Commission felt this would be difficult to enforce and would allow diners to remain outside much later than 9:30 P.M. The Commission determined instead that food service in the canopy area should end no later than 9:30 P.M.

The Planning Commission supported the application with additional conditions of approval to address noise from the canopy area. The Commission required the eisenglass panels be lowered at 9:30 P.M., seven days a week and a solid wall be installed along the eastern side of the deck (adjacent to the Waters Edge Hotel) between the outdoor bar and existing restaurant. The Commission also required a review of the permit at its first meeting in November, 2016. The Commission voted 4-0 (Commissioner Williams was absent) to adopt Resolution No. 2015-10 (**Exhibit 4**) conditionally approving the application. On January 4, 2016, the appellants filed a timely appeal of this decision.

BASIS FOR THE APPEAL

There are two (2) grounds upon which the appeal is based:

Ground #1: **Condition of Approval No. 4 should include time limits for consumption of alcohol and not just food service.**

Staff Response:

Condition of approval No. 4 of Planning Commission Resolution No. 2015-10 reads as follows:

> 4. *Hours for food services outdoors shall be limited to 11:00 a.m. to 9:30 p.m. Monday – Friday and 9:30 a.m. to 9:30 p.m. Saturday-Sunday.*

The application stated that the current closing hours for outdoor dining seating is at "sunset," which is normally around 8:30 P.M. or earlier, depending on the time of year. The application requested dining service be allowed in the canopy area until 9:30 P.M.

As noted above, the Planning Commission extensively discussed the hours of operation for dining services under the proposed canopy, but most of the discussion centered on whether the time limits should be based upon when the last customers are seated or upon when food should stop being served. At the November 11, 2015 meeting Brian Wilson, co-owner of Sam's, indicated the outdoor bar is basically is a service bar for the food tables and although this area used to specifically be a bar, food was now also served there. The Commission did not discuss any limitations on alcohol service in the canopy area.

Although the Planning Commission did not impose any specific limitations on the use of the service bar in the canopy area, Staff believes there is room for additional clarification to address this issue. Staff recommends that the Town Council indicate whether any limitations on the service hours in the canopy area should also extend to alcohol service.

Ground #2: **Condition of Approval No. 5 should apply to the entire deck and not just to the area under the proposed canopy.**

Staff Response:

Condition of Approval No. 5 of Resolution No. 2015-10 reads as follows:

5. *There shall be no amplified sound, public address (PA) system, outdoor speakers, or live music on the deck.*

The existing bar and restaurant predate the incorporation of the Town and are not currently regulated by a conditional use permit. The subject conditional use permit application includes the proposal for the installation of a new canopy, window modifications to the existing building on the southeast side, and extended hours of operations for outdoor dining services under the proposed canopy, but did not include a review of the remainder of the existing building and the uncovered portion of the deck. As a result, the Planning Commission was unable to impose conditions of approval on other portions of the property and the existing business.

At the November 11, 2015 meeting the applicant indicated, they intended to replace the existing public address (PA) system used to notify customers on the outside deck of table availability with a text message system to help mitigate the potential noise level. The Planning Commission acknowledged that this would eliminate a noise source and would be an improvement for nearby residents and hotel guests and incorporated the applicant's offer to remove the PA system into Condition of Approval No. 5.

Although Staff believes there are limitations on the Town's ability to impose conditions of approval on areas outside the boundaries of the area covered by this application, it is recommended that the Town Council consider whether this condition of approval be modified to extend the limits on amplified sound, public address system, outdoor speakers and live music to the entire outside deck area.

CONCLUSION

The Planning Commission determined that the subject conditional use permit was consistent with the intent of the relevant General Plan goals and policies, along with the Zoning Ordinance provisions regarding findings for approval of conditional use permits. The Commission determined, on balance, the design of the proposed canopy and the limitations on the service hours for the covered deck area would not result in substantial noise or other impacts on nearby residents or surrounding properties. However, several of the conditions of approval establishing limits on service hours in the canopy area and amplified sound may require clarification to create understandable and enforceable requirements for this use.

RECOMMENDATION

It is recommended that the Town Council:

1) Hold a *de novo* public hearing on the subject conditional use permit application and take testimony on the appeal in accordance with the Town's adopted procedure (see attached **Exhibit 2**), and close the public hearing.

2) Consider the appeal;

3) Direct Staff to return with an appropriate resolution for adoption at the next meeting.

EXHIBITS

1. Notice of appeal
2. Appeal procedures
3. Application form and supplemental materials
4. Planning Commission Resolution No. 2015-10
5. Planning Commission staff report dated November 11, 2015
6. Minutes of the November 11, 2015 Planning Commission meeting
7. Noise Study memo from Charles M. Salter Associated dated November 30, 2015
8. Planning Commission staff report dated December 14, 2015
9. Minutes of the December 14, 2015 Planning Commission meeting
10. Submitted Plans

Prepared By: Daniel Watrous, Planning Manager
Kyra O'Malley, Associate Planner

RECEIVED
JAN 04 2016
PLANNING DIVISION

TOWN OF TIBURON
NOTICE OF APPEAL

Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920 Phone 415-435-7373
www.ci.tiburon.ca.us

APPELLANT(S)
(Attach additional pages if necessary)

Name: Justin Flake

Mailing Address: 555 Redwood Hwy., Mill Valley CA, 94941

Telephone: (415) 388-9285 (Work) Same (Home)

FAX and/or e-mail (optional): _____

ACTION BEING APPEALED

Review Authority Whose Decision is Being Appealed: Planning Commission

Date of Action or Decision Being Appealed: 12/14/2015

Name of Applicant: Sam's Restaurant

Type of Application or Decision: Conditional Use Permit

GROUNDS FOR APPEAL
(Attach additional pages if necessary)

Please see attached

EXHIBIT NO. 1
1 OF 2

****

STAFF USE ONLY BELOW THIS LINE

Last Day to File Appeal: 1/4/2016 Date Appeal Filed: 1/4/2016

Fee Paid: $300 Receipt No. R487 Date of Appeal Hearing: 2/3/2016

NOTE: Current Filing Fee is $500 initial deposit for applicant and $300 flat fee for non-applicant

Addendum to **Grounds for Appeal**, resolution 2015-10.

RECEIVED
JAN 04 2016
PLANNING DIVISION

01/04/2016

To whom it may concern:

Thank you for taking the time to review our grounds for appeal, in regards to resolution 2015-10. They are twofold:

1. We would like condition number 4 to include the service and consumption of alcohol, on the deck, along with the imposed end times for food service. At the hearing, we were under the assumption that this would be the case. However, upon calling the Planning Manager after the meeting, we were informed that it is not. Food service is less intrusive than alcoholic beverage service, which is our primary concern. Along with alcoholic beverage service comes noise, much later in the evening, which is very detrimental to our business.
2. We would like condition number 5 to extend to the entire deck, and not just the east side, where the roof will be installed. There is currently no ordinance limiting amplified music, and while these conditions cover the new enclosure, they do not speak to the west side of the deck, which will remain open, and could be a staging area for amplified music for guests who are under the enclosure.

Thank you.

Sincerely,

Justin Flake
General Manager
Waters Edge Hotel

EXHIBIT NO. 1
2 of 2

RESOLUTION NO. 17-2010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON ADOPTING AN AMENDED POLICY FOR THE PROCESSING, SCHEDULING, RECONSIDERATION, AND STORY POLE REPRESENTATION OF APPEALS, AND SUPERSEDING EXISTING POLICIES

WHEREAS, the Town receives and hears appeals from decisions of various commissions, boards and administrative officials from time to time, and

WHEREAS, the Town Council has adopted various policies over the years with respect to appeal procedures, scheduling, and reconsideration, including Resolutions Nos. 2878 and 3218 and Town Council Policy Nos. 95-01 and 2002-01; and

WHEREAS, the Town Council has determined that it is timely and appropriate to update and consolidate these policies regarding appeals; and

WHEREAS, the Town Council has held a public meeting on this matter on March 17, 2010 and has heard and considered any public testimony and correspondence; and

NOW, THEREFORE, BE IT RESOLVED that Town Council Resolution No. 2878, Town Council Resolution No. 3218, Town Council Policy 95-01, and Town Council Policy 2002-01 are hereby superseded by this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Tiburon does hereby adopt the following general policy with respect to processing, scheduling, and reconsideration of appeals and for story pole installation for appeals.

APPEAL PROCEDURE

1. The Municipal Code sets forth instances when persons may appeal a decision by a review authority (e.g. Town official, Design Review Board or Planning Commission) to the Town Council. Any person making such an appeal must file a completed Town of Tiburon Notice of Appeal form, available on the Town's web site and at Town Hall, with the Town Clerk not more than ten (10) calendar days following the date of the decision being appealed. Shorter time frames for filing an appeal apply to certain types of permits. If the final day to appeal occurs on a day when Town Hall is closed for public business, the final day to appeal shall be extended to the next day at which Town Hall is open for public business. Appeals may not be revised or amended in writing after the appeal period filing date has passed.

EXHIBIT NO. 2
1 OF 5

2. The appellant must submit filing fees with the Notice of Appeal form. Filing fees are set forth in the Town's current adopted Fee Schedule.

   (a) If the applicant is the appellant, the remainder of the filing fee (if any) will be refunded following completion of the appeal process. Additional staff time or costs to process an applicant's appeal is the financial responsibility of the applicant and will be billed per the Town's current hourly rate schedule and/or at actual cost if outside consulting is required.
   (b) If the appellant is not the applicant, then a fixed amount filing fee is required with no refund or additional billing required.

3. In the appeal form, the appellant shall state specifically either of the following:

   (a) The reasons why the decision is inconsistent with the Tiburon Municipal Code or other applicable regulations; or
   (b) The appellant's other basis for claiming that the decision was an error or abuse of discretion, including, without limitation, the claim that the decision is not supported by evidence in the record or is otherwise improper.

   If the appellant is not the applicant, the Town Council need only consider on appeal issues that that the appellant or other interested party raised prior to the time that the review authority whose decision is being appealed made its decision.

4. The appellant must state all grounds on which the appeal is based in the Notice of Appeal form filed with the Town Clerk. Neither Town staff nor the Town Council need address grounds introduced at a later time that were not raised in the Notice of Appeal form.

5. The procedure for presentation of the appeal at the Town Council meeting is as described below. In cases where the applicant is the appellant, paragraphs (c) and (f) below would not apply.

   (a) Town Staff may make a brief (approximately 10 minute) presentation of the matter and then respond to Town Council questions.
   (b) Appellant and/or appellant's representative(s) may make a presentation of no more than twenty (20) minutes and then respond to Town Council questions. Appellant may divide up the twenty (20) minutes between various speakers or have only one speaker, provided that the time limit is observed. Time devoted to responding to Town Council questions shall not be included as part of the twenty (20) minute time limit.
   (c) Applicant and/or applicant's representative(s) may make a presentation of no more than twenty (20) minutes and then respond to Town Council questions. Applicant may divide up the twenty (20) minutes between various speakers or have only one speaker, provided that the time limit is observed. Time devoted to responding to

EXHIBIT NO. 2
2 OF 5

Town Council questions shall not be included as part of the twenty (20) minute time limit.

(d) Any interested member of the public may speak on the item for no more than three (3) minutes. A speaker representing multiple persons (e.g., homeowner's association, advocacy group or official organization, etc.) may speak on the item for no more than five (5) minutes, at the discretion of the Mayor.

(e) Appellant is entitled to an up to three (3) minute rebuttal, if desired, of any comments previously made at the hearing.

(f) Applicant is entitled to an up to three (3) minute rebuttal, if desired, of any comments previously made at the hearing.

7. The testimony portion of the appeal hearing is closed and the Town Council will begin deliberations on the appeal. There will be no more applicant, appellant, or public testimony accepted unless requested by the Town Council.

8. If, following deliberation, the Town Council is prepared to make a decision on the appeal, it will direct Town staff to return with a draft resolution setting forth the decision, and the findings upon which it is based, for consideration at a future Town Council meeting. The decision of the Town Council is not final until the resolution is adopted. Alternatively, if the Town Council is not prepared to make a decision on the appeal, it may:

   (a) Continue the appeal to a future date;

   (b) Remand the item to the review authority from which it was appealed for further hearing, review and action, with a specific description of the outstanding and unresolved issues and appropriate direction thereon; or

   (c) Refer the item to another review authority for its review and recommendations prior to further Town Council consideration.

9. Following a final decision by the Town Council, Town staff will promptly mail a Notice of Decision to the applicant and appellant.

RECONSIDERATION

If, after the Town Council has voted to direct staff to prepare a resolution of decision, significant new information comes to light, which information was previously unknown or could not have been presented at the appeal hearing due to circumstances beyond the parties' control and not due to a lack of diligence, the Town Council may entertain a motion to reconsider its direction to prepare a resolution of decision. Any such motion to reconsider must be made prior to adoption of the resolution of decision, and the motion must be made by a Councilmember who voted on the prevailing side in the vote sought to be reconsidered. Any Councilmember may second the motion. The Town Council may consider and vote on the motion to reconsider at that time, and if the motion carries, the matter shall be placed on a future agenda for further notice and hearing.

EXHIBIT NO. 2

3 OF 5

SCHEDULING OF APPEALS

1. The Town's policy is to schedule and hear appeals in an expeditious manner. Appeals will generally be heard at the first regular Town Council meeting that is at least fifteen (15) days after close of the appeal period. At the sole discretion of the Town Manager, the Town may schedule the appeal for a subsequent Town Council meeting based on the complexity of the matter, availability of key Town staff members and Councilmembers, agenda availability, or unusual circumstances. Town staff will make reasonable efforts to establish the hearing date for the appeal within three (3) working days of the close of the appeal period. The Town Clerk, in coordination with appropriate Town staff, will promptly advise all parties to the appeal of the selected hearing date.

2. The Town Manager will grant requests for continuances from the date established above in the event that all parties to the appeal agree in writing to a date specific for the continuance and that date is deemed acceptable by the Town Manager.

3. Attendance of parties to an appeal at the hearing is desired, but not required. The Town Council will consider written comments or representation by others in lieu of personal appearance.

STORY POLES

For appeals where story poles were erected for review of the original decision being appealed, a story pole representation shall be required for the Town Council's appeal review process, as follows:

1. A story pole plan showing the poles to be connected, including location and elevations of poles and connections, shall be submitted, reviewed, and accepted as adequate by Planning Division Staff prior to installation of the poles and connections.

2. Critical story poles, as determined by Staff, must be connected by means of ribbons, caution tape, rope or other similar and highly visible materials clearly discernable from a distance of at least three-hundred (300) feet in clear weather, to illustrate the dimensions and configurations of the proposed construction.

3. Story poles and connecting materials must be installed at least ten (10) days prior to the date of the appeal hearing before the Town Council.

4. Failure to install the poles and materials in a timely manner may result in continuance of the public hearing date.

5. Story poles must be removed no later than fourteen (14) days after the date of final decision by the Town Council.

APPLICABILITY

This policy, while primarily written for use by the Town Council, is intended to apply to the extent practicable to Town decision-making bodies, other than the Town Council, which may hear appeals from time to time. Be advised that certain types of appeals, such as appeals of staff-level design review application decisions to the Design Review Board, may have different deadlines for filing of the appeal than the ten (10) calendar days specified above.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on March 17, 2010, by the following vote:

AYES: COUNCILMEMBERS: Collins, Fraser, Fredericks & O'Donnell

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Slavitz

_____
RICHARD COLLINS, MAYOR
TOWN OF TIBURON

ATTEST:

_____
DIANE CRANE IACOPI, TOWN CLERK

EXHIBIT NO. 2
5 OF 5

TOWN OF TIBURON
LAND DEVELOPMENT APPLICATION

RECEIVED
AUG 31 2015
PLANNING DIVISION

TYPE OF APPLICATION

- [x] Conditional Use Permit
- o Precise Development Plan
- o Secondary Dwelling Unit
- o Zoning Text Amendment
- o Rezoning or Prezoning
- o General Plan Amendment
- o Temporary Use Permit
- o Design Review (DRB)
- [x] Design Review (Staff Level)
- o Variance(s)_____#
- o Floor Area Exception
- o Tidelands Permit
- o Sign Permit
- o Tree Permit
- o Tentative Subdivision Map
- o Final Subdivision Map
- o Parcel Map
- o Lot Line Adjustment
- o Condominium Use Permit
- o Seasonal Rental Unit Permit
- o Other_____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 27 Main Street **PROPERTY SIZE:** 0.5 acre
PARCEL NUMBER: 59-151-35 **ZONING:** VC - Village Commercial

PROPERTY OWNER: 27 Main Street, LLC
MAILING ADDRESS: 27 Main St, Tiburon

PHONE/FAX NUMBER: 415-435-4527 E-MAIL: stevejsears@gmail.com

APPLICANT (Other than Property Owner): Same
MAILING ADDRESS:

PHONE/FAX NUMBER: E-MAIL:

ARCHITECT/DESIGNER/ENGINEER Clausen Engineers (Peter Clark)
MAILING ADDRESS: 1727 64th St, Emeryville, CA 94608

PHONE/FAX NUMBER: 510-444-4144 E-MAIL: pc@clausenengineers.com

Please indicate with an asterisk (*) persons to whom Town correspondence should be sent.

BRIEF DESCRIPTION OF PROPOSED PROJECT (*attach separate sheet if needed*):
See description attached.

EXHIBIT NO. 3
1 OF 26

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:* _____ Date: 8-31-15

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:* _____ Date: 8-31-15

If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application

NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon
Community Development Department
Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
(415) 435-7390 (Tel) (415) 435-2438(Fax)
www.townoftiburon.org

DO NOT WRITE BELOW THIS LINE

DEPARTMENTAL PROCESSING INFORMATION

Application No.: CUP2015002 **GP Designation:** **Fee Deposit:** $1540.00
Date Received: 8/31/15 **Received By:** DW **Receipt #:** 29577
Date Deemed Complete: 10/16/15 **By:** DW
Acting Body: **Action:** **Date:**
Conditions of Approval or Comments: _____ **Resolution or Ordinance #** _____

EXHIBIT NO. 3

RECEIVED
AUG 31 2015
PLANNING DIVISION

Conditional Use Permit Application

Prepared for:
27 Main Street, LLC.

dba:
Sam's Anchor Café
27 Main St.
Tiburon, CA 94920

Prepared by:
Clausen Engineers
1727 64th St.
Emeryville, CA 94608

August 2015

W. B. **Clausen** Structural **Engineers**, Inc.

EXHIBIT NO. 3
3 OF 26

Conditional Use Permit Application

Table of Contents

A. Land Development Application 3

B. Ownership, Applicant, and Property Information 6
1. Owners Listing 6
2-3. Representative Authorization 7
4. Parcel Legal Description 8
5. Deed of Trust 11

C. Use and Management Information 13
1. Existing Site Description 13
2. Proposed Site Alterations 13

D. Plans and Drawings 15

E. Environmental Data Submission 16
A. Project Information 16
B. Environmental Setting 18
C. Impacts 20
D. Mitigation Measures and Alternative 21
E. Certification 22

EXHIBIT NO. 3
4 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

Appendices

Appendix A: Vicinity Map

Appendix B: Use Map

Appendix C: Vicinity Map - 2

Appendix D: Permit Plan and Details

EXHIBIT NO. 3

5 of 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

A. Land Development Application

EXHIBIT NO. 3
6 of 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

B. Ownership, Applicant, and Property Information

1. Owners Listing

Steve Sears
1486 Vistazo West
Tiburon, CA 94920

Brian Wilson
265 Santa Rosa Ave.
Sausalito, CA 94965

EXHIBIT NO. 3
7 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

2-3. Representative Authorization

RE: Authorization

To Whom it May Concern,

We request that the Town of Tiburon recognize Clausen Engineers as the representative in charge in preparing documents and submittals on our behalf in support of proposed modifications to Sam's Anchor Café.

Furthermore, we ask that the Town process our enclosed application.

Best Regards,

Steve Sears

Brian Wilson

Representative's Address

Clausen Engineers
ATTN: Peter Clark
1727 64th Street
Emeryville, CA 94965

EXHIBIT NO. 3
8 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

4. Parcel Legal Description

EXHIBIT NO. 3

9 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Exhibit "A"

Legal Description

Real property in the City of Tiburon, County of Marin, State of California, described as follows:

ALL THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS 27-29 AND 31-33 MAIN STREET LOCATED IN THE CITY OF TIBURON, COUNTY OF MARIN, STATE OF CALIFORNIA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE:

COMMENCING AT THE ANGLE POINT IN THE VELLA-CORINTHIAN YACHT CLUB BOUNDARY LINE LYING IN TIDE LOT NO. 15 ½ IN SECTION 6, TOWNSHIP 1, SOUTH, RANGE 5 WEST, MT. DIABLO BASE AND MERIDIAN, DISTANT SOUTH 60° 46' WEST 2.00 FEET AND SOUTH 20° 24' EAST 120.00 FEET FROM TIDE LAND STATION NO. 468, AS THE SAME IS SHOWN UPON "MAP NO.1 OF SALT MARSH AND TIDE LANDS", FILED IN THE TIDE LAND COMMISSIONER'S OFFICE IN SAN FRANCISCO, AND
RUNNING THENCE SOUTH 19° 49' 30" EAST 125.00 FEET;
THENCE NORTH 70° 10' 30" EAST 94.45 FEET;
THENCE NORTH 56° 54' WEST 156.67 FEET TO THE POINT OF COMMENCEMENT; ALL BEARINGS BEING BASED ON THE NORTHWESTERN PACIFIC RAILROAD CO. MERIDIAN.

BEING A TRIANGULAR PARCEL LYING IN A PORTION OF TIDE LOT NO. 15 ½ AS DESCRIBED ABOVE.

PARCEL TWO:

THAT CERTAIN PARCEL OF LAND SITUATE, LYING AND BEING IN TIDE LAND LOT 15 ½ SECTION 6, TOWNSHIP 1 SOUTH, RANGE 5 WEST, MOUNT DIABLO BASE AND MERIDIAN, COUNTY OF MARIN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID TIDE LAND LOT 15 ½ WHICH IS KNOWN AND DESIGNATED AS TIDE LAND STATION 468, WHICH POINT BEARS SOUTH 64° 33' 30" WEST 207.8 FEET FROM AN IRON PIN SET IN CONCENTRATE KNOWN AND DESIGNATED AS TIDE LAND STATION 469;
THENCE NORTH 64° 33' 30" EAST 73.0 FEET;
THENCE SOUTH 19° 49' 30" EAST 200 FEET;
THENCE SOUTH 56° 54' EAST 290.08 FEET;
THENCE SOUTH 1° 05' WEST 17.51 FEET;
THENCE NORTH 56° 54' WEST 401.5 FEET;
THENCE NORTH 20° 24' WEST 120.0 FEET TO A POINT IN THE NORTHERLY LINE OF TIDE LAND LOT 15 ½
THENCE ALONG SAID NORTHERLY LINE, NORTH 60° 46' EAST 2.0 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DEEDED BY W.L. GILLOGLY TO THE NORTHWESTERN PACIFIC RAILROAD AS THE SAME IS RECORDED IN VOLUME 119 OF OFFICIAL RECORDS, AT PAGE 301 OF MARIN COUNTY RECORDS, AND
RUNNING THENCE NORTH 22° 06' WEST 26.40 FEET ALONG THE ZELINSKY-VELLA BOUNDARY LINE;
THENCE SOUTH 70° 10' 30" WEST 0.20 FEET ALONG THE SOUTHERLY LINE OF MAIN STREET;
THENCE SOUTH 21° 14' 08" EAST 50.795 FEET ALONG THE EXTERIOR WALL OF THE ANCHOR CAFE BUILDING;
THENCE NORTH 19° 49' 30" WEST 24.40 FEET TO THE POINT OF COMMENCEMENT; ALL BEARINGS BASED ON THE SURVEY MADE BY GEO. F. COMSTOCK, C.E. #5123, MARCH 24, 1956.

BEING THE LAND LYING OUTSIDE AND EASTERLY OF THE SAID BUILDING WALL AND THE EASTERLY LINE OF THE VELLA PROPERTY.

EXHIBIT NO. 3
10 OF 26

PARCEL THREE:

COMMENCING AT A POINT LYING ON THE VELLA-ZELINSKY BOUNDARY LINE DISTANT SOUTH 19° 49' 30" EAST 24.40 FEET FROM THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DEEDED BY W.L. GILLOGLY TO THE NORTHWESTERN PACIFIC RAILROAD AS THE SAME IS RECORDED IN VOLUME 119 OF OFFICIAL RECORDS, AT PAGE 301, MARIN COUNTY RECORDS, AND
RUNNING THENCE SOUTH 19° 49' 30" EAST 49.00 FEET ALONG THE VELLA-ZELINSKY BOUNDARY LINE;
THENCE NORTH 70° 10' 30" EAST 1.21 FEET;
THENCE NORTH 21° 14' 08" WEST 49.015 FEET ALONG THE EXTERIOR WALL OF THE ANCHOR CAFE BUILDING TO THE POINT OF COMMENCEMENT. ALL BEARINGS BEING BASED ON THE SURVEY MADE BY GEORGE F. COMSTOCK, C.E. #5123, MARCH 24, 1956.

BEING THE LAND OCCUPIED BY THE ANCHOR CAFE BUILDING TO AND INCLUDING ITS EXTERIOR EASTERLY WALL.

PARCEL FOUR:

COMMENCING AT A POINT WHICH IS BY TRAVERSE FROM TIDE LAND POST NUMBER 469, AND IRON BOLT SET IN CEMENT POST ON SOUTH SIDE OF THE ISTHMUS CONNECTING THE MAINLAND WITH PENINSULA ISLAND, SOUTH, 64° 54' WEST 131 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 64° 54' WEST 68.31 FEET;
THENCE NORTH 41° 44' WEST TO THE SOUTHERLY LINE OF COUNTY ROAD;
THENCE NORTH 69° 24' EAST 77.16 FEET;
THENCE SOUTH 22° 06' EAST 26.01 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION WHICH LIES WESTERLY OF THE WESTERLY EXTERIOR WALL OF THE MAIN BUILDING SITUATED UPON THE HEREIN DESCRIBED PROPERTY, AS DESCRIBED IN DEED FROM SAM VELLA ET UX TO WILLIAM MCPARTLAND ET UX, RECORDED NOVEMBER 18, 1941 IN LIBER 422 OF OFFICIAL RECORDS, AT PAGE 109, MARIN COUNTY RECORDS.

SAID EXTERIOR WALL IS ALSO DESCRIBED IN A BOUNDARY LINE AGREEMENT BETWEEN SAM VELLA AND WILLIAM MCPARTLAND, ET UX, RECORDED OCTOBER 11, 1957 IN BOOK 1146 OF OFFICIAL RECORDS, AT PAGE 344, MARIN COUNTY RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DEEDED BY W.L. GILLOGLY TO THE NORTHWESTERN PACIFIC RAILROAD AS THE SAME IS RECORDED IN VOLUME 119 OFFICIAL RECORDS, AT PAGE 301 OF MARIN COUNTY RECORDS, AND
RUNNING THENCE NORTH 22° 06' WEST 26.40 FEET ALONG THE ZELINSKY-VELLA BOUNDARY LINE;
THENCE SOUTH 70° 10' 30" WEST 0.20 FEET ALONG THE SOUTHERLY LINE OF MAIN STREET;
THENCE SOUTH 21° 14' 08" EAST 50.795 FEET ALONG THE EXTERIOR WALL OF THE ANCHOR CAFE BUILDING;
THENCE NORTH 19° 49' 30" WEST 24.40 FEET TO THE POINT OF COMMENCEMENT; ALL BEARINGS BEING BASED ON THE SURVEY MADE BY GEO. F. COMSTOCK, C.E #5123, MARCH 24, 1956.

BEING THE LAND LYING OUTSIDE AND EASTERLY OF THE SAID BUILDING WALL AND EASTERLY LINE OF THE VELLA PROPERTY.

APN: 059-151-35

EXHIBIT NO. 3
11 OF 26

Conditional Use Permit Application

5. Deed of Trust

EXHIBIT NO. 3
12 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

RECORDING REQUESTED BY:

First American Title Insurance Co.

AND WHEN RECORDED, MAIL TO:

The Mortgage Capital Development Corp.
611 Front Street
San Francisco, CA 94111
Attn: Closing Department
Loan #: 428 169 5003

FOR RECORDER'S USE ONLY:

FIRST AMERICAN TITLE INSURANCE COMPANY
HEREBY CERTIFIES THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT
BY:
RECORDED: 6/30/11
SERIES NO.: 2011'00032733

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Deed of Trust and Assignment of Rents

This Deed of Trust, made this 6/16/2011 between 27 Main Street, LLC, a Delaware limited liability company , herein called TRUSTOR, whose address is 27-33 Main Street, Tiburon, CA 94920, First American Title Company, a corporation, herein called TRUSTEE, and The Mortgage Capital Development Corporation, herein called BENEFICIARY,

WITNESSETH: That TRUSTOR IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Marin County, California described as:

See Exhibit "A" attached.

In the event the herein described property or any part thereof, or any interest therein is sold, agreed to be sold, conveyed or alienated by the Trustor, or by the operation of law or otherwise, all obligations secured by this instrument, irrespective of the maturity dates expressed therein, at the option of the holder hereof and without demand or notice shall immediately become due and payable.

Together With the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing:

1. Performance of each agreement of Trustor herein contained. 2. Payment of the indebtedness evidenced by **one promissory note** of even date herewith, and any extension or renewal thereof, in the principal sum of **$2,998,000.00** executed by Trustor in favor of Beneficiary or order. 3. Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary, when evidenced by another note (or notes) reciting it is so secured.

To Protect the Security of This Deed of Trust, Trustor Agrees:

(1) To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof, not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

EXHIBIT NO. 3

Conditional Use Permit Application

C. Use and Management Information

1. Existing Site Description

The outdoor dining area at Sam's includes approximately 2,700 sf of seating space capable of hosting upwards of 280 guests. This area is attached and located directly south of the indoor dining room. This area is constructed as a timber fixed pier over the waters of San Francisco Bay, providing unobstructed views of the Tiburon waterfront, Angel Island, and the San Francisco City Front in the distance. The present configuration includes (3) server stations, (1) bar station, and (63) dining tables. Patron access to the outdoor dining space is provided by two separate locations; via the lounge/dining room and via the waterfront by way of a floating dock and gangway.

The outdoor dining space is most heavily utilized during the prime season (May - Oct), when seating is often at capacity. Hours of operation corresponds to the kitchen schedule as provided in detail below. However, opening of the outdoor space is highly weather dependent and often closed due to rain, wind, low temperatures, or a combination of each. To maximize the comfort of their patrons, the Applicant provides portable heaters at various locations around the deck to extend operating times into the evenings and during cooler months.

Personnel and Patron Capacity

Personnel: 14 Servers, 4 Bussers, 2 Bar Tenders
Patronage: 280 patrons

Hours of Operation

Food Service
Indoor: 11:00am - 9:30pm (M-F), 9:30am - 9:30pm (Sa-Su)
Outdoor: 11:00am - Sunset (M-F), 9:30 - Sunset (Sa-Su)

Lounge: 11:00am - 12:00am

2. Proposed Site Alterations

The popularity of the outdoor deck at Sam's is quite evident during the typical summer afternoons when seating capacity is full. The warm inviting atmosphere provides guests a unique dining environment while San Francisco is consumed by fog and high winds. This is however not the case during portions of the offseason, evenings, and during periods of high winds, cool weather, and rain, when the outdoor deck is less than ideal for Sam's patrons. For this reason, the Applicant seeks to enhance the outdoor seating area to provide more ideal conditions for their patrons during all weather conditions.

EXHIBIT NO. 3
14 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

RECEIVED
OCT 06 2015
PLANNING DIVISION

Conditional Use Permit Application

Under this CUP application, Sam's Anchor Café proposes to install a permanent overhead canopy structure to be fixed over approximately 920 sf of the existing outdoor deck space. The structure will be constructed of structural steel tube framing and roofed with galvanized corrugated steel sheeting. Both the steel framing and roofing material will be coated with non reflective paint with the proposed color to be a light gray shade. The proposed structure will cover approximately one third of the total outdoor dining space. No other changes are propsed in terms of access, staffing, or the locations of bar/server stations. The proposed covered area will accommodate 18 tables with seating capacity for 72 patrons.

Additionally, Sam's propose to install a full-height operable glass door wall replacing the existing full-height, fixed, window line. This wall line is located at the Southern end of Sam's Anchor Café facing the bay, directly adjacent to the deck and proposed canopy. The wall will consist of four track mounted and one fixed glass locking panels with aluminum framing. The four operable panels will slide into a closet allowing an unobstructed flow from the inside dining area to the outside seating area covered by the proposed canopy.

To allow for use of the structure during all weather conditions when wind and rain are present, the proposed structure will include roll-up eisen glass panels along the outer perimeter. These panels will be rolled and lashed at the top of the structure when not in use to allow for an open air feel and unobstructed views of the bay.

All metal surfaces shall be coated with non-reflective light gray paint.

The proposed structure will be sloped downward from it's interface with the existing indoor dining space extending in the direction of the outdoor deck. At it's interface above the existing indoor dining space, the canopy's elevation will be approximately 11' above the deck's surface decreasing to approximately 10' above the deck's surface at its terminus, thus allowing unobstructed views from the patrons within the indoor dining room.

The structure shall have integrated down-lighting installed within the horizontal beams. These lighting fixtures will direct light towards the dining space and not contribute to outside glare.

The Applicant proposes that permanent heating units be fixed at various positions within the overhead structure. These units will be plumbed with natural gas and replace individual heating units currently in place.

The Applicants understand that the City may require a fire sprinkler system and is not opposed to installing such a system.

The Applicant acknowledges that the proposed structure will allow for both extended hours of operation during the typical daily schedule as well as allowing outdoor dining to commence during inclement weather. To dispel concerns that extended operations will contribute to elevated noise levels in the surrounding area, the Applicant offers the following. No outdoor speakers or live

EXHIBIT NO. 3

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

D. Plans and Drawings

See Appendix D for Site Plans and Specifications

EXHIBIT NO. 3
16 OF 2

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

E. Environmental Data Submission

A. Project Information

1. Applicant: 27 Main St, LLC.

   Address: 27 Main St
   Tiburon, CA 94920

   Telephone: 415-435-4527
   Email: stevejsears@gmail.com

2. Submission Prepared By:

   Preparer: Peter Clark

   Address: Clausen Engineers
   1727 64th St.
   Emeryville, CA 94608

   Telephone: 510-444-4144
   Fax: 510-655-1133
   Email: pc@clausenengineers.com

3. Project Numbers:

4. APN: 59-151-35

5. Type of Approval Sought: CUP and Design Review (Admin)

6. Location of Project: See Appendix A

7. Size of Subject Property: 0.5 acre

8. Present / Previous Use of Site of Structures: Restaurant and Lounge

9. Existing General Plan / Zoning Designations: DT-15 Village Commercial

EXHIBIT NO. 3
17 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

10. General Description of Project

    a. The project's intent is to provide a more desirable atmosphere for outdoor dining given variances in weather, time of day and seasonality. The proposed improvement seeks to install an overhead canopy structure to cover a portion of the existing outdoor dining space.

    b. See use map in Appendix B

    c. The proposed project shall be constructed atop an existing fixed pier. The project shall be completed in a single phase as to provide the least impact to the Applicant's business operations. Construction programming shall include the erection of steel framing and roofing material, and the installation of utilities. All installations shall be permanent.

    d. The overhead structure will include approximately 920 sf of aerial coverage above the existing outdoor dining area. The roofing shall be constructed of impermeable galvanized corrugated steel sheeting and graded so that rain water and condensation be directed over the adjacent bay waters.

11. We believe that the proposed project will require Design Review at the administrative level.

12. See map in Appendix C

EXHIBIT NO. 3
18 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

B. Environmental Setting

1. Topography: The proposed overhead structure shall be sited atop an existing fixed pier deck. There is a zero slope atop the pier deck's surface.

2. Geology: The project shall not propose any modification to or any impacts on underlying geologic formations.

3. Air Quality: The proposed project shall not have any effect on air quality.

4. Hydrology: The proposed project shall not have any effect on the hydrology of the surrounding bay waters.

5. Water Quality: The proposed structure will be constructed atop an existing fixed pier deck. Surface waters accumulating atop the overhead structure will be directed to the surrounding bay waters. This water shall be clean and free from contaminants. The top of the overhead canopy shall be cleaned and maintained periodically to be kept free of airborne debris.

6. Biology: There shall be no impacts to adjacent flora/fauna due to the installation of the proposed overhead structure.

7. Noise: The proposed improvements are being sited atop an area which has been continually used for outdoor dining for many years. This type of activity has inherent ambient noise levels consistent with social gatherings. As stated previously, there is no proposed change in use for the outdoor dining area, but rather a change in the ability to provide outdoor dining during times of inclement weather. The Applicant shall only operate the outdoor portion of the business during normal operating hours consistent with the indoor dining service, which closes as 9:30pm nightly. There will be no net increase in the noise levels by way of the installation of the proposed overhead structure. Further, the inclusion of an overhead element shall lend well to reflecting ambient noise back into the footprint of the deck and prevent migration of noise into the surrounding areas.

8. Visual/Scenic Resources: The site is considered a scenic resource as part of the overall Tiburon waterfront area encompassing the stretch of land from the Corinthian YC to the Angel Island Ferry. This area includes waterfront enhanced commercial operations including restaurants, boutique shopping, and guest accommodations. The proposed overhead structure shall be installed over the eastern half of the existing outdoor dining area. The structure's roof line will not be higher than the existing roof line of the adjacent indoor dining room.

EXHIBIT NO. 3
19 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

In regards to view corridors, the structure shall have limited effects of any views towards the bay. The only corridor directly effected shall be that of the Applicant's indoor dining area. Further, the structure shall have limited effects on views from adjacent properties. The structure shall be constructed of slender 4" steel columns allowing for an open air feel. During the evenings and when warranted by high winds, the Applicant may enclose the structure's perimeter with transparent eisenglass panels which would allow for and maintain unobstructed views.

The structure shall be coated with a non-reflective painted surface treatment. The proposed color will be light gray which would lend well to the colors of adjacent buildings.

The structure shall be lit with low intensity LED down lighting, which will mitigate the effects of light migration to the surrounding area. Further the presence of the roofing material shall prevent light from being reflected away from the project's footprint.

9. Grading: No grading is proposed

10. Archeological/Cultural Resources: This area is not archeologically or culturally sensitive.

11. Population and Housing Characteristics: The site is located directly adjacent to a hotel operation. Further, the site is within 300' of homes located on Corinthian Island.

12. Circulation: No impacts to traffic circulation shall be realized.

13. Public Service and Utilities: The site's gas, power, and fire sprinkler systems shall be extended to the proposed structure. All other utilities and public services will remain unchanged.

14. Health and Safety

a. No flammable, reactive, or explosive materials will be stored on site.

b. The site is located approximately 50' from the kitchen.

c. No hazardous materials will be used, stored, or produced on site.

d. No new or changed disposal procedures for waste products will be realized as result of the proposed structure.

e. The nearest sensitive receptor (housing unit) is less than 50' from the site.

EXHIBIT NO. 3
20 OF 20

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

C. Impacts

The proposed overhead structure shall have minor impacts on several specific items outlined in the above commentary; namely in regards to noise and visual appearance. As mentioned previously, the Applicant seek to provide an enhanced experience to it's patrons via the construction of an overhead structure. The inclusion of such shall not effect or change the present use of the outdoor dining area. Ambient noise levels associated with the social atmosphere of the space shall not be increased by the proposed structure. However, the structure will allow the Applicant to operate during inclement weather and into the evening hours. Thus one such impact would include an extension of the times at which ambient noise levels would emitted from the space during normal operations.

Secondly, the structure shall minimally impact the existing visual appearance of the space. As proposed, the structure includes vertical members located along the structure's perimeter, horizontal beams located atop the verticals, and thin roofing material. From the exterior, the structure shall appear open. During inclement weather, (rain, high winds, low temperatures, etc.) the Applicant shall deploy clear eisenglass panels along the perimeter. This enclosure will serve to provide a better environment for patrons during such conditions.

EXHIBIT NO. 3
21 OF 2

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

D. Mitigation Measures and Alternative

1. Mitigation Measures: In response to impacts outlined above, we offer the following:

Noise: The Applicant's business provides a dining experience unique to its patrons. The outdoor setting is enhanced by its location along the waterfront which lends well to the facility's popularity amongst locals and visitors alike. During typical operating hours, the social atmosphere exhibits ambient noise levels consistent with outdoor dining spaces in the area. Present hours of operation have been established to not disrupt the neighboring community during the evening hours. The proposed structure will allow the Applicant to extend operations of the outdoor dining space into the evening and during periods of inclement weather. As anticipated, ambient noise will accompany these times of extended operations. We would anticipate however, that patronage would tend to taper off later in the evenings and be limited during inclement weather. We believe that the inclusion of both overhead and side coverage elements of the structure will keep noise levels within the space, thus diminishing the effects of noise for the surrounding areas. Furthermore, the Applicant has coordinated sound reducing construction methods with consultation from Charles M. Salter Associates. These measures are provided on the attached plan set and reflected in the attached memo from Salter.

Visual Appearance: The proposed structure would be visually evident from the surrounding areas. To mitigate this impact, the structure has been designed with slender vertical members to minimize it's visual appearance when viewed from adjacent areas. Further, all steel members will be coated with non-reflective paint, which will be colored a light gray shade to best blend with the surrounding commercial spaces. Lastly, we acknowledge that residences located along the Corinthian Island hillside would have a birds eye view of the proposed enhancements, specifically, the roofing. To address this, the Applicant proposes that the roofing panels specified be treated with a non-reflective gray coating to eliminate the potential effects of glare.

EXHIBIT NO. 3

22 of 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

E. Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: _____

Signed: _____

Peter Clark

For: 27 Main St, LLC (Applicant)

EXHIBIT NO. 3
23 OF 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

Conditional Use Permit Application

Appendices

Appendix A: Vicinity Map

Appendix B: Use Map

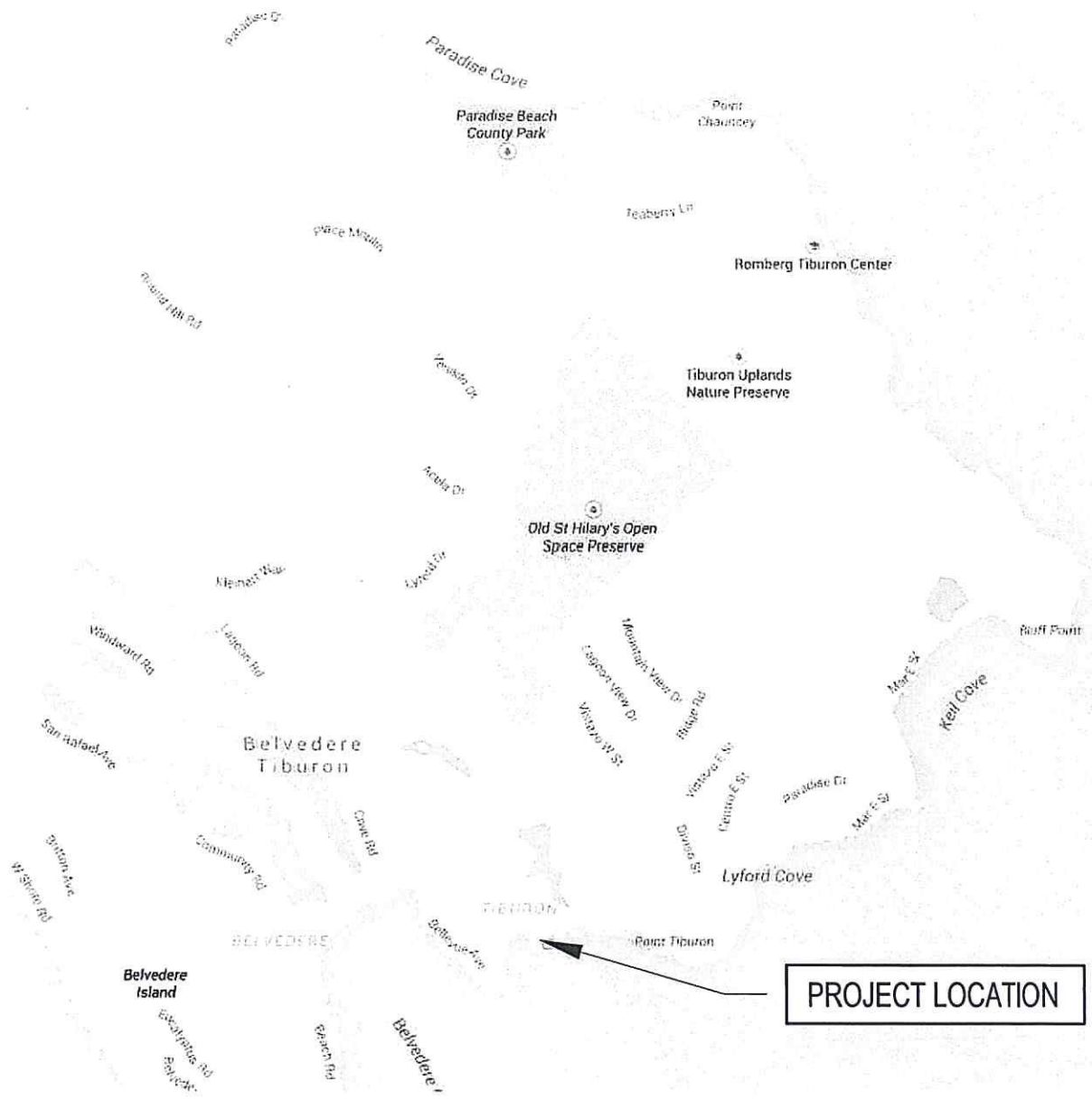
Appendix C: Vicinity Map - 2

Appendix D: Permit Plan and Details

EXHIBIT NO. 3
24 of 26

1727 64TH Street • Emeryville • California • 94608 • (510) 655 - 4144 tel • (510) 655 - 1133 fax

APPENDIX A



VICINITY MAP

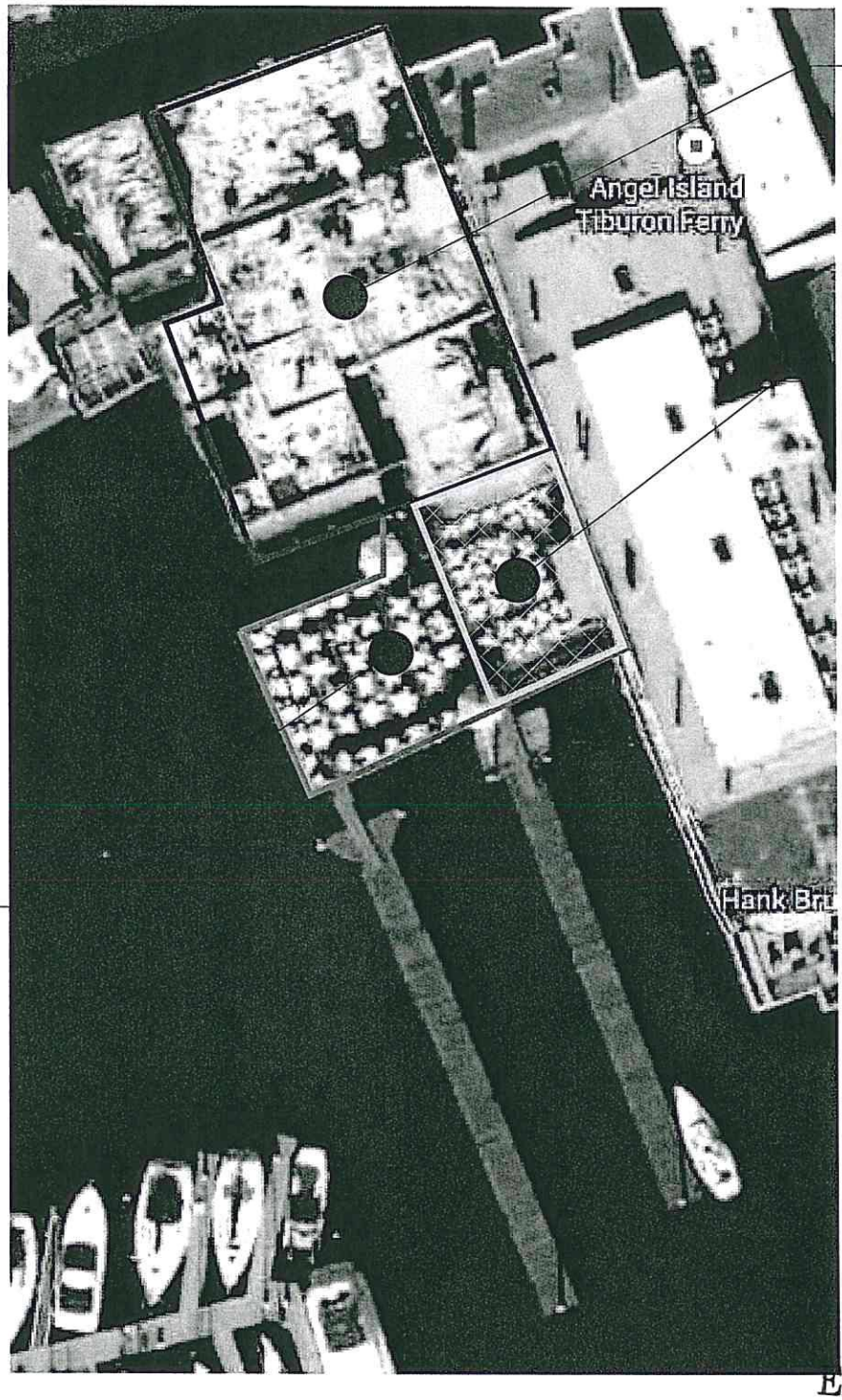
NTS

EXHIBIT NO. 3

25 of 26

W. B. Clausen Structural Engineers, Inc. 1727 64TH Street, Emeryville, California 94608 PH: (510) 655-4144 Fax (510) 655-1133	DRAWN BY: PHC CHECKED BY:	Sam's Anchor Cafe CUP Application Tiburon, CA	V1
	DATE ISSUED: 1/8/15	VICINITY MAP	JOB NUMBER: 26995

APPENDIX B



INDOOR DINING/
LOUNGE

PROPOSED COVERE
OUTDOOR SPACE

OUTDOOR DINING
SPACE

EXHIBIT NO. 3

26 OF

USE MAP

NTS

W. B. Clausen Structural Engineers, Inc. 1727 64th Street, Emeryville, California 94608 Tel: (510) 655-4144 Fax: (510) 655-1133	DRAWN BY PHC	Sam's Anchor Cafe CUP Application Tiburon, CA	**V2**
	CHECKED BY		
	DATE ISSUED 1/8/15	**USE MAP**	JOB NUMBER 26995

RECORDING REQUESTED
WHEN RECORDED, RETURN TO:
Tiburon Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920
Record without fee per GC 27383

RESOLUTION NO. 2015-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON APPROVING A CONDITIONAL USE PERMIT TO INSTALL A CANOPY ON A PORTION OF AN EXTERIOR DECK FOR AN EXISTING RESTAURANT (SAM'S ANCHOR CAFÉ), LOCATED AT 27 MAIN STREET

ASSESSOR PARCEL NO. 059-151-35

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

A. The Planning Commission has received and considered an application to install a canopy on a portion of an exterior deck for an existing restaurant (Sam's Anchor Cafe) on a commercially zoned property located at 27 Main Street (File #CUP2015002). The application consists of the following:

1. Application Form and supplemental materials received August 31, 2015
2. Site Plan and Floor Plan received October 28, 2015

The official record for this project is hereby incorporated and made part of this resolution. The record includes the Staff Reports, Minutes, Application Materials, and all comments and materials received at the public hearing.

B. The Planning Commission held duly-noticed public hearings on November 11, 2015 and on December 14, 2015, and heard and considered testimony from interested persons.

C. The Planning Commission finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to section 15301(e) of the CEQA Guidelines in that the proposed canopy structure constitutes a minor addition/alteration to an existing facility, no increase in floor area is proposed, the project is located in an area where all public services and facilities are available, and the project is not in an environmentally sensitive location. The Planning Commission further finds that the project is exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines in

EXHIBIT NO. 4
1 OF 5

that the project involves installation of an accessory structure appurtenant to a an existing commercial building and there are no environmental resources of hazardous or critical concern in the project vicinity.

D. The Planning Commission has found, based upon the application materials and analysis provided in the November 11, 2015 Staff Report, that the project, as conditioned, is consistent with the Tiburon General Plan and is in compliance with applicable sections of the Tiburon Zoning Ordinance, specifically Section 16-52.040 (D), and other applicable regulations. The proposed addition to the existing restaurant would be consistent with the intent of the Village Commercial zoning and General Plan land use designation, which encourages "resident-serving commercial and office uses, tourist oriented uses and mixed (commercial/residential or office/residential) uses." The proposed outdoor canopy would provide additional outdoor dining options year round and serve patrons during evening hours in the deck area instead of limiting such service to summer months or sunset. The proposed canopy would not alter the existing character of the building or use. The proposed canopy would be consistent with Land Use Policy DT-3, which states that the "the Town shall actively promote the economic vitality of its Downtown," in that it would allow for patrons to enjoy the deck during evening hours and year round, which would promote economic vitality on Main Street.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit application (File #CUP2015002), subject to the following conditions of approval:

1. The use shall operate in substantial conformance with the application materials submitted by the applicant as amended by this approval. Any substantial modification of the approved use, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit or a new use permit.

2. Site Plan & Architectural Review approval shall be required for any exterior modifications and site improvements, pursuant to Chapter 16 of the Tiburon Municipal Code.

3. The applicant shall obtain all necessary permits from the Town Building Division.

4. Hours for food services outdoors shall be limited to 11:00 a.m. to 9:30 p.m. Monday – Friday and 9:30 a.m. to 9:30 p.m. Saturday-Sunday.

5. There shall be no amplified sound, public address (PA) system, outdoor speakers, or live music on the deck.

EXHIBIT NO. 4

2 of 5

6. The applicant shall comply with the design recommendations for noise reduction stated in the acoustical consultant letter dated September 23, 2015, attached hereto as Exhibit "A' and incorporated herein.

7. The eisenglass panels shall be dropped down from the canopy no later than 9:30 P.M., seven days a week.

8. A solid wall shall be installed along the eastern side of the canopy between the outdoor bar and the existing dining area, or be replaced with other similar noise mitigation mutually agreed upon by the applicant and the owners of the Waters Edge Hotel.

9. The permittee shall comply with all applicable regulations of the Marin County Health Department, the Marin Municipal Water District, Sanitary District No. 5, and the Tiburon Fire Protection District.

10. The applicant shall comply with all requirements of the Bay Conservation and Development Commission.

11. This Conditional Use Permit shall be reviewed by the Planning Commission at the First Planning Commission meeting in November 2016. Said review shall entail, without limitation, conformance with conditions, noise, or any other operational aspect of the use within the regulatory land use purview of the Town. Permittee agrees to bear all reasonable costs, including outside consultants if necessary, associated with said reviews.

12. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.

13. This Conditional Use Permit approval shall become null and void if the approved use has not commenced within one (1) year of final approval, unless an extension is approved.

14. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on December 14, 2015, by the following vote:

EXHIBIT NO. 4
3 of 5

AYES: COMMISSIONERS: Kulik, Corcoran, Weller, Welner

NAYS: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Williams

DAVID KULIK, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

KYRA O'MALLEY, SECRETARY

Exhibits "A": Letter from Charles M. Salter, P.E., dated September 23, 2015 (1 page)

EXHIBIT NO. 4
4 of 5

Exhibit "A"

Charles M. **Salter**
ASSOCIATES INC.

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

23 September 2015

Peter Clark
Clausen Engineers
1727 64th Street
Emeryville, CA 94608
Email: pc@clausenengineers.com

Subject: **Sam's Anchor Café**
CSA Project No. 15-0577

Dear Peter:

Thank you for sending canopy design information. Last week, I received "Progress Report PRO4" from Brian Wilson. Based on my review of this information, I recommended the need for Verco N type decking or the equivalent (see attached).

This acoustical deck idea should be incorporated into your canopy design.

Please call with any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Charles M. Salter

Charles M. Salter, PE
President

Cc: Brian Wilson
brianpersonal@samscafe.com

Steve Sears
E-mail: stevejsears@gmail.com

dg/CMS
P: 23Sep2015_CMS_Sam's Anchor Café

Charles M. Salter, PE
David R. Schwind, FAES
Eric L. Broadhurst, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Anthony P. Nash, PE
Cristina L. Miyar
Jason R. Duty, PE
Durand R. Begault, PhD; FAES
Joseph G. D'Angelo
Thomas J. Corbett, CTS
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Thomas D. Keller, CDT
Craig L. Gillan, RCDD
Lloyd B. Ranola
Alexander K. Salter, PE
Jeremy L. Decker, PE
Rob Hammond, PSP, NICET III
Andrew J. McKee
Paul R. Billings
Valerie C. Smith
Steven A. Woods
Benjamin D. Piper
Elisabeth S. Kelson
Joshua J. Harrison
Brian C. Wourms
Shanna M. Sullivan
Amanda G. Higbie
Ryan G. Raskop, LEED AP
Diego Hernandez
Ryan A. Schofield
Jamal Kinan
McLean H. Pierce
Alex T. Schiefer
Abner E. Morales
Brian J. Good
Heather A. Salter
Dee E. García
Catherine F. Spurlock
Marva De Vear - Noordzee
Elizabeth F. Trocker
Jennifer G. Palmer
Jodessa G. Cortez
Susan E. Lonergan
Courtney H. Vineys
Erin D. Gorton
Megan C. Santos
Tish Patel

EXHIBIT NO. 4
5 OF 5

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
November 11, 2015
Agenda Item: 1

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **27 Main Street; File No. CUP2015002**
Conditional Use Permit to Install a Canopy on a Portion of an Exterior Deck for an Existing Restaurant; 27 Main Street, LLC, Owner; Sam's Anchor Cafe, Applicant; Assessor's Parcel Number: 059-151-35

Reviewed By: _____

PROJECT DATA

Address:	27 Main Street
Assessor's Parcel Number:	059-151-35
File Number:	CUP2015002
General Plan:	VC (Village Commercial)
Zoning:	VC (Village Commercial)
Owner:	Main Street, LLC
Applicant:	Sam's Anchor Cafe
Flood Zone:	VE- Special Flood Hazard Area
Date Complete:	October 16, 2015

PROJECT DESCRIPTION

The applicant proposes to install a permanent canopy on a portion of an existing exterior deck for the restaurant (Sam's Anchor Cafe) located at 27 Main Street. Section 16-22-.040 (D [2]) of the Zoning Ordinance requires a conditional use permit for "additions to existing structures."

The existing restaurant and lounge, which, predate zoning regulations, currently provides indoor and outdoor dining services seven days a week. The proposed canopy would cover 920 square feet of the easternmost portion of the existing deck (adjacent to the Water's Edge Hotel) and would connect with the existing enclosed eastern portion of the restaurant. The applicant has indicated that the proposed canopy would cover 18 existing tables.

An existing full-height fixed window of the enclosed seating area would be replaced with a full height operable glass door on the south-facing wall adjacent to the proposed location of the canopy. No other use or structural modifications are proposed in terms of access, staffing, tables, or location of bars and services stations.

EXHIBIT NO. 5
1 of 3

However, the applicant proposes to extend the hours of operation for outdoor food services from the current "sunset closing time" to 9:30 p.m., seven days a week. The proposed closing time for the outdoor dining would be consistent with the indoor dining closing time of 9:30 p.m. The lounge hours of operation would remain the same.

ANALYSIS

Use Issues

The total outdoor dining area at Sam's Anchor Cafe includes approximately 2,700 square of seating space, and is situated south of the indoor dining room with views of San Francisco Bay, cityscape, and Angel Island. The proposed canopy would stand approximately 11 feet tall and would cover approximately one third of the outdoor deck area. The location of the proposed canopy would appear to not interfere with views from the adjacent hotel or from any other properties in the vicinity.

To allow for the use of the structure during all conditions and to reduce any potential noise impacts, the applicant proposes to include roll-up eisenglass panels along the outer perimeter of the canopy. Other improvements include lighting and heating units for the patrons seated under the canopy (**Exhibit 1**). The applicant indicates no outdoor speakers or live music would be used at this location. An acoustical consultant hired by the applicant has evaluated potential noise from the covered area and has made recommendations regarding noise mitigation to be included in the project design, which have been incorporated by reference in the draft resolution for this application.

General Plan /Zoning Ordinance Consistency

The proposed addition to the existing restaurant would be consistent with the intent of the Village Commercial zoning and General Plan land use designation, which encourages "resident-serving commercial and office uses, tourist oriented uses and mixed (commercial/residential or office/residential) uses." The proposed outdoor canopy would provide outdoor dining options year round and better serve patrons during evening hours in the deck area instead of limiting such services to summer months or until sunset. The proposed canopy would not alter the existing character of the building or use. Other restaurants along Main Street (i.e. Guymas) have outdoor canopies and have been successful with providing additional evening hours for patrons. The proposed canopy would also be consistent with Land Use Policy DT-3, which states that "the Town shall actively promote the economic vitality of its Downtown." in that it would allow for patrons to enjoy the deck during evening hours and year round, which would promote economic vitality on Main Street.

Flood Hazard Zone

According to current flood hazard maps, the subject property is located within flood hazard zone "VE," which is an area subject to inundation within the 1% annual chance of flood. However, the valuation of exterior improvements proposed is far too small to trigger compliance with the Town's flood prevention ordinance.

EXHIBIT NO. 5
2 of 3

ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301(e) and Section 15303(e) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, no public comments have been received regarding this application.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Adopt the attached resolution conditionally approving the conditional use permit.

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Submitted plans

Prepared By: Kyra O'Malley, Associate Planner

EXHIBIT NO. 5
3 OF 3

PLANNING COMMISSION
MINUTES NO. 1058
Regular Meeting
November 11, 2015
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

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

Present: Chair Kulik, Vice Chair Williams and Commissioner Corcoran

Absent: Commissioners Weller and Welner

Staff Present: Community Development Director Scott Anderson, Planning Manager Daniel Watrous and Associate Planner Kyra O'Malley

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING

Planning Manager Watrous reported that there is a conflict with the December 9, 2015 Planning Commission meeting. The Commissioners indicated their availability for a special meeting on Monday, December 14, 2015.

PUBLIC HEARINGS

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

Associate Planner Kyra O'Malley gave the staff report. She stated that the applicant proposes to install a permanent 970 square foot canopy on an existing exterior deck for the restaurant, Sam's Anchor Café, located at 27 Main Street. The canopy would be on the easternmost portion of the existing deck and would cover 18 existing tables. The canopy will be about 11 feet tall and would have a roll-up Eisenglass panel along the outer perimeter and will also include lighting and heating units for the patrons seated under the canopy.

The applicant also proposes to extend the hours of operation for the outdoor food services. Currently, the services close at sunset and the applicant proposes closing at 9:30 p.m. seven days a week which is similar to the indoor dining closing time. The lounge hours would remain the same. The applicant has indicated no outdoor speakers are live music and provided a letter dated September 23, 2015 from an acoustical consultant recommending some noise mitigation.

EXHIBIT NO. 6

1 of 9

Ms. O'Malley recommended that the Commission hold a public hearing and adopt the attached resolution conditionally approving the conditional use permit.

Chair Kulik stated that one of the late mail submissions asked if the Salter report was not complete as to what was proposed and agreed upon. Ms. O'Malley replied that that was her understanding.

Chair Kulik noted that the staff report indicates that this establishment pre-dates zoning. He asked what the hours are for current deck operations. Ms. O'Malley deferred to the applicant for response.

Chair Kulik called upon the applicant to make a presentation.

Peter Clark, Clausen Engineers, representing the applicant, said that they propose to install a permanent outdoor canopy space over approximately one-third of the overall area of the outdoor deck. He stated that Sam's is a great place to be during the summer, but not so great during the winter and the owners wised to provide shade in the summer and coverage during inclement weather. He described the canopy materials, which would consist of very slender steel members, painted grey and a non-reflective grey colored roof. He stated that they have worked with Charles Salter, a reputable acoustical consultant, who has made recommendations on the roofing material which will be acoustically dampening and insulate the area underneath the canopy from sound escaping that area. Mr. Clark stated that the sides would have roll-down clear vinyl panels, similar to what is on boats and other restaurant and commercial spaces. He said that there would be integrated, low-intensity LED down lighting. He stated that the dining room hours extend to 9:30 p.m. and the outdoor dining space is proposed to have that timeframe as well. In response to one of the late mail comments from the hotel owner, he said that they would like to coordinate construction hours to be a bit later than typically allowed in Tiburon, which is currently 8:00 a.m. to 5:00 p.m.

Mr. Clark provided the Commission with an exhibit showing the downtown area and where there are existing outdoor dining and seating areas for restaurant purposes, including Guaymas, Servino's, Sam's Anchor Cafe, Luna Blue, and also the Corinthian Yacht Club. He presented a rendering of the general coverage of the proposed outdoor space. He said that the overhead structure would be tied into the roof of the existing restaurant and extend south, essentially covering one-third of the overall deck.

Chair Kulik asked for clarification about operating times for the deck area. Mr. Clark deferred the question to co-owner, Brian Wilson.

Vice Chair Williams asked Mr. Clark about the phases of the Salter noise study. Mr. Clark said that they have an agreement to conduct that acoustical study, where the firm will broadcast an ambient noise and take readings up in the hotel area to see how much sound actually is transmitted from deck level up into the hotel. He said that the study will be done before the structure is built. He said that Mr. Salter stated that the structure will tend to dampen sound and the roof panels would have integrated acoustical dampening measures to keep the sound within

the restaurant. He believed that Mr. Salter will recommend any improvements the hotel can also do to improve their sound-proofing.

Commissioner Corcoran asked for more information about the Eisenglass panels. Mr. Clark said that this is a thick vinyl material which is typically used on boats and outdoor spaces. He said that the material is bordered in a canvas and the panels zip up and down.

Commissioner Corcoran asked if the material comes in different thicknesses and whether this would make a difference in terms of noise reduction. Mr. Clark said he was not certain but assumed a thicker material would help, but he thought that most of the sound-reducing measures would result from the roof structure itself.

Commissioner Corcoran asked if there are also options with regard to the canvas material that might make a difference in terms of noise reduction. Mr. Clark said again, he was uncertain, but he did not think it would, given canvas material is a thick grade material and would tend to limit sound from traveling through, but it would not work as well as a permanent wall.

Chair Kulik asked for further explanation about the decking material referred to in the Salter report. Mr. Clark explained that foam material that would dampen the sound would be placed above the roof, and over that is a basic cap.

Brian Wilson, co-owner, Sam's Anchor Café, said that he and Steve Sears have owned and operated Sam's since 1978. He said that the request is for something that has been asked for by their customers for some time. He said that the main reason for the improvement is for shade, but the idea morphed into attaching the cover to the dining room and enclosing the bar as well to extend the time they can serve outdoors. He said that they serve food until 9:30 p.m. every night and serve outside as long as people want to be out there. He said that they have always tried to be respectful to neighbors and be part of the community. He noted that the letters from neighbors objected to the PA system calling people for their reservations. He said that this will be addressed immediately by disconnecting the system and using an IPad to page patrons instead of calling names out on the PA system.

Vice Chair Williams asked about the sunset closing hours outside. Mr. Wilson stated that when Mr. Sears completed the application he indicated "sunset", but they do not necessarily close at sunset. He said that in the summer time, deck use varies depending on the weather and wind, but sometime people sit there as late as about 8:30 or 9:00 p.m. He said they have never installed lights out there, but instead use candles which provide ambient light. He said that they want the improvements so people can come to the restaurant any time of the year and be able to sit outside and make it more comfortable, controllable and quieter because it would be enclosed.

Chair Kulik asked if the request for dining included people drinking at the bar. Mr. Wilson stated that they allow people to drink and eat on the deck, but do not differentiate in terms of congregating at the tables solely to drink. He said that this area used to specifically be a bar and they have changed to serve food there. He stated that there were close to 40 tables and that is now limited to 20 tables which are a bit larger so people can eat and drink.

Chair Kulik asked for clarification on the proposed requested 9:30 p.m. closing hours. Mr. Wilson said that they will be open until 9:30 p.m., but if customers walk in at 9:29 p.m. they will be seated and eat after 9:30 p.m.

Commissioner Corcoran referred to the outside bar and asked if this area would be totally enclosed and encompassed. Mr. Wilson said that it would be totally enclosed and stated that this is where most of the noise comes from, and he was certain that the canopy would contain the noise going up.

Chair Kulik asked if it would be possible to require that the Eisenglass panels come down at 9:30 p.m. Mr. Wilson said that they would be amenable to this.

Vice Chair Williams asked how the owners currently communicate with the neighbors in the instance of a complaint. Mr. Wilson said that he was surprised that people have not reached out in the past based on the letters received.

Chair Kulik opened the public hearing.

Justin Flake, manager of Water's Edge Hotel, stated that he submitted a letter yesterday and he reiterated his appreciation that Mr. Sears and Wilson have reached out to them and have involved them in the process. He said that they are concerned about noise and he said that closing time has been around sunset in the past. He said that as far as they can tell, guests are not discouraged from taking drinks out to the deck at any time of the evening. He said that there have been issues where a group who is intoxicated sits on the deck talking loudly into the night and early morning, and the hotel has called the restaurant to little avail. He said that he has spoken to Mr. Wilson about this and he provided his cell phone to contact him, but in the past managers have not been responsive in quieting down the noise. He felt that putting in the canopy might help noise and they want to find a win/win situation. He said that he wants to see the restaurant succeed, but the applicants need to do their due diligence on at least a second phase of the noise study. He said that Mr. Salter discussed conducting the noise test before the project begins which makes more sense and should be done. He understood that the hotel cannot necessarily control everything around them, but he felt that when the hotel was built in the late 1990's there was an assumption that dining and drinking would not go on too late into the evenings. He said that when he discussed the project with Mr. Wilson talked, he indicated that this would be primarily for diners, but if the bar will be open and serving drinks late in the night, this was a concern. He said that there would also be clanking of dishes, laughter, and a 9:30 p.m. seating time that could extend activity until midnight. He said that any beneficial effects from the roof have the opportunity to be negated by the simple fact that there are more people outside drinking and dining. He stated that they are not necessarily opposed to the project but they definitely want due diligence in the form of sound tests and noise studies before the request is approved.

Commissioner Corcoran asked Mr. Flake if he had anything to add which would further dampen noise. Mr. Flake said he that whatever Mr. Salter recommends would be amenable to the hotel.

Commissioner Corcoran asked if there is currently any noiseproofing for the hotel rooms right above Sam's. Mr. Flake confirmed that these rooms have double-paned windows and they just

EXHIBIT NO. 6

4 OF 9

installed shutters, but they were interested in hearing from Mr. Salter about what can be done further to reduce noise. He said that he would be pleased and pleasantly surprised if they can eliminate it without extensive upgrading. He noted that the back wall of the bar is their hotel, so there are 4-5 rooms on top of it. He thought that the roof would help in the sense guests would have a better sense of privacy from not having to look down on the restaurant with guests looking up at them, but he would like to know about the measurement of noise and see if the applicants are willing to help with anything, depending on what is recommended.

Kim Barr requested that the acoustical study be broadened to include the impact on Corinthian Island and how much the canopy would reduce noise to that area.

Charles James said that he is a patron of Sam's and want to see them succeed. He said that he moved into the neighborhood recognizing he was adjacent to a business district and there would be noise. He said that he has concerns about dining on the deck with seating up to 9:29 p.m. and people having 2 or more hours to dine. He said that the deck usually clears out with the weather, but the canopy would allow people to stay out there later. He said that he accepts the weekend noise and knew this is the way it was when he moved here, but this would be harder to take 7 days a week. He said that he hears people walking out of the front door holding conversations on the street and he felt that the noise study should also examine noise around the homes that are affected. He was glad about the change to the PA system. He supported the expansion as long as he does not have to listen to it, because it sounds as if he is literally sitting on the deck while in his home.

Vice Chair Williams asked if there is usually a crowd on the deck during the week at night. Mr. James said no, not at night, as the weather usually causes the deck to clear out.

Vice Chair Williams asked if Mr. James hears diners from the other restaurants in vicinity. Mr. James said they do not and noted the location of the Corinthian Yacht Club facing away from Corinthian Island so sound projects out to Raccoon Straits and not up to the island. He said that other restaurants are blocked by buildings, but the position of Sam's deck projects sound away from the hotel and up to all of the homes on the island.

Commissioner Corcoran asked about Luna Blue and noise. Mr. James said that they have a couple of tables outside and it is blocked somewhat by the structures. He suggested that the Eisenglass panels be dropped down at 9:30, as he thought that the roof would stop some of the noise, but if the panels were open to the side noise would project up to all of the neighbors.

Ron Riskin said that he can almost set his watch to when the bar closes at Sam's at 1:00 a.m. when he can hear everyone coming out. He thought that mitigation was important, but he felt that once the canopy is installed, the restaurant will not take it down. He said that if extended hours are proposed the noise levels will rise. He said that they must close their windows in the summertime because of the noise. He recognized that this is a business area and that Sam's has been around forever and it is a great place, but asked the commission to focus on the fact that the side panels will be raised. He stated that the Town does not have a noise ordinance and said that when he asked about one he was told that they are too hard to draft. He asked the Commission to focus on the business hours and not allow it past a certain time. He thought that 9:00 p.m. was

EXHIBIT NO. 6
5 OF 7

closer to the time it should close. He understood that the owners are making an investment and in business to make money, but he thought that there needs to be a trade-off with the neighborhood.

Ray Zambrano, owner of the Water's Edge Hotel, said that the Phase 2 of the acoustical study was important because it would establish the baseline of sound as it exists and then determine what can be done to maintain it and improve it if necessary. He said that when they purchased the hotel it was not their understanding that outdoor activity would go on late at night. He said that they have real concerns about this because noise could go on until midnight. He said that if the outdoor bar is allowed to continue while there is dining going on in the small room, then people could be outside until midnight, and they object to that. He said that when he met with the owners of Sam's they said the outdoor bar would be closed and that the space would be for dinner seating only.

Irene Myers stated that the application states that the existing restaurant and lounge pre-dates zoning regulations and asked if this means that Sam's is free of certain zoning regulations. Planning Manager Watrous replied that the Town of Tiburon was not incorporated until 1964 and that Sam's has been operating since the 1920's before zoning existed as a concept. Therefore, they do not have the typical use permit to operate which most restaurants or businesses have when they start and the Town does not have the ability to retroactively require them to apply for a conditional use permit, but are required to apply for a conditional use permit for this as a change to their existing use. He stated that during this review, the Commission can establish conditions of approval that are related to what they are asking for, but cannot establish conditions of approval on the rest of the restaurant because it has nothing to do with the request.

Ms. Myers asked what the closing time is of the bar. Mr. Watrous deferred to the applicant to answer this question.

Fred Mayo said that on a weekend noise starts around noon and gets louder and louder throughout the day and evening. He was concerned that people would now have an option to sit outside with the party continuing until 11:00 or 12:00 at night.

Brian Wilson stated that they have recently changed their hours and the bar closes at midnight. Chair Kulik asked what the prior closing time was. Mr. Wilson said that it was 2:00 a.m. seven days a week, but that became problematic as they were the only bar open in Tiburon at that hour. He said that they looked at the amount of business they were doing compared to the amount of problems they were having because they were getting customers who had already been drinking somewhere else and had hit their limit. He said that they were looking at the outdoor area as a dining establishment. He said that he wanted to talk to his business partner before committing to exactly what time they plan to stop serving, but if someone walks in at 9:29 p.m. they will get seated. He felt that they could work out something where they could drop the sides down at a specific time, possibly at 9:30 p.m., and want to make it work for everybody. He stated that the outdoor bar is basically is a service bar for the food tables. He said that people can sit outside and drink, but they are not looking to transfer the bar business they do in the front part of the bar to the outside.

EXHIBIT NO. 6

6 of 9

Commissioner Corcoran asked if there would be consequences of putting the Eisenglass panels down at 9:30 p.m. Mr. Wilson said that on hot evenings it could be problematic, but otherwise the space has natural air conditioning because the deck is on planks and not a solid surface so there is some air movement.

Commissioner Corcoran asked if people come in, get a drink at the bar and sit outside on warm nights and if they have table service. Mr. Wilson said that people sit outside on nights like that and table service is only for late diners. He believed that the proposal would provide more control of the outside area. He said that in the past, people could just go in the bar, get drinks and go outside, but now it would be managed.

Vice Chair Williams asked if the noise study would be done prior to construction and whether the neighborhood would be included in that study. Mr. Wilson said that he would be happy to do that and noted that the sound engineer was not present tonight.

Commissioner Corcoran said that the draft conditions of approval would require that the CUP be reviewed one year after installation and asked what could be modified at that time if it turns out something else is needed to increase sound dampening, changed hours, or other items. Mr. Watrous said that modifications could be imposed as long as they are related to the functioning of the canopy area. He clarified that Condition No. 4 states that hours for food service outdoors shall be limited to 9:30 p.m. He stated that normally when the Town imposes such a condition, this means serving food ends at that time as opposed to seating someone at 9:29 p.m. and having their dinner extend until later. He stated that basing the closing time on the last seating makes it difficult to determine compliance and that the condition of approval should be more objective so it is easy to understand and to comply with.

Vice Chair Williams asked if there would be an opportunity for the noise study to be reviewed by the Planning Commission and to take more input. Mr. Watrous said that staff normally would recommend not approving the application until the study is completed. He asked and confirmed with Mr. Clark that the study would take 1-2 days and about one to two weeks of coordination to set the date of the study.

Mr. Clark said he wanted to clarify that this study would set a baseline acoustical level by broadcasting an amount of ambient noise from the deck without any structure there. He said that he study was intended to be geared more toward the hotel, but he felt that it could also be applied to the surrounding neighborhood. He said that the study would determine how much noise is currently entering into the hotel rooms and then make recommendations for the hotel to improve upon its acoustical reduction measures.

Chair Kulik asked if the study could evaluate sound reduction from the Eisenglass panels and sound traveling to the west. Mr. Clark said the study will create a baseline and then model a roof structure over this acoustical baseline model to show how the structure would dampen the sound. He said that Mr. Salter would investigate the hotel specifically and point out areas for improvement to reduce noise from entering into the hotel rooms. He stated that every material has some type of acoustical value and the proposed panels would reduce the overall ambient noise by 85%, but not as much as an acoustical panel.

Mr. Watrous said that the Commission seemed to be requesting specific measurements of the baseline information noise at that location and also to model how the Eisenglass panels would reduce sound in the direction of Corinthian Island. Mr. Clark concurred and thought that this would be simple and the results could be shared with the Commission.

Vice Chair Williams asked and confirmed that normally Mr. Salter would be available at the next meeting and she said that it would be helpful for him to be present and answer questions.

The public hearing was closed.

Commissioner Corcoran said that everybody loves Sam's Anchor Café as it is an amazing part of the community, but the Commission needs to balance the needs of the business and adjacent neighbors. He said that this is an unusual location and he has heard how loud it can get so he was sympathetic to the neighbors about noise coming from Sam's deck. He thought that the canopy would help reduce sound as to the Water's Edge Hotel for the most part, but he worried about unintended consequences and said that he did not want to move too quickly until research is fully done. He specifically requested information about whether there are different thicknesses of Eisenglass panels and whether a different heaviness of material of the canvas above and below the panels could help to reduce the sound. He was not sure whether closing the outdoor bar at a certain time would make that much of a difference if people can get drinks inside and carry them outside. He wanted to know if there are other options for the sound dampening material above the corrugated metal roofing. He thought that perhaps requiring the panels to go down at 9:30 p.m. was a good idea but he worried about warm nights and people sitting outside, but the weather might make this a moot point. He said that it would be incredibly helpful for the acoustical consultant to analyze how the sound impacts Corinthian Island and asked to add that into the sound modeling. He agreed that construction times should start later at a time that is appropriate for the hotel, perhaps starting at 9:00 or 9:30 a.m.

Vice Chair Williams said that she was born and raised in Mill Valley and Sam's is an institution. She said that the economic vitality of Tiburon is very important but she agreed with Commissioner Corcoran about balancing legitimate interests. She was glad that the PA system would be changed. She said that she conceptually liked the idea of the application, but felt that she did not have enough information to approve the request tonight. She thought that it was premature to set specific conditions and proposed that the sound study be conducted to include the neighborhood and then the results of the study return to the Commission. She said that it would be very beneficial to hear from Mr. Salter to have a better understanding of the types of materials, the baseline study, options, and what impacts and improvements would be for the hotel and neighborhood.

Chair Kulik said that he visited some of the homes on Corinthian Island, Sam's and the Water's Edge Hotel and stated that the Commission is reviewing the canopy proposal and not any pre-existing conditions. He noted that the Planning Commission has guiding documents, including the General Plan and the Zoning Ordinance and he cited General Plan Principle DT-3 which states that "the Town shall actively promote the economic vitality of its downtown." He thought that there was a chance for a 3-way win here if done properly. He said that the hotel would

benefit from noise blockage, as 920 square feet of deck would be covered, especially given the noise absorbing material proposed. He said that the residents would benefit from eliminating the PA system and that Sam's would increase its revenues. He agreed that a complete noise study should include Corinthian Island and look at different types of Eisenglass panels and canvas. He thought that the hours would be more restrictive, but requiring the panels to be lowered would help. He said that once they have more acoustical data, the conditions can be fine-tuned to benefit the overall environment. He envisioned that the area at Sam's could be turned into something that is similar to the Corinthian Yacht Club or Guaymas where transmission of noise is blocked to the west and channeled to the south. He said that the CUP review would be important.

Commissioner Corcoran added that since Mr. Wilson offered eliminating the PA system and the neighbors would gladly welcome it, this should be added as a condition of approval. He suggested keeping the condition about ending food service at 9:30 p.m., but noted that the Commission might extend this after a year or so to allow people to be seated outside at 9:29 p.m.

Vice Chair Williams asked about the possibility of reviewing the CUP after 6 months. Commissioner Corcoran disagreed and thought that the covered deck should go through a summer season to see the true impact, but if a problem arises, staff could always bring the CUP back to the Commission.

ACTION: It was M/S (Corcoran/Williams) to continue the matter to the December 14, 2015 Planning Commission meeting. Motion carried: 3-0.

2. 215 BLACKFIELD DRIVE: Periodic review of a Conditional use permit to operate a synagogue and appurtenant day school; File #10404; Congregation Kol Shofar, Owner and Applicant; Assessor's Parcel No. 038-351-34

Planning Manager Watrous gave the staff report and stated that the staff report included detailed history of this application and reviews the many conditions of approval of the CUP and their compliance. He highlighted concerns about Tuesday morning adult education programs held earlier this year and more recently which were more heavily attended than anticipated and resulted in overflow parking onto the street. He said that Kol Shofar has indicated that they will try to look at their programming to better address this. He stated that staff conducted monitoring during the High Holy Days on the Yom Kippur service and that by and large staff felt everything was working smoothly and no complaints were received from neighboring residence. He stated that traffic mitigation and parking seemed to be working effectively and has continued to improve over the years. He stated that staff believes that Kol Shofar was operating in substantial compliance with conditions of their CUP, although there appeared to be room for improvement in projected their anticipated parking demands for their adult education programs and taking steps necessary to prevent parking overflow into adjacent residential neighborhoods. He recommended the Commission take public testimony on the item, close the hearing and conclude that Kol Shofar is in substantial compliance with their use permit and provide direction if the there are areas for improvement.

EXHIBIT NO. 6

Charles M. **Salter**
ASSOCIATES INC.

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

30 November 2015

Brian Wilson
Steve Sears
Sam's Anchor Café
27 Main St
Tiburon, CA 94920
Email: brianpersonal@samscafe.com

RECEIVED
DEC 01 2015
PLANNING DIVISION

Subject: **Sam's Anchor Café**
Salter Project: 15-0577

Dear Brian:

This letter summarizes our noise study for the deck of Sam's Anchor Café in Tiburon. The purpose of this study was to determine the existing noise reduction from the deck to Corinthian Island, the ambient noise levels on the island, what noise level on the deck would be required to exceed evening single-event noise levels (i.e., airplane flyovers, car alarms, etc), and what effect the proposed canopy structure will have should it be incorporated.

SUMMARY

Measurements were made on 15 November 2015 to determine the noise reduction from the deck of Sam's Café to Corinthian Island due to the propagation of noise over distance. We found that the noise reduction is approximately 32 dB[1]. A long-term measurement was also made from 20 to 23 November 2015 to determine the ambient and single-event noise levels on Corinthian Island. We found the ambient noise level during evening hours varied between 46 dB and 51 dB (hourly L_{eq}[2]). Single-event noise levels during evening hours varied between 54 dB and 77 dB.

Using the results of these two sets of measurements, the noise level on the deck that would exceed other single-event noises (e.g., motorcycles, car alarms) was calculated to be 86 dB. We would expect only noises such as yelling and screaming would potentialiy exceed this level and would be controlled administratively.

A proposed canopy will cover part of the deck, and there will be acoustical treatment on the underside. We found that the proposed canopy will shield Corinthian Island from noise on the deck by 3 to 5 dB. A 3 dB reduction in noise level is considered just noticeable to the human ear, and 5 dB is considered clearly noticeable. The acoustical treatment on the underside of the canopy will prevent any sound build-up underneath the canopy.

Charles M. Salter, PE
David R. Schwind, FAES
Eric (Broadhurst) Mori, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Durand R. Begault, PhD, FAES
Anthony P. Nash, PE
Ken Graven, PE, RCDD, CTS-D
Cristina L. Miyar
Jason R. Doty, PE
Thomas J. Corbett, CTS
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Peter K. Holst, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Craig L. Gilian, RCDD
Lloyd B. Ranola
Alexander K. Salter, PE
Jeremy L. Decker, PE
Rob Hammond, PSP, NICET III
Andrew J. McKee
Steven A. Woods
Josh J. Vallon
Josh J. Harrison
Valerie C. Smith, PE
Benjamin D. Piper
Elisabeth S. Kelson
Brian C. Wourms
Ryan G. Raskop, LEED AP
Diego Hernandez
Ryan A. Schofield
Alex T. Schiefer
Abner E. Morales
Adrian L. Lu
Greg R. Enenstein
Philip J. Perry, PMP
Steve L. Leiby
Kenneth W. Lim
Felipe Tavera
Blake M. Wells, LEED GA
Heather A. Salter
Dee E. Garcia
Catherine F. Spurlock

1 dB (Decibel) – A unit that describes the magnitude of a sound with respect to a reference sound level near the threshold of hearing. Decibels are based on a logarithmic scale and therefore cannot be added arithmetically.

2 L_{eq} – The equivalent steady-state A-weighted sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same period.

EXHIBIT NO. 7
1 OF 4

DECK NOISE LEVEL DROP-OFF

On 15 November 2015, measurements were made to determine the noise reduction from the deck of Sam's Café to Corinthian Island due to distance propagation. A loudspeaker was placed on the deck of Sam's Café and the source noise level on the deck was measured. Measurements were then made at two locations on Corinthian Island (approximately 320 feet and 420 feet away from the loudspeaker, respectively) with the loudspeaker still on. Both measurement locations had direct line-of-site to the deck. The locations are shown as S1 and S2 in Figure 1.

The noise reduction from the deck of Sam's Café to the Corinthian Island receiver locations was approximately 32 dB. This is based on the difference between the noise level measured on the deck and the noise level measured at the two locations on Corinthian Island.

Facade sound isolation measurements were also made in several rooms in the Waters Edge Hotel to determine the performance of the facade and if there are any sound leaks in the facade. Recommendations have been conveyed to the hotel management, and to the best of our knowledge they are satisfied with these recommendations.

NOISE MEASUREMENTS AND ANALYSIS OF DECK NOISE LEVELS

A long-term noise monitor was deployed from 20 to 23 November 2015 on the deck of the residence at 69 Eastview Avenue (shown as location L1 on Figure 1). This measurement was carried out to determine what noise sources create the loudest sounds, and how loud a noise on the deck would have to be to meet or exceed other single-event noises Corinthian Island is normally exposed to during evening hours.

Existing single-event noise levels are summarized in Table 1 below.

Table 1: Evening Single-Event Noise Levels

Day	Hour	Single-Event Noise Level	Event
20 Nov.	8pm – 9pm	57 dB	N/A (identification not possible)
20 Nov.	9pm – 10pm	69 dB	Car alarm
20 Nov.	10pm – 11pm	62 dB	Laughter from nearby residence
21 Nov.	8pm – 9pm	54 dB	N/A (identification not possible)
21 Nov.	9pm – 10pm	60 dB	Loud bang from neighboring property
21 Nov.	10pm – 11pm	67 dB	Motorboat
22 Nov.	8pm – 9pm	62 dB	Airplane flyover
22 Nov.	9pm – 10pm	77 dB	Motorcycle
22 Nov.	10pm – 11pm	71 dB	Airplane flyover

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

EXHIBIT NO. 7
2 OF 4

Based on the measured noise reduction from the deck of Sam's Café to Corinthian Island and the single-event noise levels on the island (32 dB), sounds from the deck would need to be at least 86 dB to exceed other single-event noises normally heard on Corinthian Island. Normal speech is approximately 60 dB. The only noises from the deck that could exceed 86 dB are yelling and screaming. Such noise events are expected to be controlled administratively by Sam's Café. Furthermore, the planned acoustical canopy (see below) will reduce noise transfer to the island by 3 to 5 dB, which is considered between just noticeable and clearly noticeable to the human ear.

CANOPY

The proposed canopy structure will cover a 1,000 square foot section of the deck, nearest the hotel. The canopy will be of rigid construction (e.g., corrugated steel deck) and will have acoustical treatment on its underside.

Based on our analysis of the proposed canopy design, the canopy will have two advantages acoustically. First, it will function as an acoustical barrier by breaking line-of-site between the guests on the deck and the adjacent residences on Corinthian Island, providing approximately 3 to 5 dB of shielding. Secondly, the acoustical treatment that will be installed on the underside of the canopy will provide some sound absorption. The acoustical material also has an NRC[4] of 0.85, which is expected to reduce the build-up of sound underneath the canopy.

* * *

This concludes our comments on the noise study. Please call with any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES

Stephen L. Leiby
Consultant

Charles M. Salter, PE
President

Enclosure

cc: Steve Sears
stevejsears@gmail.com

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

[4] NRC (Noise Reduction Coefficient) – A single-number rating defined in ASTM C423 that quantifies the sound absorbing performance of a material. NRC is calculated by averaging the material's octave-band sound absorption coefficients in the speech frequency range – i.e., at 250, 500, 1000, and 2000 hertz. An NRC of 1.00 represents 100% absorption (no sound reflections). An updated version of the NRC is SAA (sound absorption average).

EXHIBIT NO. 7
3 OF 4

RECEIVED
DEC 01 2015
PLANNING DIVISION



© 2015
CHARLES M. SALTER ASSOCIATES, INC.
FOR ACOUSTICAL DESIGN INFORMATION ONLY

SAM'S ANCHOR CAFE CANOPY STRUCTURE MEASUREMENT LOCATIONS

FIGURE 1

CSA # 15-0577

SLL/CMS 11.30.15

Charles M Salter Associates Inc 130 Sutter Street San Francisco California 94104 Tel. 415 397 0442 Fax: 415 397 0454

EXHIBIT NO. 7

4 OF 4

TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
December 14, 2015
Agenda Item: 1

STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **27 Main Street; File No. CUP2015-002**
Conditional Use Permit to Install a Canopy on a Portion of an Exterior Deck for an Existing Restaurant; 27 Main Street, LLC, Owner; Sam's Anchor Cafe, Applicant; Assessor's Parcel Number: 059-151-35
(Continued from November 11, 2015)

BACKGROUND

The applicant proposes to install a permanent 920 square foot canopy on the easternmost portion of an existing exterior deck and extend the hours of operation for outdoor food services from the current "sunset closing time" to 9:30 p.m., seven days a week for the restaurant (Sam's Anchor Cafe) located at 27 Main Street.

This application was first reviewed at the November 11, 2015 Planning Commission meeting. At that meeting, several residents from Corinthian Island and a representative and owner of Waters Edge Hotel raised objections to the proposal, including concerns about the noise from the restaurant and patrons and the proposed later closing time. During the meeting, the hours of operation for outdoor dining services were discussed, specifically regarding the time when outdoor dining services ceased for the evening versus the time patrons were able to be seated on the deck. The Commission shared some of these concerns and added questions for the applicant, and directed the applicant to return with a noise study that included the hotel and the residences of Corinthian Island, and provide more details of the materials for the proposed eisenglass panels and canvas for the canopy. The Planning Commission continued the application to the December 14, 2015 meeting to allow the applicant time to submit the requested information.

ANALYSIS

Noises Issues

Subsequent to the meeting, the applicant submitted a memo from Charles M. Salter Associates dated November 30, 2015 (**Exhibit 4**), which summarizes the noise study that included measurements on multiple evenings (varying between 8 P.M. to 11 P.M.) in November and the following information:

EXHIBIT NO. 8
1 of 3

1. Measurements were made from two locations on Corinthian Island; one at 320 feet and the other at 420 feet away Sam's Cafe. A long term noise monitor was located at 69 East View Avenue from November 20-23, 2015;
2. The ambient noise on Corinthian Island during evening hours varied between 46 dB and 51 dB and single-event noise levels observed from the deck (loud laughter to airplane flyover) varied between 54 dB and 77 dB;
3. The noise reduction from the deck of Sam's Café to Corinthian Island due to the propagation of noise over distance would be 32 dB;
4. The proposed canopy would shield noise for the adjacent neighbors at Corinthian Island by 3-5 dB;
5. The acoustical material that would be installed on the underside of the canopy would absorb some of the sound (has a Noise Reduction Coefficient [NRC] of 0.85), and prevent any sound build-up under the canopy, according to the Salter memo;
6. The noise level emanating from the deck that would exceed other single-event noises was calculated to be 86 dB. According to the Salter memo, the only noise that could potentially be associated with activities on the deck that would exceed this level would be yelling and screaming;
7. The memo relies heavily on the concept of 'administrative control" of outdoor noise, as enforced by the restaurant management, for control of general loudness on the deck.

The noise study and memo would appear to address some of the concerns raised at the November 11, 2015 meeting. However, in staff's reading, the noise study does not plainly answer the important questions of: 1) whether surrounding uses would be exposed to noticeably louder noise than currently experienced in the evenings if the canopy is installed; 2) whether surrounding residents would be exposed to noticeable noise for longer hours or on more evenings than is currently experienced if the canopy is installed; 3) whether the proposed eisenglass panels contribute noticeably or at all to noise or sound build-up reduction; and 4) why the "single-event noises" standard is used as the basis for comparison of noise levels reaching Corinthian island. The answers to these questions appear to be salient in determining the extent of regulation that might be warranted for outside deck food service hours in order to control potentially new noise impacts. Ongoing periodic review requirements would also appear in order if the canopy is approved for installation.

According to the letter, the ambient noise for normal speech is approximately 60 dB, but it seems logical that the study should include a discussion of the ambient noise likely generated by a maximum number of patrons sitting at the eighteen tables on the deck that would be covered by the proposed awning. In addition, the letter states that noise recommendations have been conveyed to the Waters Edge Hotel, but these recommendations were not contained in the letter received by the Town. Confirmation of the letter's assertion that Waters Edge Hotel officials are satisfied with the recommendations should be verified at the meeting. Staff recommends that this additional information be presented by the noise consultant at, or preferably prior to, the meeting.

Outside Food Service Hours

EXHIBIT NO. 8
2 OF 3

A primary concern of neighboring residents and the hotel is that erection of the canopy will expand the hours and days during which evening and nighttime occupancy of the deck can reasonably be expected, due to its providing protection from the elements that is not currently

available to deck users. The application stated that the current closing hours for outdoor dining seating is at "sunset" (which is technically roughly 8:30 p.m. at the summer solstice and earlier the remainder of the year), and requested an extension of hours to 9:30 p.m. However, at the meeting the applicant indicated that patrons seated before 9:30 p.m. would be served food after that time until they finished dining. This discrepancy between "seating" and "service" is substantial and needs to be resolved. Staff believes that allowing outside deck food service after 9:30 p.m. could allow patrons to remain on the deck much longer than anticipated by neighbors and would make the indicated 9:30 p.m. termination time for seating far less meaningful, especially in the protected canopy area. Staff recommends that the Commission consider a condition of approval limiting the hours for outdoor food service such that it would truly end at 9:30 p.m. in order to reduce the potential noise impacts from nighttime outdoor deck activity, unless it is convinced that such impacts would be insignificant. Staff also recommends a condition requiring periodic review of any use permit that may be granted.

ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301(e) and Section 15303(e) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, no correspondence has been received regarding the subject application since the November 11, 2015 meeting. Any "late mail" has been or will be forwarded to the Commission.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing on this item and hear and consider all testimony, and
2. Consider the attached resolution conditionally approving the conditional use permit in its deliberation on the application.

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Letter from Steve Sears and Brian Wilson dated November 25, 2015
4. Noise Study memo from Charles M. Salter Associated dated November 30, 2015
5. Planning Commission staff report dated November 11, 2015
6. Draft minutes of the November 11, 2015 Planning Commission meeting

Prepared By: Kyra O'Malley, Associate Planer

PLANNING COMMISSION
MINUTES NO. 1059
Regular Meeting
December 14, 2015
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

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

Present: Chair Kulik and Commissioner Corcoran, Weller and Welner

Absent: Vice Chair Williams

Staff Present: Director of Community Development Anderson, Planning Manager Watrous and Associate Planner O'Malley

ORAL COMMUNICATIONS:

There were none.

COMMISSION AND STAFF BRIEFING

There was none.

OLD BUSINESS

1. 27 MAIN STREET: Conditional Use Permit to install a canopy on a portion of an exterior deck for an existing restaurant (Sam's Anchor Cafe); File # CUP2015002; 27 Main Street LLC, Owner/Applicant; Assessor's Parcel No. 059-151-35 [Continued public hearing from November 11, 2015]

Associate Planner Kyra O'Malley gave the staff report, stating the applicant proposes to install a permanent 920 square foot canopy on the easternmost portion of an existing exterior deck and extend the hours of operation for outdoor food services from the current "sunset closing time" to 9:30 p.m., seven days a week for the restaurant (Sam's Anchor Cafe) located at 27 Main Street. She stated that since the November 11 Planning Commission meeting, the applicant submitted a memo from Charles M. Salter Associates which summarized the noise study including measurements on multiple evenings varying between times of 8:00 p.m. to 11:00 p.m. in the month of November. She summarized key points from the noise study, including observations from Corinthian Island, reductions in noise due to distance, single-event noise and observations on management controls. She stated that the noise study had not addressed 1) whether surrounding uses would be exposed to noticeably louder noise than currently experienced in the

EXHIBIT NO. 9
1 OF 11

evenings if the canopy is installed; 2) whether surrounding residents would be exposed to noticeable noise for longer hours or on more evenings than is currently experienced if the canopy is installed; 3) whether the proposed Eisenglass panels contribute noticeably or at all to noise or sound build-up reduction; and 4) why the "single-event noises" standard is used as the basis for comparison of noise levels reaching Corinthian island.

Ms. O'Malley summarized previous discussions about the hours of operation and stated that staff recommended a condition of approval limiting the hours for outdoor food services to end at 9:30 p.m., as well as a condition requiring a periodic review of the use permit. She recommended that the Planning Commission hold a public hearing on this item and hear and consider the attached resolution conditionally approving the conditional use permit with conditions.

Chair Kulik asked if there are any current limitations on when food and drink is served on the deck. Planning Manager Watrous confirmed that there are no limitations, as the property does not currently have a use permit and there is nothing the Town has in place that addresses any time limitations. He added that as part of this conditional use permit the Commission has the ability to address hours of operation for the area which is proposed for the deck, but the Commission does not have the ability to set hours for the rest of Sam's Anchor Café.

Chair Kulik asked if the staff recommendation was for the last plate to be delivered at 9:30 p.m. or the last order be taken by 9:30 p.m. with the delivery of food being sometime thereafter. Mr. Watrous stated that staff had not gotten into that level of detail, but in most cases when an application states that food service end at 9:30 p.m. that is when the kitchen closes and no food is presented after that time.

Commissioner Welner asked if any of the current operations for adjacent restaurants along the Main Street area exceed this timeframe. Community Development Director Scott Anderson stated that all of the restaurants along the water side of Main Street have use permits. He said that he was unsure of whether they have hour limitations, but noted that the main distinction staff sees is that there is a mechanism for dealing with any problems associated with those uses such as excessive nighttime noise.

Chair Kulik called upon the applicant.

Steve Sears and Brian Wilson, applicants and co-owners of Sam's Anchor Café appeared before the Commission. Mr. Sears stated that they heard from their neighbors and completely understand their noise concerns. He stated that they hired a sound engineer recommended by the Water's Edge Hotel and said that Mr. Salter was present to answer questions. He explained the reason for the project was to improve the café. He said that this would be a major improvement for their business, as it would move their dining room out closer to views which would result in a much nicer dining experience and offer shade in the daytime. He noted that they have already offered to eliminate their public address system in the daytime and now close their front bar at midnight so they do not have noise stemming from it until 2:00 a.m. He stated that enclosing the deck would mean that there would now be management on the deck to control activity in the canopy area. He acknowledged the neighbors' concerns and said that they will do everything

EXHIBIT NO. 9

2 of 11

they can to keep the noise levels down through the use of the Eisenglass walls. He believed that the project would be a win/win for everybody.

Brian Wilson stated that it has not been their policy to stop serving outside at sunset, although this might have been misidentified in their application. He clarified that they stop seating people at 9:30 p.m., but do not stop serving food at that time.

Commissioner Weller asked what would happen if the Commission approves the project with the condition that no food service is to occur in the deck space after the set hours, which would be a service or "plate on a table" cut-off and not a seating cut-off. Mr. Sears said that he was not sure how this condition would be worded and that they would be concerned if this service cut-off was included as a condition.

Commissioner Corcoran asked about the different materials for the canopy and siding and their sound effects. Mr. Sears stated that Mr. Salter could discuss this.

Chair Kulik asked Mr. Watrous if the a conditional use permit was not just for the 900 foot canopy area but also extended to the entire 2,700 foot deck area. Mr. Watrous stated that the use permit only included the covered deck area and did not deal with limitations outside of that area. He stated that the conditions of approval have to be reasonably related to what is being requested.

Commissioner Corcoran asked whether there is any discussion or consideration of different types of materials for the project, including different thicknesses of Eisenglass panels and ceiling materials. Charles Salter, Charles Salter Associates, said that the Eisenglass panels would reduce noise by about 20 decibels, which would be a significant noise reduction. He was not aware of different thicknesses of Eisenglass. He said that he proposed an acoustical metal canopy which he has had great success with for many projects. He said that he was less concerned with sound buildup and as long as they have a sound-absorbing ceiling.

Chair Kulik asked Mr. Salter to address the 4 questions on page 2 in the staff report. Mr. Salter referred to the questions and provided a response for each:

1. Whether surrounding uses would be exposed to noticeably louder noise than currently experienced in the evenings if the canopy is installed:

   Mr. Salter stated that it should be quieter because the canopy would help block and attenuate the noise. He said that he impressed upon Sam's management that this was about mitigating potential noise impact and that is what he attempted to articulate in his report.

2. Whether surrounding residents would be exposed to noticeable noise for longer hours or on more evenings than is currently experienced if the canopy is installed:

   Mr. Salter said that activities in the canopy area would be low level with people talking at a normal voice level of 60 decibels so there would be no impact. He said that benign

EXHIBIT NO. 9

3 OF 11

ambient noise would not be heard on Corinthian Island. He noted that it takes loud noise of 80-85 decibels, such as shouting, to be audible and to be an impact, not normal conversations.

Commissioner Welner asked if the insulation of the canopy could cause more people to congregate and therefore generate new noise. Mr. Salter stated that if there were more people talking at a normal voice levels there would be no noise impact. He said that the issue whether it is daytime or nighttime was loud sound both for the hotel as well as for Corinthian Island residents. He said that the speaker system is loud and can be heard and people complain about it and this should be addressed by restaurant management.

Commissioner Weller commended Mr. Salter for the thoroughness of his study but said it was a bit daunting for a non-sound engineer to get through. He asked if there was any attempt to analyze the current sound levels and whether noise on Sam's deck creates a problem for anybody. Mr. Salter stated that he did not study the area in the summer and measured noise last month, including existing ambient and intermittent noise on Corinthian Island. He felt that this would come down to a policing issue and controlling excessive noise, as the restaurant would then be able to add people and there would be no problem for the hotel and for Corinthian Island residents. He noted however that it could take one person out of control being very loud to be very disturbing, so he did not see the number of people or even the hours as being salient, but rather the activities.

Mr. Salter continued addressing the staff report questions.

3. Whether the proposed Eisenglass panels contribute noticeably or at all to noise or sound build-up reduction:

   Mr. Salter said that a 20 decibel noise reduction is noticeable.

4. Why the "single-event noises" standard is used as the basis for comparison of noise levels reaching Corinthian island:

   Mr. Salter said the reason they use single event noise is that if someone is shouting or talking very loudly at 86 decibels this is intermittent noise that would not be generated by a group of people talking at a normal voice level. He compared that loudness to other intermittent noises and added that they also look at the average sound level and it was below the minimum ambient level and therefore not a noise impact.

Commissioner Welner asked about management of the deck to ensure the sound coming from outside of the canopy late at night does not increase as a result of the canopy being installed. Mr. Sears explained that the dining room would open up with large sliding glass doors so that the outside area would actually be part of the dining room. He said that they have not and will not start telling people that they cannot walk out onto the deck, but with the canopy being part of the dining room their management staff will be out in that area. He said that once the kitchen stops serving on the deck people want to sit out there they manage those customers who are there.

EXHIBIT NO. 9

4 OF 11

Commissioner Corcoran asked for a more direct answer to the question regarding ending outdoor food service at 9:30 p.m. Mr. Sears stated that realistically the only thing that can be controlled is when they seat somebody and from a practical and service standpoint they cannot seat someone at 9:29 p.m. and tell them they must hurry up and eat. Mr. Wilson stated that it would be hard to draw a line in the sand, but they were willing to commit to the hours they have now, as they seat until 9:30 p.m. Commissioner Corcoran asked what Mr. Sears' position would be if the Planning Commission decided for a clear cut-off time based on service and not based on seating. Mr. Sears said that it would be difficult.

Commissioner Weller disagreed and stated that he had been in many private clubs in other circumstances where customers are told when they stop serving. He said that this does not mean that people have to leave, but means that the establishment will not bring customers anything additional to eat after a certain hour. He said that he had a hard time understanding why it would be difficult to enforce such a rule and stated that it would not apply to the rest of the establishment, but it could.

Chair Kulik asked if a "lights out" time under the canopy area would be easier to enforce. Mr. Sears said that he thought that the Commission was not looking at the situation realistically, as people could move to another part of the deck. Mr. Sears said that they understand that there would be people out there at times of the evening on some nights because it would be enclosed and have heaters, but this would be a dining situation where there will be conversation type noise and there would be management to control it.

The public hearing was opened.

Justin Flake, General Manager of Waters Edge Hotel, said as Mr. Salter stated there is a consistent ambient level of noise that would be produced if the canopy is approved and the question was asked if it will be louder than before. Mr. Flake stated that typically there is no noise during the evening hours, but even with sound reduction he found it hard to believe that there would not be more noise. He stated that there is a lot of intermittent noise on summer evenings when people take their drinks outside if the weather is nice. He said that when the bar was open until 2:00 a.m., drinking crowds stood outside laughing, cackling, getting loud and shouting and management could not get it to stop even with the hotel's repeated calls. He said that he was therefore very concerned that the situation would be totally unenforceable even with limitations on operating hours. He said that he would love trust that management will keep an eye on this, but he was concerned about how this would work from a practical standpoint and whether there would be any recourse for the hotel.

Mr. Flake said that the Commission has not yet addressed issues regarding private parties or music which could result from this project. He thought that the use permit should also cover customers moving from one portion of the deck to another and time limits on other deck areas. He acknowledged the difficulty in making customers leave at a certain time of evening, but felt that the restaurant would need to make the last seating earlier and the neighbors could then count on people being done earlier in the evening, although someone seated at 9:30 p.m. could be there until midnight or closing and would not be stopped from having dinner, then dessert, then drinks, and then coffee at midnight before they finally go home. He thought that there were so many

variables in this situation that any permit should include the time limits he proposed in his letter. He also asked for a method to enforce those times or for some recourse if the limits are not being followed prior to a Planning Commission meeting six months in the future.

Commissioner Weller asked if Mr. Flake had any idea of the cost of the noise mitigation improvements suggested by Mr. Salter. Mr. Flake replied that there several recommendations and they hoped to reduce noise to 30 to 35 decibels in the rooms. He said that the first mitigation would involve sealing some openings between the carpets and walls, which is a relatively easy fix. He said that the other recommendation would involve replacing all of their windows and adding insulation which would cost several thousand dollars per room. He said that just sealing the cracks would theoretically reduce noise to 35 decibels but would not address intermittent shouting from drunken customers.

Commissioner Welner asked if noise can be heard from other restaurants in town that have outdoor seating and how late these restaurants typically stay open. Mr. Flake said that he was unsure of their hours of operation but said that they usually do not have problems with Luna Blue or Servino's. He noted that Sam's is right up against their hotel and has served at very late hours.

Commissioner Corcoran asked if noise would be reduced if a fixed wall was installed facing the hotel instead of the Eisenglass panels. Mr. Flake said that it might help but the question should be referred to Mr. Salter. Mr. Watrous clarified that a part of Sam's deck that extends across the property line so the Water's Edge wall stops short of the property line. He said that the canopy would only extend to the property line and he did not believe that the applicants were proposing an Eisenglass wall along the interior side.

Peter Clark, Clausen Engineers, said that the Eisenglass panels would in fact be around the outer perimeter of the canopy, but not on the hotel side, but they would be receptive to installing an Eisenglass panel there.

Commissioner Weller asked why Eisenglass panels would be used to open up a view to a blank wall. Commissioner Corcoran asked whether creating a solid wall that would connect the ceiling canopy to the deck would help noise issues for the hotel from. Mr. Salter said that the Eisenglass panels facing the hotel could help a little with sound bouncing off of the hotel walls, but noted that there would be issues with ventilation and air flow with a fixed wall. He said that a wall would help a bit but it was questionable whether it would be needed all the time.

Chair Kulik asked if a solid wall of some kind for the eastern portion of the new structure as opposed to Eisenglass was architecturally and acoustically possible. Mr. Clark said that such an idea was viable.

Commissioner Corcoran asked for Mr. Flake's opinion of such a permanent wall. Mr. Flake felt that this was a great idea as an added buffer but he questioned where sound would go with a roof and three sides enclosed by glass in the structure. He reiterated their desire for some method to prevent any unusual circumstances or recourse.

EXHIBIT NO. 9

6 OF 11

Ray Zambrano, co-owner of the Water's Edge Hotel, thanked the Commission for taking the time and getting into the details of the project because it would definitely affect their hotel. He said that the ability to enforce noise complaints was critical as they have typically gotten no response from Sam's when they have complained about sound issues. He noted that the Town has no noise ordinance. He thought that there should be a double wall against the hotel's wall and simply building the structure and leaving it open to the wall would not address noise issues. He noted that there is an outdoor bar which and the canopy would encourage people to stay outside as long as they are eating and he felt that this should only be a service bar for the covered area.

Charles James said he lives on Corinthian Island and said the that the 20 decibel noise reduction from the Eisenglass panels would only occur with the panels down and he was concerned about noise when the panels are rolled up. He stated that the noisiest part of food service was at the end when everyone is cleaning up at the end of the night, and if customers are seated at 9:30 p.m. and stay until 11:00 p.m. there would be additional noise from cleaning up even later. He encouraged the concept of seating people inside after a certain time. He stated that people living on Corinthian Island can hear delivery trucks, trash trucks and other large vehicles very early in the morning and will then also hear noise late into the night. He said that he enjoys Sam's Café and wants them to grow their business but at the same time felt that they have to be good neighbors. He suggested seating people outside Thursday through Sunday which would provide residents with a few days of peace and quiet and possibly not allowing delivery trucks to arrive so early in the mornings to provide residents with a couple of more hours of peace.

Mr. Clark stated that they would be amenable to a wall between the Water's Edge Hotel and would also consider an alternative which would extend the roof up to the Water's Edge which would span the property line. Mr. Wilson added that the outside bar covers much of that side of the deck and also spans the property line.

Mr. Sears stated that they hear concerns about the morning noise from deliveries and suggested people come and talk to them about so they can address it. Community Development Director Anderson stated there are windows of delivery times but nothing as early as 4:00 or 5:00 a.m. is allowed.

Mr. Sears stated that they would be able to manage the sound issue much better with the canopy and with their dining room moved out onto the deck and the noise would be less frequent and less loud.

The public hearing was closed.

Commissioner Corcoran asked what the process would be for the applicant to return and modify any limitations on the hours for ending food service. Mr. Watrous stated that the applicant can appeal a decision regarding conditions of approval adopted by the Commission to the Council. He said that the applicant may request a change to the conditions through an amendment to the use permit. He said that the draft resolution of approval includes a review after one year and the applicant could ask for changes at that time.

EXHIBIT NO. 9

7 of 11

Commissioner Corcoran asked if staff considered requiring a certain time that the Eisenglass walls have to be up or down. Mr. Anderson stated that at the time, staff did not know if the Eisenglass panels would have any effect on noise reduction at all and tonight they heard new information that the panels would reduce sound by 20 decibels, which would be a major sound reduction. He said that the Commission could consider a time to drop the panels if there is continued outdoor late night use of the covered area.

Commissioner Weller asked if it was possible to require an applicant to reimburse an adjacent land owner like the hotel for costs associated with mitigating sound. Mr. Anderson said that typically the use permit process does not give the Town authority to require a third party to do something and therefore, it would be more of a voluntary agreement on their part. He stated that the Town would prefer that on-site alternatives be exhausted first and that there need to be some willing agreement first before any such condition was imposed so it would be a voluntarily accepted condition. Mr. Watrous agreed and added that there is a lot of specificity in terms of an agreement on costs and variables in the type of windows or sound insulation, which would make it difficult for the Town to step in to create a blanket condition requiring payment for such improvements.

Commissioner Weller voiced support for Sam's and its continued success in the community. He stated that control over operating times for Sam's as a whole is not within the Town's jurisdiction, but there is an opportunity to look at conditions for this deck area to assist Sam's in being a good neighbor. In hearing what neighbors on Corinthian Island and the hotel have said, he believed that a limitation on service hours in the canopy area was appropriate to try to mitigate extended use of the deck beyond its current use. He said that he was not satisfied with limiting the seating time and thought that it is easy to regulate limits on when food is put in front of people and easier to determine if that condition was violated if there is a complaint. He thought that a 9:30 p.m. limit was appropriate, but considered the possibility of an earlier limit on Sundays. He stressed that this must be a service cut-off and not a seating cut-off. He said that the applicant and hotel seemed to be in agreement about a wall on the back side of the structure that would eliminate sound coming up and out to the hotel. He said that there should be a requirement to drop the Eisenglass panels at 8:30. He recommended approving this application subject to modifying it with requirements to install a wall enclosing the side of the canopy facing the hotel, that the Eisenglass panels be dropped at 8:30 p.m., to limit the delivery of food by 9:30 p.m. and to review the CUP after one year.

Commissioner Welner agreed with Commissioner Weller's comments in terms of conditions of approval. He said he was inclined to recommend a 6 month review of the permit instead of a one year review. Mr. Watrous noted that a 6-month review would be conducted in June and he instead recommended a longer review to allow an evaluation of summertime operations. He noted that staff has the ability to return the matter earlier ff complaints are received.

Commissioner Corcoran agreed that there should be a solid wall or roof connection between the hotel and Sam's which would alleviate concerns regarding noise coming from the patio area over to the hotel and create a seal, or if the parties agree upon something different that accomplishes the same purpose the Town would usually support that. He said that he would be amenable to a 9:30 p.m. service stop time or allow service to go later if the Eisenglass panels are closed.

EXHIBIT NO. 9

8 OF 11

Commissioner Weller said that he was amenable to a 9:30 p.m. limit for food service but he was less certain that the Eisenglass panels should be open until 9:30 p.m. or go down earlier. Commissioner Welner said that he was not inclined to indicate whether or not the Eisenglass panels are down or not because only time will tell whether the panels will be effective in mitigating sound.

Commissioner Corcoran agreed that this was temporary in a sense because of the permit review in a year when the Commission can evaluate whether this is a workable solution or a modification needs to take place. He viewed this less as a summer issue and more of a winter issue, as people could have been eating up until 11:00 p.m., whereas in winter it may not be that big a deal if the walls are down and 2-3 diners are outside eating at 10:00 p.m.

Chair Kulik stated that this is a unique situation where Sam's pre-dates zoning so there are really no limitations of any kind of what they can or cannot do and no enforceability for sound. He stated that Downtown Element Policy DT-3 speaks about promoting the economic vitality of the downtown and the Commission is charged with that. He stated that this proposal could create a magnet for activity that is not part of the status quo. He thought that it was noteworthy that Sam's would voluntarily bring scrutiny through a CUP that where there is currently nothing. He said that an approved permit would be subject to rigorous scrutiny and enforceability of conditions of approval. He thought that many of the changes Sam's has made have been driven by economic reality and functional reality, including moving closing times back from 2:00 a.m. to midnight. He also felt that some goodwill had been shown, with a willingness to change the design, install a solid wall, and removing the PA system which was a point of contention on Corinthian Island. He said that the applicant had made very public promises made of good management and he felt that that their manager would take care of business and address issues as they come up and not be reactionary after the fact. He agreed with most of the proposed conditions, particularly with finding some way to provide for a solid wall between the new canopy and the hotel, a specific time for the Eisenglass panels to go down, a time limit on the last placement of a plate on a table, and a review cycle of 9 months rather than 6 months to capture a full summer of data and see how things are going.

Chair Kulik discussed times for end of service and said that he has been in restaurants where this is done and thought that a 9:30 p.m. service shut off was fair. He proposed having the panels come down at 8:30 p.m.

Commissioner Corcoran proposed a 9:30 p.m. service cut off time and for Eisenglass walls to go down at 11:00 p.m. and thought that service should be extended to a later time if the Eisenglass walls are down. Mr. Watrous said extending food service after panels are down would be more difficult to enforce.

Commissioner Welner stated that it seemed easiest to pick the same 9:30 p.m. time for service cut-off and when panels come down. Mr. Watrous said that the intent of the Eisenglass panels was to reduce sound while people are dining so this would only require the panels to come down at a time when there is no longer any food service.

EXHIBIT NO. 9

9 OF 11

Commissioner Welner said that he was persuaded by Commissioner Corcoran's comment that in the summer people could be out there anyway, while in the winter when it is cold, they will want to put the panels down.

Commissioner Weller thought that the Commission was losing sight of the fact that what happens out on the deck that is not underneath this canopy was not before the Commission. He said that thinking about whether they can serve or drink or the amount of noise in that other area was an interesting exercise, but was totally irrelevant to what the Commission was considering, which was what can be done inside the area that the applicant has proposed to change. He said that he was prepared to work on is something that would be enforceable, can be monitored and would be consistent with the concerns expressed by the various speakers. He said that he would not favor any extended service beyond a set time and thought that the earlier that the Eisenglass can go down, the better.

Commissioner Weller stated that no one has mentioned is that the hotel would benefit if the 9:30 p.m. limit is adopted, especially in the summer, because sound is currently likely be coming from people closer to the hotel than farther away, while this application would give the Town the ability to limit sound from the area closest to the hotel. He was unsure how to deal with parties as a separate issue, but felt that the other conditions that would deal with noise would address that issue. He hoped that this would work, that Sam's will be successful and continue to be a good neighbor and that this will be a win/win for everybody.

Commissioner Corcoran supported the proposed 9:30 p.m. limit for service cut off and lowering of the Eisenglass. Chair Kulik concurred.

There was discussion about scheduling the CUP review, with a consensus that the review should occur at the first meeting in November.

Commissioner Weller suggested that the resolution should also incorporate the potential for an alternative to the wall if the hotel and applicants agree on an alternative.

Mr. Watrous summarized that the direction is to amend Condition No. 9 to be reviewed at the first meeting in November, adding two conditions: 1) that a solid wall be constructed along the eastern side of the deck between the outdoor bar and the existing restaurant or other similar noise mitigation that is agreed upon by both the applicant and Water's Edge Hotel; 2) that the Eisenglass panels be lowered at 9:30 p.m.

Commissioner Weller asked staff to explain Condition No. 6 in the proposed resolution, given that he was unclear about the noise study's design recommendations. Mr. Watrous stated that there were specific recommendations in the noise study that had to do with the insulation level of the roofing material and flooring material.

Chair Kulik acknowledged the comments and concerns of the Water's Edge Hotel and members of the public who have written letters and shown up at the meetings. He believed that the new Eisenglass panels and other requirements from the Commission would be appropriate mitigation measures for activities that do not currently exist.

ACTION: It was M/S (Weller/Corcoran) to adopt the resolution for a Conditional Use Permit to install a canopy on a portion of an exterior deck for an existing restaurant (Sam's Anchor Cafe), as amended to amend Condition No. 9 to be reviewed at the first meeting in November; adding two conditions: 1) that a solid wall be constructed along the eastern side of the deck between the outdoor bar and the existing restaurant or other similar noise mitigation that is agreed upon by both the applicant and Water's Edge Hotel; 2) that the Eisenglass panels be lowered at 9:30 p.m. Motion carried: 4-0.

BREAK

Chair Kulik called for a break at 9:10 p.m. and thereafter reconvened the meeting at 9:15 p.m.

PUBLIC HEARINGS

2. 145 RANCHO DRIVE: File No. PDPA2015004; Request to amend the Cypress Hollow Precise Development Plan (PD #45) to create a secondary building envelope on Lot 9 of the Cypress Hollow Subdivision; Rapport Investment Group, LLC, Owner; Chuck Utzman, Applicant; Assessor's Parcel No. 034-392-10

Associate Planner O'Malley gave the staff report and said the project is a proposed amendment to a precise development plan (the Cypress Hollow Precise Development Plan) for property located at 145 Rancho Drive. The property owner proposes to establish a secondary building envelope for the purposes of installing a lawn area surrounded by new walls. No changes are proposed to the existing building envelope. The property is currently developed with a single-family dwelling and is bordered by single-family dwellings and heavy vegetation.

The property owner proposes to establish a 940 square foot secondary building envelope on the south side of the property to allow construction of the proposed improvements, including walls varying in height from 4 feet, 2 inches to 5 feet, 5 inches and 36 inch wooden guardrails. Walls of this height located outside a building envelope are not permitted; hence the request for an envelope-related amendment.

Staff believes it is in compliance with the Cypress Hollow Precise plan and the Tiburon General Plan , but recommended a condition that the secondary building envelope would be just for the walls, lawn area and no other structures allowed. Staff recommended that the Planning Commission recommend approval of the amendment of the Cypress Hollow Precise Development Plan to the Town Council.

Garrett Burdick, co-owner, introduced Brian Pensack, co-owner and said that they were available for questions.

Commissioner Weller asked about the height limits for the proposed fence and walls. Mr. Watrous said that a 6 foot height limit is typical and the applicant wishes to build a 5 foot, 5 inch wall. Mr. Burdick confirmed this and said that they also would put a railing on top of the wall. Mr. Watrous stated that the railing would not count toward the maximum height.

EXHIBIT NO. 9

11 OF 11