

**DRAFT**  
**PLANNING COMMISSION**  
**MINUTES NO. 1062**  
Regular Meeting  
April 13, 2016  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

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

Present: Vice Chair Williams and Commissioners Corcoran and Weller

Absent: Chair Kulik and Commissioner Welner

Staff Present: Planning Manager Watrous and Associate Planner O'Malley

**ORAL COMMUNICATIONS:**

There were none.

**COMMISSION AND STAFF BRIEFING**

Associate Planner Kyra O'Malley reported that the Commission had several items scheduled to be heard on April 27, 2016.

**PUBLIC HEARINGS**

1. 1 BLACKFIELD DRIVE: Conditional Use Permit to Amend a Condition of Approval to Allow Alcoholic Beverage Tasting in a Building Occupied by a Grocery Store (Nugget Market); File # CUP2016002; Cove Shopping Center, Owner; Nugget Market, Applicant; Assessor's Parcel No. 034-212-18

Associate Planner Kyra O'Malley gave the staff report, stating the applicant is requesting a conditional use permit to amend conditional approval to allow alcohol beverage tastings in a building occupied by a grocery store at Cove Shopping Center. On February 13, 2013 the Planning Commission adopted a resolution to approve a conditional use permit to operate and expand a grocery store use. The applicant proposes to amend the conditional use permit to allow alcoholic beverage tasting for this grocery store.

No exterior improvements are proposed to the existing business. The applicant proposes to allow consumption of wine, beer, and spirits near the existing cheese bar or on the mezzanine area. The location would depend on the number of participants expected. The proposed hours for the alcoholic beverage tasting would be 4:00 p.m. to 7:00 p.m. on Fridays and Saturdays, with the

flexibility of a few holidays during the year. The applicant has indicated that two staff members from a winery or supplier would be serving and one staff member from Nugget Market would be managing the alcoholic beverage tasting during the specified hours.

Ms. O'Malley stated that staff believes that limitations on hours and holiday for tasting would prevent this use from taking on the characteristics of a bar or other on-sale alcoholic beverage use and that the amendment would be consistent with the General Plan and zoning as well and recommended that the Planning Commission hold a hearing and approve the amendment to the conditional use permit.

Cody Moody, Store Director, Nugget Market, said that they were applying for a Type 86 alcoholic beverage license for instructional tasting of beer and wine between the hours of 4:00 p.m. and 7:00 p.m. He said that this was designed to provide an additional service for patrons to educate them on new and changing products in the industry, with the tasting to be conducted by an authorized licensee, certified wine maker or someone who represents the brand. He said that they understood the stipulations of the license to cordon off the tasting area and requiring proof of age of 21 years or older.

Vice Chair Williams asked for the location of the mezzanine in the store. Mr. Moody said that the primary location would be the cheese department near the wine department, but could also be the mezzanine, which is the seating area in the front of the store. He stated that it would be difficult to hold the tasting in the front of the store with traffic flowing in and out.

Commissioner Corcoran asked if Mr. Moody thought that allowing tasting for 3 extra times a year was adequate. Mr. Moody said yes and that they would target typical holidays where an educational tasting would be done, such as St. Patrick's Day or New Year's. He noted that this location is closed on Thanksgiving and Christmas.

Commissioner Corcoran said it was more likely that a tasting would be held on a weekend leading into a holiday. Mr. Moody acknowledged that that would be the type of traffic they anticipate leading into holidays where people are stocking up.

Vice Chair Williams opened the public hearing and there were no speakers. She closed the public hearing.

Commissioner Weller said that the request was perfectly reasonable and he commended Mr. Moody and Nugget for being a vibrant and lively addition for the community. He thought that this was a fairly mild request and that the Town could address any problems that might develop, but he did not believe that would be the case. He supported the application and encouraged anything the Town could do to assist in their success.

Commissioner Corcoran said that Nugget has been a tremendous addition to the community and helped to revitalize a center which was doing poorly for a number of years. He stated that the Commission wishes to encourage vibrancy and that the tastings would add a bit of life and foot traffic to the store. He hoped that the amendment would have enough flexibility for the store to

conduct its tastings in the store and he hoped the applicant could return if it turns out that some other timing works better.

Vice Chair Williams concurred with her fellow Commissioners and commended Mr. Moody for being so thoughtful and knowledgeable about the state regulations. She agreed that this was an appropriate use and would enhance services to the residents and the community. She said that it was also consistent with the tasting approved for Woodlands Market. She said that the request complied with all zoning regulations and was consistent with the General Plan and she supported the request.

**ACTION:** It was M/S (Weller/Corcoran) to adopt the resolution approving amendment to the CUP, subject to all conditions included in the resolution. Motion carried: 3-0.

2. 4992 RANCH ROAD: Tidelands Permit and Conditional Use Permit to construct docks and a pier; Files # TIDE2015001 & CUP2015003; Alisa and Brian Golson, Owners; Assessor's Parcel No. 038-032-19

Planning Manager Dan Watrous gave the staff report, stating this is a request for a conditional use permit for 4992 Ranch Road to construct docks and a pier adjacent to the property. It would include a new 134 foot long, 4 foot wide gangway leading to a fixed dock which would be 18 feet long and 18 feet wide with an 8 foot wide, 12 foot long floating dock would be attached to the eastern (right) side of the dock. The docks are intended to provide boat access to the bay for the existing residence on the site.

Mr. Watrous noted that a number of other properties in the immediate vicinities have similar private docks and piers and that this dock would appear to be visually consistent with the other ones in the immediate vicinity and should not intrude into views of other residences. The applicant has received signatures of support from adjacent property owners. He said that the project would be consistent with the General Plan and zoning ordinance and he recommended that the Commission approve the conditional use permit.

Commissioner Weller asked which agency reviews the effect of a structure like this on navigation in the bay. Mr. Watrous stated that BCDC usually is responsible for this.

Alisa Golson, co-owner and applicant, said that she and her family love the bay and go swimming and kayaking with their children and friends. She said that they noticed the other docks and thought it would be great if they had a dock for recreation use for her family. She said that she met with BCDC, the Department of Fish and Game and the Army Corps of Engineers and took their input and made changes to the original plan. She said that she received a letter from the Army Corps of Engineers which states that the dock would not affect eel grass.

Vice Chair Williams opened the public hearing and there were no speakers. She closed the public hearing.

Commissioner Corcoran stated that Land Use Element Policy LU-26 encourages use of the shoreline in this way when it is not in conflict with other public uses. He felt that this was in

keeping with the pattern of use of this area of town along that side of Paradise Drive. He said that this was a modest and reasonable proposal and he supported its approval.

Commissioner Weller concurred and said that this was consistent with land use regulations. He said that as long as other agencies support it, he felt that this was a reasonable request and he supported it.

Vice Chair Williams thanked Ms. Golson for talking with her neighbors and obtaining the letters of approval, which is an admirable way to approach the planning process. She said that she supported the request. She felt that this was consistent with other uses in the area and noted that the Town's land use policies encourage public access to the shoreline. She said that they also must be mindful of the coastal environment and to navigation and she appreciated Commissioner Weller's questions and the applicant's answers about all of the work done with the regulatory agencies.

**ACTION:** It was M/S (Corcoran/Weller) to adopt the attached resolution approving the conditional use permit. Motion carried: 3-0.

### **MINUTES**

#### 3. Planning Commission Minutes – Special Meeting of February 24, 2016

Vice Chair Williams requested the following amendment:

- Page 4, midway through the page, “Vice Chair Williams said the Precise Development Plan is in full force and effect as are the conditions therein and, as she was informed the applicant has satisfied all conditions to the satisfaction of the planning division.”

**ACTION:** It was M/S (Weller/Williams) to approve the meeting minutes of February 24, 2016 as amended. Motion carried: 3-0.

### **ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:55 p.m.

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DAVID KULIK, CHAIR  
Tiburon Planning Commission

ATTEST:

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DANIEL M. WATROUS, SECRETARY