



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
November 9, 2016

Agenda Item: **PH-2**

STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: 1 Blackfield Drive, Suites O and N; File #CUP2016-006;
Conditional Use Permit to Operate a Pizza Parlor in a Neighborhood
Commercial Zone; The Cove Shopping Center, Inc., Owner; California
Round Table Pizza Group, Inc., Applicant; Assessor Parcel 034-212-18

PROJECT DATA

Address: 1 Blackfield Drive, Suites O and N
Assessor's Parcel Number: 034-212-18
File Number: CUP 2016-006
Lot Size: 3.9 acres
General Plan: Neighborhood Commercial
Zoning: NC (Neighborhood Commercial)
Current Uses: Milano Ristorante & Milano Wine Bar
Owner: The Cove Shopping Center, Inc.
Applicants: Ali Karachi (California RT Pizza Group, Inc.)
Flood Zone: X-0.2 – Outside any Special Flood Hazard Area

SUMMARY

The applicant proposes to establish and operate a Round Table Pizza outlet in suites currently occupied by Milano Ristorante and Milano Wine Bar. Milano Ristorante has operated in this location since 1978; the wine bar has operated since 2000. Pursuant to Municipal Code Section 16-22.030, the conditional use permit is required for change of use from the wine bar to a pizza parlor and for the intensification of use and differential operating characteristics between a predominantly traditional sit-down Italian-style restaurant and a take-out/delivery/sit-down pizza parlor. In addition, Milano Ristorante opened at a time when the County of Marin did not require a comprehensive operational use permit for this type of use, and none currently exists.

BACKGROUND

Cove Shopping Center

The Cove Shopping Center was approved and constructed prior to the incorporation of the Town of Tiburon in 1964. The Town of Tiburon annexed the property in 1984 as part of the West Tiburon Annexation, which also included Bel Aire Estates, the Highlands, Tiburon Hill Estates

condominiums, and the Circle Drive residential area. Milano Ristorante had already been in operation for several years at that time.

In the past few years, the Cove Shopping Center has experienced a rebirth of activity through an improved tenant mix and popular and desirable uses. With success have come challenges, including limited parking availability, traffic circulation congestion, and refuse management issues. Town staff is of the opinion that yet another popular establishment opening in the Center will act to intensify these issues, possibly leading to off-site spillover impacts, especially parking. Reducing the scale of these impacts will likely entail enhanced efforts on the part of ownership, management, and tenants to better address the pertinent issues.

Milano Ristorante & Milano Wine Bar

A brief permit history for the two existing uses is provided below.

1978: Milano Ristorante is established by current owner and operator Roger Milano. On-site beer and wine sales were permitted.

1983: The County of Marin approves a 400 square foot expansion of the restaurant and increases the approved seating from 46 to 59 seats. Parking and circulation upgrades to the Cove Center are required. The County Zoning Administrator deems the approved expansion to represent “the complete and ultimate development of the property”.

1994: The Town approves an expansion of Milano Ristorante into the existing adjacent space vacated by a pharmacy. The approved seating is expanded to 81.

1995: The Town approves a 280 square foot addition at the rear for non-public space. The approved seating capacity remains at 81.

2000: The Town approves Milano’s wine bar in the adjacent tenant space formerly occupied by a barber shop. Seating is limited to six additional (6) interior “standing” seats with no group activities or outside seating allowed. Hours of operation for the wine bar are set at 10 AM to 11 PM, with closing time to coincide with that of Milano Ristorante.

PROJECT DESCRIPTION

The applicant proposes to replace the existing Milano Ristorante and Milano Wine Bar with a popular chain-style pizza parlor. This application includes the following changes and/or intensifications:

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

The applicant has incorporated a number of operational characteristics that will somewhat off-set potential impacts, including:

- No increase in seating over that currently allowed for the two Milano uses.
- Operating hours essentially similar to the current uses.

- The use will not be open until 11 a.m., avoiding early morning overlap with other businesses in the Cove Center that tend to have morning peaks.
- No lunch buffet will be installed, which will likely reduce lunchtime demand. (The applicant estimates only about 20% of his business from lunch demand, with dinner (5 p.m. to 8 p.m.) absorbing most of the demand. Fewer businesses in the Cove Center are open during the peak dinner hours, allowing for more available parking.
- Elimination of the existing outdoor seating.

Application written materials and drawings are attached as **Exhibits 1** and **13**, respectively.

PLANNING ISSUES

Use Characteristics. The existing predominantly sit-down restaurant and the stand-up only wine bar would be replaced by a sit-down/take-out/delivery-type pizza parlor that the applicant anticipates will be evenly distributed between the three types of service. Staff anticipates some intensification of certain aspects of the use, including the overall number of patrons and vehicles, parking demand, number of employees at maximum shift, and increased take-out and delivery activity and trips. Original plans called for an increase in seating, but the applicant has revised the application to reduce the currently-approved seating from 87 seats to 86 seats. Conditions are proposed to ameliorate the anticipated impacts of the intensified use on an already congested shopping center with limited parking. Parking issues are addressed in more detail below.

Store operating hours. The applicant has proposed hours of operation that would closely parallel those of Milano Ristorante, which opens at 11:30 AM and closes at 11:00 PM. Proposed hours for Round Table Pizza are Sunday through Thursday 11:00 AM to 10:00 PM, and Friday and Saturday 11:00 AM to 11:00 PM.

Pizza delivery. The application indicates that pizza delivery would be available during all hours that the business is open. Typically, 1-2 delivery drivers would be used per shift, but on the busiest days during peak seasons, up to five (5) delivery drivers could be used during the same shift. Employee's personal vehicles are proposed to be used for deliveries. The revised drawings show four parking spaces at the rear of the building that could be dedicated to pizza delivery parking. Certain areas behind the building will not be allowed for parking of vehicles as the corridor requires a 20 foot wide fire lane. It may be possible to comply with the fire lane requirements and still preserve 3-4 diagonal parking spaces behind the pizza parlor and the adjacent day spa for pizza delivery vehicle parking. It would be incumbent on shopping center management to ensure that these spaces were limited to use by pizza delivery vehicles during certain times. However, in order to reduce potential nighttime noise impacts on residents behind the pizza parlor, pizza delivery vehicle parking could be moved to the main parking area of the center after a certain hour (for example 8 or 9 p.m.), when parking demand overall has significantly dropped at the center and spaces in front become available. These details would be worked out in follow-up measures required as conditions of approval.

Truck delivery hours and loading. The application materials state that food delivery from the distributors occurs as set forth below and can be scheduled within a two-hour window to minimize congestion and reduce any noise impacts.

Saladinos: Maximum two deliveries per week and customizable to a 2-hour window.

Pepsi: Two deliveries per month.

Beer & Wine: One delivery per week.

The conditional use permit for the nearby grocery store (which has far more deliveries) approved deliveries between 7 AM and 5 PM. The Nugget Market store manager indicates that actual deliveries occur between 7 AM and 1 PM daily. These hours substantially avoid unreasonable noise impacts on neighboring residences during very early morning and late night hours. Unlike Nugget Market, however, there is no loading dock behind Milano Ristorante. Rather, there is also a narrow corridor that in places barely meets fire lane requirements. There is a minimum 20 foot wide fire lane requirement at the rear of the building per the Southern Marin Fire District. Parking of vehicles in this fire lane area appears to occur frequently and is of concern to the Town and the Fire District. Deliveries to Milano Ristorante have been occurring successfully for decades despite these circumstances, and delivery vehicle temporary parking does not appear to be as concerning as long-term unattended vehicle parking. Some basic level of coordination between Nugget Market and the pizza parlor will likely need to occur with respect to deliveries.

Trip Generation Rates. The pizza parlor is expected to have a higher trip generation rate (about 50% higher) than the prior sit-down restaurant, according to standardized trip generation rate tables provided by the Institute of Transportation Engineers (ITE). However, the trip generation rate would be less than one-third that of a fast-food restaurant with drive-through window. This particular pizza parlor may also see a larger than typical volume of pizza delivery, which would help reduce both trip generation and parking demand, and also expects to do most of its business after 5 p.m. during dinner hours, when parking spaces at the shopping center become more available. The applicant has provided traffic flow and revenue breakdown projections in Exhibit 1.

Parking. The Cove Shopping Center has been “technically” under-parked for decades and the County of Marin granted variances to that effect long ago. The rejuvenated Cove Shopping Center of recent years has experienced parking issues that were absent several years ago when the center was struggling. In 2013, the owner received approval to pave the former garden nursery site for additional parking, creating approximately 26 new spaces for the center, bringing the total number of spaces to approximately 160 spaces. At the time, this was reported as a condition of Paradise Foods agreeing to lease the empty grocery store space.

In spite of the additional parking, the center experiences parking shortages and does not currently appear to have a highly effective parking management and enforcement program. During recent mid-day site visits, staff witnessed numerous parking violations on the site, including parking in fire lanes and parking in areas not designated as parking spaces. At the same time, the newly-expanded parking area on the former nursery site had several (up to 8) empty spaces. Recent use permits issued by the Commission for Peet’s Coffee and Tea, the Bank of Marin and the grocery store have required employee parking to be in remote areas of the site to free up closer parking spaces for customers. That condition would also be imposed on the pizza parlor, along with conditions to ramp up enforcement of parking in general.

Town staff believes that employees at Cove Shopping Center businesses should fully utilize the remote areas during all busy times at the center, making spaces available in the main parking area

for customers, and that a more proactive parking management program should be put into place that would maximize on-site parking spaces, monitor the lot for parking violations, and enforce suspected misuse of the Cove parking lot by commuters and others. This program should consider establishing a few appropriately-timed short-term parking spaces near the pizza parlor for customers picking up their take-out orders during certain hours. Additional bicycle parking should also be required at the Cove Center, and is addressed in conditions of approval.

Circulation. Vehicular circulation within the Cove Shopping Center has been awkward since its inception, when the Department of Transportation (now Caltrans) required that no access from Tiburon Boulevard be allowed (the state holds a non-access easement to permanently prevent such access). In 1983, the County of Marin required major changes to the center's entry/exit, parking layout, and internal circulation pattern in an effort to optimize an already constrained situation. This is the circulation pattern seen today, except at the rear of the larger building, where a one-way circulation pattern was established at the time Paradise Market moved into the center in 2013. The simultaneous construction of the new parking lot in the location of the former garden nursery did not affect circulation patterns in a substantive way. The primary circulation choke-points are when vehicles attempt to leave the center and sometimes stack up into the parking lot, or when vehicles traveling south on Blackfield Drive from the Bel Aire neighborhood must make the left turn into the center across traffic. Earlier this year, the Town Council approved a bicycle-pedestrian safety enhancement project on Blackfield Drive and Greenwood Cove Drive; that project is now underway and will be completed as soon as dry weather permits the thermoplastic stenciling to be applied. Elimination of the dedicated right turn lane into the Cove Center was studied by the Town Engineer and the consulting transportation engineer prior to this project moving forward, and was not regarded by them as a substantive loss to the circulation system serving the Cove Center.

Noise. The applicants have not provided information regarding use of amplified sound at the site. Similar to recent approvals for Sam's Anchor Café, staff would recommend conditions of approval prohibiting a loudspeaker system for announcements and requiring that amplified sound is not plainly audible from outside the pizza parlor, especially from nearby residential properties.

Refuse management. It appears that refuse management at the Center is largely conducted on an individual tenant basis, with few consolidated refuse storage areas. This approach results in numerous individual dumpsters and plastic waste cans scattered throughout the site, primarily behind businesses but many within plain view of the public. In addition to concerns with refuse management expressed by the Marin County Flood Control District (discussed below), staff believes that more efficient and coordinated refuse management could free up additional parking spaces. Round Table Pizza appears to have a robust recycling and refuse management protocol and is unlikely to be the source of future refuse problems, which are more attributable to existing uses in the center. Proposed conditions of approval address these concerns and Town staff and shopping center management have already held discussions regarding solutions.

Outdoor seating areas. The applicant is not proposing any outdoor seating at this time. Any such seating would require an amendment to the conditional use permit.

Flood Hazard Zone. According to the most recent flood hazard maps published by FEMA in 2016, the Cove Shopping Center property is no longer located in a special flood hazard zone,

although it is still susceptible to shallow flooding not considered serious enough by FEMA to warrant special flood hazard area status. Therefore, this project is exempt from application of the Town's flood hazard prevention regulations, regardless of the valuation of proposed improvements and despite the Cove Center having flooded as recently as December 2014.

GENERAL PLAN AND ZONING CONSISTENCY

The subject site is designated Neighborhood Commercial (NC), which typically allows resident-serving commercial uses and offices in addition to mixed uses. General Plan Land Use Policy LU-2 states:

"The Town shall limit the type and amount of uses within the Town to those that are compatible with the nature, character and image of the Town as a quiet, small-town residential community with a village-like commercial area."

While this policy primarily refers to Downtown Tiburon, the use needs to be compatible with the surrounding residential area. In addition, Policy LU-23 states:

"The Town shall support a diversity of commercial uses to serve the shopping and service needs of the community."

The pizza parlor would serve local residents and is not an unlikely tenant in a neighborhood shopping center.

Section 16-52.040 (D) of the Tiburon Zoning Ordinance lists the following factors to be considered in determining whether or not any conditional use should be permitted in a specific location:

1. *The relationship of the location proposed to the service or market area of the use or facility proposed; transportation, utilities, and other facilities required to serve it; and other uses of land in the vicinity.* The proposed pizza parlor would be located in a neighborhood shopping center near a major signalized intersection along Tiburon Boulevard, and would be adequately served by utilities. Parking adequacy is a concern that is addressed elsewhere in this staff report. The use would be compatible with other retail and service uses within the shopping center and Tiburon as a whole.
2. *The compatibility of the design, location, size, and operating characteristics with the existing and future land uses in the vicinity.* The proposed use is located in a long-established neighborhood and shopping center. The operating hours of the pizza parlor would be similar to those of the prior restaurant. Differences in operational characteristics are proposed to be addressed through conditions of approval imposed on the use permit, including such factors as parking, circulation, noise, delivery hours and parking of delivery vehicles.
3. *The probability of impairment to the architectural integrity and character of the zoning district in which it is to be located.* The exterior alterations would not

impair the architectural integrity of the building or the neighborhood commercial-designated shopping center as a whole.

4. *The protection of the public interest, health, safety, convenience, or welfare of the Town, or any probability of injury to property or improvements in the vicinity and zoning district in which the real property is located.* Depending on the relative popularity and success of the pizza parlor use (which is speculative), and/or the success of shopping center management and tenants in addressing parking limitations, the proposed use might result in spillover parking impacts into the surrounding neighborhood and reduce the convenience of using the Cove Center from a parking and circulation standpoint. Conditions of approval are recommended to ameliorate these potential impacts, which include factors as parking, circulation, noise, delivery hours and parking of delivery vehicles.
5. *The need of the community for additional numbers of such uses, paying particular heed to whether the neighborhood or vicinity is already adequately served by similar uses.* There is one other pizza parlor in Tiburon; Waypoint Pizza located on Main Street. The Strawberry Shopping Center contained a Round Table Pizza outlet for many years, but it closed recently. Milano Ristorante also serves pizza on its menu, as does Ristorante Servino on Main Street. Pizza is also available at the Strawberry Shopping Center (for example, at Pizza Antica). However, given the general popularity of this type of food, the greater Tiburon peninsula does not appear to be over-serviced with this type of eating establishment.

AGENCY COMMENT

Written comments have been received from the Marin County Flood Control District and Southern Marin Fire District. See **Exhibits 3 and 4**). The County letter describes refuse collection area deficiencies and the Cove Center and suggests specific solutions for an identified problem at the southeast corner of the main parking lot near the pump station. The Fire District letter notes the requirement for a continuously-maintained 20' wide fire lane at the rear of the building and compliance standards for waste bins and receptacles, among other things.

PUBLIC COMMENT

As of the date of this report, several public communications have been received. Staff received a phone call from a representative of the Tiburon Highlands Homeowner Association expressing concern about traffic and parking associated with the proposed pizza parlor. Numerous surrounding neighborhood residents have submitted written comments (**Exhibits 5 to 12**) expressing concerns about congestion, parking demand, and neighborhood spill-over impacts. One letter expresses support for the project.

ENVIRONMENTAL DETERMINATION

Staff has made a preliminary determination that the subject application is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) of the CEQA Guidelines.

CONCLUSION

The Cove Shopping Center has recently evolved into a highly successful and well-used neighborhood-oriented destination. Its ownership and management deserve praise for the center's remarkable turnaround over the past several years. However, with increased success comes increased responsibility for the efficient and proper functioning of the center.

Staff believes the center shows symptoms of inadequate parking management, congested circulation, and the need for increased attention to refuse/trash management. In conjunction with approving yet another highly popular business in the center, staff recommends conditions of approval to address and ameliorate existing conditions that could reasonably be expected to worsen and potentially spill over into adjacent residential areas in the absence of proactive measures. These measures are intended to keep the Cove Center and its surrounding neighborhood areas from becoming the victims of "too much" success. Staff is recommending a 3-month review after opening and an assessment at that time of the effectiveness of the measures set forth in the conditions of approval, with the possibility of amended and/or additional conditions of approval if warranted.

RECOMMENDATION

Staff recommends that the Planning Commission:

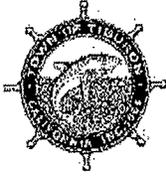
1. Hold a public hearing on this item and hear and consider all testimony, and
2. Consider revisions as appropriate and adopt the attached resolution (**Exhibit 2**) conditionally approving the subject conditional use permit.

EXHIBITS

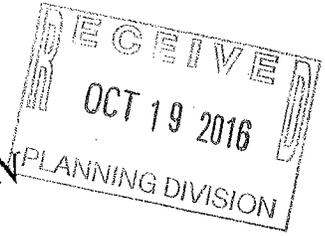
1. Application form and supplemental narrative materials.
2. Draft resolution.
3. Letter from Marin County Flood Control District received October 31, 2016.
4. Letter from Southern Marin Fire District received October 31, 2016.
5. E-mail from Greg Kaplan received October 31, 2016.
6. E-mail from Rachael Justis received October 31, 2016.
7. E-mail from Glennis FitzGerald received October 31, 2016.
8. E-mail from Jason Washing received November 1, 2016.
9. E-mail from Christine Cellini received November 1, 2016.
10. Letter from Chris Solomon received November 1, 2016.
11. E-mail from Preston Petty received November 1, 2016.
12. E-mail from Eric Andrewsen received November 2, 2016.
13. Submitted drawing (combined site plan, floor plan and aerial photo).

Prepared By: Scott Anderson, Director of Community Development





TOWN OF TIBURON LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- Conditional Use Permit
- Precise Development Plan
- Secondary Dwelling Unit
- Zoning Text Amendment
- Rezoning or Prezoning
- General Plan Amendment
- Temporary Use Permit
- Design Review (DRB)
- Design Review (Staff Level)
- Variance(s) _____ #
- Floor Area Exception
- Tidelands Permit
- Sign Permit
- Tree Permit
- Tentative Subdivision Map
- Final Subdivision Map
- Parcel Map
- Lot Line Adjustment
- Condominium Use Permit
- Seasonal Rental Unit Permit
- Other _____

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: Cove Shopping Center
1 Blackfield Dr. Ste. 11
PARCEL NUMBER: Tiburon, CA 94920

PROPERTY SIZE: _____
ZONING: _____

PROPERTY OWNER: Michael Lee

MAILING ADDRESS: Cove Shopping Center
1 Blackfield Dr. Ste. 11
Tiburon, CA 94920

PHONE/FAX NUMBER: 1-650-759-6279 **E-MAIL:** mleetterrier@gmail.com

APPLICANT (Other than Property Owner): *Shawn Panah
California RT Pizza Group, Inc. DBA: Round Table Pizza

MAILING ADDRESS: PO Box 6143 CONCORD CA 94524-1143

PHONE/FAX NUMBER: 714-418-6171 phone
(888) 397-9830 eFax **E-MAIL:** SHAWN PANAH@CARTPG.COM

ARCHITECT/DESIGNER/ENGINEER: Gary Ward

MAILING ADDRESS: VirTek Design
4505 Pacific Street
Farmington, NM 87402

PHONE/FAX NUMBER: (707)291-1512 **E-MAIL:** projectdesign2015@gmail.com

Please indicate with an asterisk () persons to whom Town correspondence should be sent.*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):

Milano Restaurant has expressed interest in selling their business and since Round Table Pizza has been a long time local favorite at the Strawberry Center for 35+ years, it makes for a perfect fit for Round Table Pizza to relocate into the Milano location just a mile away. We feel that the immediate community in Tiburon would be excited to experience the new Round Table Pizza look and feel and enjoy a great family pizzeria once again.

The footprint of RTP will be same size as Milano, so no increase in total size of restaurant and the kitchen location will be in the same location for the most part. Bathrooms will be enhanced to more recent ADA requirements as will the counter area and dining room seating. The front entrance to the store will be enlarged to also accommodate ADA requirements. There will be a private banquet room integrated into the dining room area to accommodate local gatherings. RTP suggests seating for 100 while Milano's current seating seats approximately 94.

EXHIBIT NO. 1

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, with the defense counsel subject to the Town's approval. 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:* *Shirley Hightower* Date: 10/18/16

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:* *Shirley Hightower* Date: 10/18/16

**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

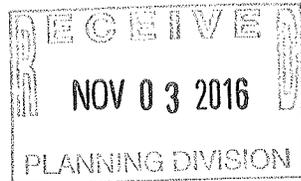


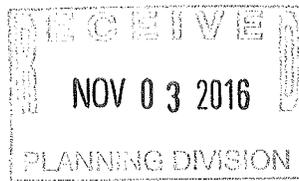
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DEPARTMENTAL PROCESSING INFORMATION		
Application No. <u>CUP 2016-006</u>	GP Designation:	Fee Deposit: <u>0</u>
Date Received: <u>10/19/2016</u>	Received By: <u>KO</u>	Receipt #: <u>R2039</u>
Date Deemed Complete:	By:	Date:
Acting Body:	Action:	Resolution or Ordinance #:
Conditions of Approval or Comments:		

Traffic flow & Revenue breakdown

	<u>Milano</u>		<u>RTP</u>	
2016 Annual Net Sales by week	\$20,192	100%	-	
Projected Annual Sales by week	-		\$25,000	100%
Average ticket \$	\$47.00		\$33.50	
Average # of weekly tickets	430		746	
Dine In & Take out Sales:	\$15,346	98%	\$18,000	72%
Lunch (11 am-4 pm) # of weekly tickets	63		118	
Dinner (4pm - Close) # of weekly tickets	359		419	
Average # of weekly Dine In & Take Out tickets:				
Total weekly customer cars	422		537	
* Customer access via front parking lot				
* Estimated increase of 12.5 customer cars per day during dinner shift				
* Estimated increase of 3.5 customer cars per day during lunch shift				
Catering or Delivery:	\$404	2%	\$7,000	28%
Average # of weekly tickets:	8		209	
Total weekly employee deliveries	8		209	
* Employee access via rear parking spaces only				
* Estimated total daily of 30 employee delivered tickets				





Trash, Rodents & Cleanliness:

- * RTFC Franchisor's monthly audit's are the most stringent stress tests of most restaurant operations in the industry, far better than the current Milano's present condition. Cleanliness with respect to trash and rodent issues have never been an issue for any of my stores in the past or present. This is not a problem.
- * RTP has Service Contracts with pest monitoring companies at all our locations that entail bi weekly visits and condition reports unlike Milano's lack thereof.
- * RTP has recently implemented a comprehensive recycling program that helps reduce: paper trash, composite trash, and plastic / aluminum trash. We are averaging a 50% reduction in "regular trash pick ups" in the stores that have implemented this process. We are on track to complete all stores in the next 6-10 months. If these programs exist within the Tiburon trash program, RTP will take advantage of them.
- * Milano has stored log wood in lieu of their trash area for over 2 decades now which has caused the trash area to become less organized and visually unappealing. RTP will dedicate the entire trash area to only trash and keep it in a much cleaner setting.
- * RTP takes pride in its clean and sanitary environment and we will take whatever steps necessary to make sure the restaurant operates as best as it can to accommodate the centers and neighborhoods needs.

Seating:

- * RTP has modified the interior seating down from 98 to 86 to match Milano's current seating capacity.
- * RTP will not immediately apply for outdoor seating until further review.

Operations:

- * Estimated net increase of less than 20 customer cars per day if sales projections are met (see Traffic Flow attachment). Most of the customer cars will be during dinner shifts between 5-8pm. From my observation, most of the center's traffic congestion occurs during 10-3pm. We expect less than 16% of our business to derive from the day shift.
- * RTP is considered less of a "national" name and more of a local name since the brand was born and raised in Palo Alto in 1960. The past time local favorite: Mill Valley RTP first opened its doors back in October of 1976. Cities with tougher chain concept moratorium regulations easily allowed RTP in the City over other "national chains", i.e.: Sebastopol as recent as April of 2016.
- * Delivery is a key element to our business. Hours of delivery are from open to close. Friday and Saturday night deliveries are our busiest shifts and we cannot be limited to close earlier than 11pm.
- * The owner of this RTP lives locally in Greenbrae and will have a hands on affect on this restaurant. Ali Kerachi has been in the RTP restaurant business for over 17 years and takes great pride of ownership. Cleanliness and operations will not be an issue.



Dear members of the town of Tiburon,

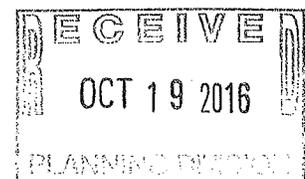
We are excited and delighted to apply for a Conditional Use Permit for Round Table Pizza at the Cove Shopping Center 1 Backfield Dr. Ste. 11 Tiburon, CA.

Round Table Pizza needs no introduction to most in the Bay Area as its been around for over 50+ years and is the Bay's favorite. We cater to families and businesses for dining and special events at our banquet rooms. We sponsor little leagues and promote sport teams of local schools for our local communities. The environment and atmosphere is family friendly. Round Table serves gourmet pizzas and pastas at all 480+ locations. At this location like most of our others we anticipate to have:

- ~~1/3 Dine-in 1/3 Take Out and 1/3 Delivery:~~
- Hours of operation Fri-Sat 11am to 11pm Sun-Thurs 11am-10pm
 - Food delivery from our distributor occurs twice per week and can be conveniently scheduled within a 1-hour window to accommodate food delivery to prevent traffic congestion and minimal noise levels.
 - Average number of delivery drivers is 1-2 drivers per shift (most times). Our busiest days during our peak season may require up to 5 delivery drivers. (least times)
 - All other employees will park at the offsite adjacent property to avoid shopping center parking congestions. Restaurant will staff a maximum of 10 employees at 1 shift based on projected revenues. Milano currently staffs 4-6 during their average shifts.
 - RTP will not be installing a traditional lunch buffet as we anticipate only a 20% lunch rush and a much heavier dinner rush. Our dinner rush usually starts at 5 and can go to about 8pm.
 - Total available parking spaces for our drivers in the rear are: 8 (not counting the 3 diagonal spaces). That's 3 more spaces needed than our maximum amount of business we expect during the peak time of delivery business.
 - The pathway of travel in the rear of building for cars to pass is 12 feet wide.

We hope and look forward to your response as we are excited about this proposal and project at Tiburon. Thank you

Shawn Panah
Round Table Pizza
California RT Pizza Group Inc.
Shawnpanah@cartpg.com
(714) 418-6171 Direct
(888) 397-9830 eFax



RECORDING REQUESTED
WHEN RECORDED, RETURN TO:
Tiburon Planning Division
1505 Tiburon Boulevard
Tiburon, CA 94920

RESOLUTION NO. 2016-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A PIZZA
PARLOR-TYPE RESTAURANT ON PROPERTY LOCATED AT 1 BLACKFIELD DRIVE,
SUITES O AND N
ASSESSOR PARCEL NO. 034-212-18

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 establish and operate a pizza parlor-type restaurant (Round Table Pizza) within an existing commercial building located at 1 Blackfield Drive, Suites O and N (File #CUP2016-006). The application consists of the following:

1. Application Form and supplemental materials received
2. Site Plan and Floor Plan received

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 a duly-noticed public hearing on November 9, 2016, and heard and considered testimony from interested persons.
- C. The Planning Commission has found that the project is exempt from the requirements of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines.
- D. The Planning Commission has found, based upon the application materials and analysis provided in the November 9, 2016 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.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit (File #CUP2016-006) to establish and operate a pizza parlor-type restaurant use with dine-in, take-out, and delivery services at 1 Blackfield Drive, Suites O and N, subject to the following conditions of approval:

1. The use shall operate in substantial conformance with the conditions of approval set forth in this permit. 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. Seating capacity shall be limited to 86 seats, including “standing counter” areas.
3. Hours of operation for the restaurant (including pizza delivery) shall be limited to 11 AM to 10 PM Sunday through Thursday and 11 AM to 11 PM Friday and Saturday.
4. Truck/supply delivery hours shall be limited to 7:00 a.m. to 5:00 p.m., seven days a week. Delivery trucks are prohibited from keeping engines idling during deliveries. A sign shall be installed on the restaurant rear wall and door describing this prohibition. Delivery trucks must follow the one-way circulation pattern established in the fire lane and are prohibited from entering the site via the shopping center’s northernmost driveway on Blackfield Drive. A sign shall be maintained at that driveway entrance at all times describing this prohibition. Location of delivery truck parking and loading areas, and any associated improvements, shall be subject to review and approval by the Director of Community Development in consultation with the fire district.
5. Outdoor display of merchandise shall not be permitted.
6. Outdoor seating is not approved at this time and such seating shall require an amendment to this use permit.
7. There shall be no amplified sound used for announcements, no outside speakers installed, and amplified sound shall not be plainly audible from outside the use.
8. Consumption of alcoholic beverages (beer and wine only) on the premises, including outdoor seating areas, is permitted subject to securing of licenses from the State of California Alcohol and Beverage Commission (ABC).
9. Restaurant employees shall park in remote areas of the site to “free up” parking spaces closer to the use for customer purposes.

10. Parking at the Cove Shopping Center is in short supply and this pizza parlor is anticipated to have higher parking demand than the restaurant/wine bar uses it replaces, despite no increase in allowed seating. No changes to the existing parking layout are authorized as part of this conditional use permit approval. As part of the subsequent Site Plan & Architectural Review application, applicants shall submit an up-to-date site plan for the entire shopping center and shall submit a parking management/enforcement plan with both graphic and narrative components. This plan shall include, at a minimum, the following: a) specified pizza delivery vehicle parking location and detailed operating procedure for delivery vehicles, including evening parking of delivery vehicles not being located behind the building; b) consideration of short-term parking spaces for take-out customer parking during certain operating hours and locations for additional bicycle parking; c) the maximization of lawful parking spaces within the shopping center and steps to discourage parking overflow into surrounding areas; d) additional striping, signage, and/or stenciling for enforcement of parking in fire lanes and in other unauthorized spaces; e) establishment of a parking and circulation monitoring and enforcement plan to address problems associated with vehicles parking in excess of posted limits and use of parking areas by commuters and other persons not using the center while parked in it; and f) recommendations for possible future parking demand management strategies for the Center if deemed warranted. The plan shall be prepared in consultation with the fire district, police department, shopping center owner/management, and directly affected tenants. Retention of a professional parking/transportation management consultant to prepare the plan is highly recommended. Said plan shall be subject to review and approval by the Director of Community Development prior to building permit final approval/occupancy, shall be implemented upon commencement of the use, and shall be reviewed for effectiveness at each review of this permit scheduled before the Planning Commission.
11. A refuse management plan shall be developed to address problems identified in the letter from the Marin County Flood Control District dated October 27, 2016 and to better coordinate refuse receptacle location, storage and efficiency for purposes of maximizing on-site parking, improving site circulation, and enhancing aesthetics. Said plan shall be subject to review and approval by the Director of Community Development prior to building permit final approval/occupancy, shall be implemented upon commencement of the use, and shall be reviewed for effectiveness at each review of this use permit scheduled before the Planning Commission.
12. Site Plan & Architectural Review permit approval shall be required for any exterior modifications and site improvements, pursuant to Chapter 16 of the Tiburon Municipal Code. Said permit shall also depict necessary upgrades to the

exterior appearance and clearly delineate utilization of space between the rear walls of Suites L, M, N, O, and P and the fence along the north property boundary.

13. Sign Permits shall be required pursuant to Chapter 16A of the Tiburon Municipal Code.
14. The permittee shall comply with all applicable regulations of the Marin County Health Department, Marin Municipal Water District, Richardson Bay Sanitary District, Southern Marin Fire Protection District, State of California Alcoholic Beverage Commission, Marin County Health Department and any other agency requiring review or permits.
15. This Conditional Use Permit shall be reviewed by the Planning Commission approximately three (3) months following opening of the restaurant to the public. Said review shall entail, without limitation, conformance with conditions of approval or any other operational aspect of the use within the regulatory land use purview of the Town of Tiburon. During this review, the Planning Commission may impose new and/or modified conditions of approval as it deems warranted. Permit holder agrees to bear all reasonable costs, including outside consultants if necessary, associated with said review.
16. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.
17. This Conditional Use Permit approval shall become null and void if the approved use has not commenced within one (1) year of final use permit approval, unless an extension is granted.
18. 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 Town 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 _____, 2016, by the following vote:

AYES: COMMISSIONERS:

NAYS: COMMISSIONERS:

ABSENT: COMMISSIONERS:

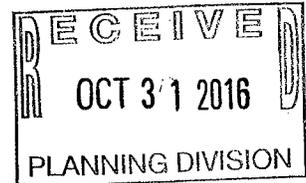
ERICA WILLIAMS, CHAIR
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY

October 27, 2016

Scott Anderson
Community Development Director
Town of Tiburon
Tiburon Planning Division
1505 Tiburon Blvd.
Tiburon, CA 94920



RE: Comments on the Conditional Use Permit for Cove Shopping Center.

Dear Mr. Anderson:

Thank you for the opportunity to comment on the proposed Conditional Use Permit for the Cove Shopping Center, located at 1 Blackfield Drive in Tiburon.

The Marin County Flood Control & Water Conservation District maintains and operates the Cove Stormwater Pump Station located in the southeast corner of the Cove Shopping Center parking lot. Stormwater runoff from the Cove watershed is gathered by a subsurface drainage system and ultimately conveyed to the pump station for discharge into East Creek near Tiburon Boulevard.

The pump station is a part of the flood mitigation infrastructure for the area. Integral to the successful operation of the pump station is a drainage inlet that collects stormwater runoff from both the rear of the parking lot (via an open channel ditch) and runoff from Route 131/Tiburon Boulevard (via an underground drainage system). Stormwater that enters this drainage inlet is then transported to the pump station.

Please see **Figure 1** below for the location of this drainage inlet.

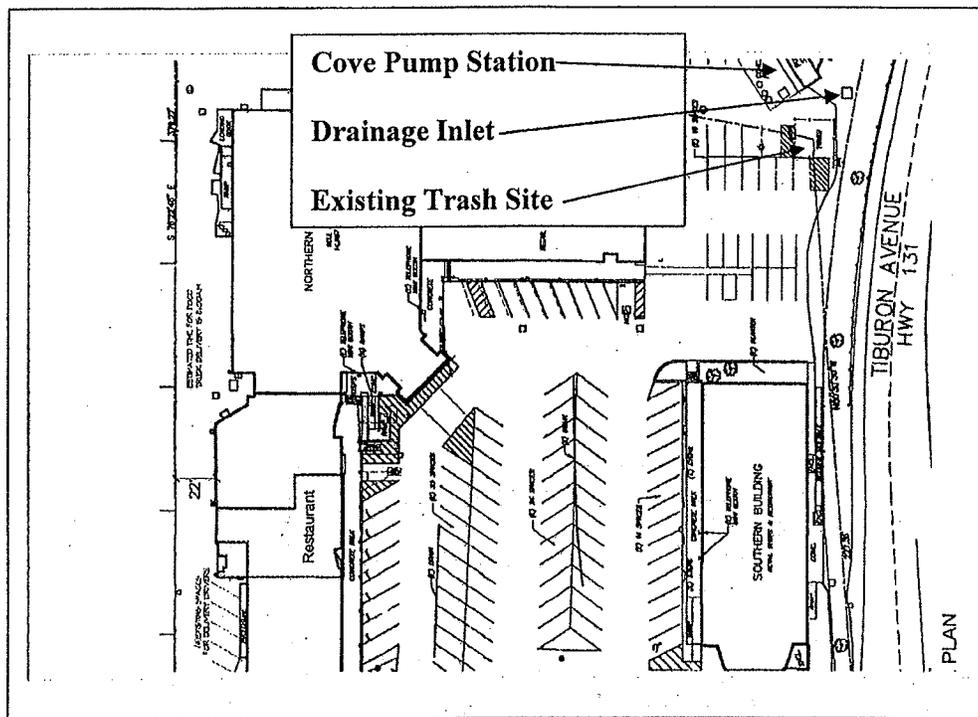


Figure 1 – Location of Cove Stormwater Pump Station and Drainage Inlet

Please note that the existing trash storage site for the shopping center is located adjacent to the above mentioned drainage inlet. Due to the configuration of the trash storage site, there is the ongoing potential for trash to migrate from the trash site to the drainage inlet and cause flooding in the area by blocking the drainage inlet or by entering the pipe and pump station. The current configuration and operation of the trash storage site is that the gate for the trash storage site is located on the east side of the site, the downhill side, and is often left open. Within the storage site are several industrial trash containers. Along the outside perimeter of the fence for the storage site are several plastic storage bins

The Town has regulations under Town Code Section 20A-10 - Reduction of pollutants in stormwater, that are relevant to this issue..

During high wind and rain events, there is the potential for trash from within the trash storage site , as well as trash from bins that are knocked over by the wind, to block the drainage inlet or enter the pipe and pump station and cause flooding.

Potential solutions to this issue could include relocating the gate to the trash storage area to the west side (uphill side) of the site, and placing the plastic bins within the fenced-in storage area. Then loose trash would be trapped against the fence. If there is insufficient room to place the bins within the storage area, perhaps these bins could be replaced with containers that would not tip over in wind events.

Again, thank you for the opportunity to comment on this project. Please let me know if you have any questions, or need more information.

Best Regards,

A handwritten signature in black ink, appearing to read "Scott McMorrow", with a long horizontal flourish extending to the right.

Scott McMorrow
Assistant Engineer
Marin County Flood Control and Water Conservation District
3501 Civic Center Dr., Suite 304
San Rafael, CA 94903

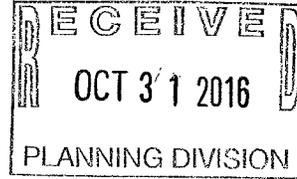
**SOUTHERN MARIN FIRE PROTECTION DISTRICT
FIRE PREVENTION**

333 Johnson Street, Sausalito, California 94965
Phone: (415) 289-4156 / Fax: (415) 289-4158



10/31/2016

Town of Tiburon – Planning Division
1505 Tiburon Blvd.
Tiburon, CA 94920



Re: 1 Blackfield Drive Suite# 11 Tiburon

APN: 034-212-18 / File# CUP2016-06

The proposed plans for the above-listed project have been reviewed. Based on the plans as submitted, the items noted below shall be imposed by the Southern Marin Fire Protection District (SMFD) in accordance with current requirements of the 2013 California Fire Code and SMFD ordinance and standards.

The following documents were reviewed:

- Drawings titled: Round Table Pizza dated: 10/18/16

The following conditions should be noted for the project:

1. All access roads serving a structure shall be a minimum of 20 feet in width and be paved.
2. Waste Containers shall comply with the California Fire Code section 304.3 through 304.3.4 and the California Code of Regulations, title 19, division 1, section 3.19(b) and (c)
3. Provide a U.L. listed key box as required by the Southern Marin Fire Protection District.
4. A vertical overhead clearance of 13' 6" shall be maintained free of obstructions above any roadbed (trees, brush, etc.).
5. Fire sprinkler system required in:

A fire sprinkler system shall be provided for:

- a. Existing Buildings. In any building with an existing automatic sprinkler system, protection shall be extended to any all of alteration, repair, remodel or addition, regardless of job size so that 100% coverage is maintained.

- b. In any building found to have OMEGA sprinkler heads identified as part of the U.S. Consumer Products Safety Commission recall, all sprinkler heads subject to this recall shall be replaced with listed and approved heads.
 - c. Fire sprinkler coverage shall be provided through the entire structure according to Chapter 9 of the California Fire Code.
 - d. Fire sprinkler system shall be installed according to NFPA 13 and Southern Marin Fire Standard 401.
 - e. Plans for fire sprinkler system design and hydraulic calculations shall be completed by a licensed C-16 sprinkler contractor and submitted to the Southern Marin Fire District, Fire Prevention Bureau for approval prior to installation. Fire sprinkler system design and installation shall conform to the provisions of the Southern Marin Fire District Standard 401 and N.F.P.A. Standard(s) 13, 13D or 13R.
 - f. Commercial fire sprinklers and alarm systems shall be monitored 24/7 for fire and trouble by an approved U.L. Central Station.
6. The address shall be posted in accordance with requirements of the California Fire Code and SMFD standard 205 (Premises Identification).
7. This project shall comply with California Fire Code Chapter 33 – *Fire Safety During Construction and Demolition*. These requirements include but are not limited to: Temporary Heating Equipment, Precautions Against Fire, Flammable and Combustible Liquids, Flammable Gases, Owners Responsibility for Fire Protection, Fire Reporting, Access for Fire Fighting, Means of Egress, Water Supply for Fire Protection, Standpipes, Automatic Fire Sprinkler Systems, Portable Fire Extinguishers, Motorized Construction Equipment, and Safeguarding Roofing Operations.
8. Fire access to the project as well as the other surrounding properties shall be maintained at all times. Unapproved restrictions in roadway access shall result in citations and vehicles being towed at the owner's expense.

Final occupancy approval shall not be granted/released until authorization to the Community Development Agency has been received from the Fire District.

Thank you,

A handwritten signature in black ink, appearing to read "Fred Hilliard". The signature is stylized with a large, looped initial "F" and a cursive "Hilliard".

Fred Hilliard
Captain, Deputy Fire Marshal

(Included by Town Staff
for clarification)

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with Chapter 49.

[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances.

(b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.

(5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1/2 inch in size.

(7) Vegetation around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations:

(A) Public Resources Code Section 4291.

(B) California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space."

(C) California Government Code Section 51182.

(D) California Code of Regulations, Title 24, Part 9.

304.1.3 Space underneath seats. Spaces underneath grandstand and bleacher seats shall be kept free from combustible and flammable materials. Except where enclosed in not less than 1-hour fire-resistance-rated construction in accordance with the California Building Code, spaces underneath grandstand and bleacher seats shall not be occupied or utilized for purposes other than means of egress.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

304.3 Containers. Combustible rubbish, and waste material kept within or near a structure shall be stored in accordance with Sections 304.3.1 through 304.3.4.

[California Code of Regulations, Title 19, Division 1, §3.19(b) and (c)] Housekeeping.

Every building or portion of a building governed by California Code of Regulations, Title 19, Division 1 regulations shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. Provisions shall be made for the proper storage and disposal of waste materials and rubbish consistent with the following:

(b) All combustible waste material and rubbish shall be stored in approved containers or shall be stored in a manner approved by the enforcing agency as being consistent with standard fire prevention practices until such waste material and rubbish is removed from the premises or otherwise disposed of in a proper manner.

(1) Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall comply with the provisions of California Code of Regulations, Title 24, Part 9, Section 304.3.

(2) Wastebaskets and linen containers in Group I-2 and I-3 occupancies shall comply with the provisions of California Code of Regulations Title 24, Part 9, Section 808.

GENERAL REQUIREMENTS

(c) *Approved self-closing metal containers or listed disposal containers by an approved testing or listing agency shall be provided and maintained in all rooms or locations where oily rags, oily waste, paint rags, or similar materials subject to spontaneous ignition are used, or are stored temporarily. Such containers shall be emptied daily.*

304.3.1 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container. Contents of such containers shall be removed and disposed of daily.

304.3.2 Capacity exceeding 5.33 cubic feet. Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exception: Wastebaskets complying with Section 808.

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

304.3.4 Capacity of 1 cubic yard or more. Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

1. Dumpsters in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction,

located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

SECTION 305 IGNITION SOURCES

305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

305.2 Hot ashes and spontaneous ignition sources. Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within 10 feet (3048 mm) of other combustible material including combustible walls and partitions or within 2 feet (610 mm) of openings to buildings.

Exception: The minimum required separation distance to other combustible materials shall be 2 feet (610 mm) where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

305.3 Open-flame warning devices. Open-flame warning devices shall not be used along an excavation, road, or any place where the dislodgment of such device might permit the device to roll, fall or slide on to any area or land containing combustible material.

305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

SECTION 306 MOTION PICTURE PROJECTION ROOMS AND FILM

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the *California Building Code*.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

Scott Anderson

From: Greg [REDACTED]
Sent: Monday, October 31, 2016 2:56 PM
To: Scott Anderson
Subject: Round table pizza at the Cove

Hello,

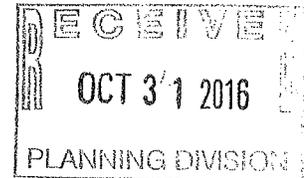
I am writing to express my concern about Round Table Pizza's plan to move into the Cove. In addition to the added traffic, pizza delivery and late hours, I don't care to see the local nature of the establishments in the Cove decline.

The recent road changes on Blackfield are not wanted (and I'm a cyclist ...and my daughter bikes to Del Mar). The elimination of a dedicated lane for the Cove has made things considerably worse for those who live in the neighborhood.

Round table pizza belongs by the highway, not the Cove.

Thank you
Greg Kaplan
26 Claire Way

Sent from my iPhone



Scott Anderson

From: Rachael Justis [REDACTED]
Sent: Monday, October 31, 2016 10:12 AM
To: Scott Anderson
Subject: Cove Shopping Center/Round Table Pizza

Dear Tiburon Planning Commission,

I am writing in regard to your consideration of allowing Round Table Pizza to open where Milano's Ristorante currently exits.

A resident of the Cove neighborhood for 13 years, I am very concerned with how this could negatively impact our neighborhood. The Cove Shopping Center is a lovely neighborhood and town resource, providing an excellent grocery store and many small independently owned businesses. The addition of Peet's Coffee has been a mixed blessing, offering great coffee and a nice place for people to meet, it has created more demand for parking spaces and more people entering and exiting the parking lot. The Nugget Market has also created more business, brought more people and cars, but it is clearly worth it to the neighborhood because it offers us an excellent, high quality, friendly (non-national brand) place to buy groceries.

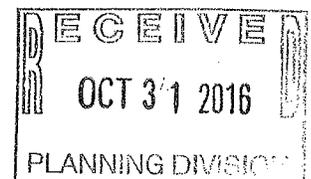
Adding a Round Table Pizza to the mix would simply tip the balance. New traffic patterns recently added to Blackfield make it more difficult for residents to drive by the shopping center and get home. The yellow bus challenge is overall an excellent program that helps many town residents drive more easily on Tiburon Boulevard, but for those of us who live in Bel Aire, it makes it very difficult to get out of our neighborhood in the morning. As the number of buses has increased to make it more convenient for all bus riders, those of us trying to drive out of the neighborhood feel like salmon swimming against a strong current. We all chose to live in a neighborhood surrounding a school, but there are other entrances to the school which are vastly under-utilized, like the one on Corte Palos Verdes. The Yellow Bus Challenge, Peet's and the Nugget have all increased congestion in our neighborhood.

Round Table would create even more congestion. There simply aren't enough parking spaces to accommodate Round Table. Diners will need to park in the neighborhood. The Cove Shopping Center has quite limited parking, perhaps because it was intended to be a place people could walk to. The scale of the space is just not appropriate.

Please help us keep our local neighborhood shopping area a place with predominantly local, small businesses.

Thanks for your consideration,
Rachael Justis
322 Karen Way

PS Could you please let me know that you have received this email? Thank you.

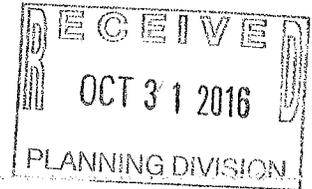


Scott Anderson

From: Glennis FitzGerald [REDACTED]
Sent: Monday, October 31, 2016 4:31 PM
To: Scott Anderson
Subject: Pizza Parlor

I want to object to Milanos restaurant being taken over by Round Table Pizza. The cove shopping center is most unsuitable for this business as there is too little parking already. It is impossible to find a parking space now, and since the pizza parlor requires a lot of parking space, this is a ridiculous site.

GlennisFitzgerald
Sent from my iPad



Scott Anderson

From: Jason Washing [REDACTED]
Sent: Tuesday, November 01, 2016 9:36 AM
To: Scott Anderson
Subject: Round Table Pizza: NO!

To whom it may concern,

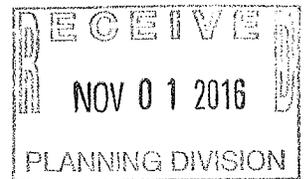
I am an eight year resident of the town of Tiburon and reside at 290 Cecilia Way in the Bel Aire neighborhood.

I am writing to express my vehement objection to the proposed establishment of a Round Table Pizza restaurant in the Cove shopping center in the location currently occupied by Milano restaurant.

Establishing a pizza parlor of this type upsets and disrupt the continuity of the environment we are trying to establish in this part of Tiburon. Prior to any further consideration of this scenario the town of Tiburon should do thorough Environmental, Cultural, Traffic (foot, automobile, and cycling) impact analysis.

I and many others from our neighborhood plan to attend the hearing to be held on November 9th. Until then please record my position on this issue.

Jason Washing
290 Cecilia Way
Tiburon, CA 94920



Scott Anderson

From: Christine Cellini [REDACTED]
Sent: Tuesday, November 01, 2016 9:42 AM
To: Scott Anderson; Rich Cellini
Subject: Cove Shopping Center - Milanos/RTP

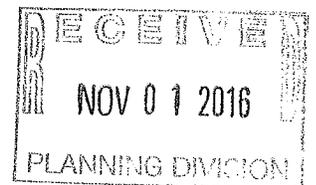
Dear Planning Commission,

We received notice that a meeting will be held to consider the impact of Round Table Pizza being located in the Cove Shopping Center. Although we are unable to attend the meeting we would like to register and express our strong opposition to this type of business being approved for the space.

Traffic and parking are already an issue at the shopping center and the surrounding neighborhood is left with the overflow of traffic and parking issues. The shopping center is relatively small and a chain restaurant such as RTP would overwhelm it. Peet's coffee is almost more than it can handle when combined with the other shops. If Milano's truly wants to exit the space, a similar small business would be welcome. RTP is not that business. RTP has the potential to regularly draw large groups of patrons at one time for birthday parties and team events. Large groups on a regular basis would overflow the parking and send the residual into the surrounding neighborhood. RTP would likely serve those in outlying areas at the expense of the local residents that rely on the shopping center and it's current tenants on a daily basis.

Please do not allow RTP to become part of The Cove Shopping Center.

Rich & Christine Cellini
46 Claire Way
Tiburon



November 1st, 2016

Mr. Scott Anderson:

My name is Cris Solomon, I am the homeowner and resident of 251 Cecilia Way in Tiburon. I received the notice of a public hearing to be held this November 9th at the Town Council Chambers regarding an application from Round Table Pizza.

I have nothing against Round Table Pizza, and I generally don't go to these hearings to raise a fuss, but I do have concerns about obnoxious signage, as well as late night noise, rodent issues, more garbage blowing in the wind through the neighborhood and more traffic and parking issues which have recently been aggravated by the elimination of parking along Blackfield Drive, and the turning lane into the Cove parking lot.

There are plenty of good reasons for a well run pizza chain in town, especially for giving an additional local safe place for young people to hang out, but I do want to know how the Cove and Round Table Pizza will address these concerns with proper management and abatement focused on outcomes.

My goal is not to disrupt Round Table Pizza's right to grow their business, nor to interfere with the Cove's right to pursue a financially stable tenant. My goal is to have these issues addressed by all involved parties with the objective of maintaining the adjacent residents quality of life in this special place in which we have all made sacrifices to live and raise our families, hopefully without the need to pursue objections to this application and additional restrictive ordinances for signage, noise, garbage and residential parking.

My family and I patronize the businesses at the Cove daily, and want to continue to support them as part of our community.

Sincerely,

Cris Solomon
251 Cecilia Way @ Blackfield Drive

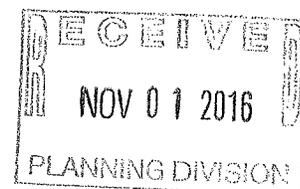
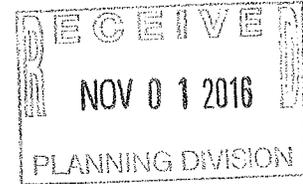


EXHIBIT NO. 10

Scott Anderson

From: Preston Petty [REDACTED]
Sent: Tuesday, November 01, 2016 3:51 PM
To: Scott Anderson
Subject: FW: Round Table Pizza At Cove Shopping Center

Please see below: Thank you!



Blinds & Designs

Preston Petty
Blinds & Designs Inc.
One Blackfield Drive Ste. 2
Tiburon CA 94920
Phone 415 380 0320
Fax 415 380 0327

www.blindsdesigns.com

CA Lic 823970

"Making Windows Beautiful for Over 20 years"



From: Preston Petty
Sent: Tuesday, November 01, 2016 3:47 PM
To: 'sanderson@townoftiburon.org' <sanderson@townoftiburon.org>
Subject: Round Table Pizza At Cove Shopping Center

As a long-time tenant at The Cove Shopping Center, I am greatly in favor of Roger Milano's sale to Round Table....I would like to make three points:

- 1) Sale of business to local operator vs chain operator—in today's business environment-- as evidenced by the commercial vacancies in Tiburon—it is increasingly difficult for sole operator small businesses to survive business fluctuations. Roger Milano has worked very hard for many years and deserves the support of the Town in the sale of his business.
- 2) Round Table is known to be very active with local school activities and would be a great fit for the many young families that live here in Belveron!
- 3) Issue of Parking at the Cove; There are ways--with the landlord's cooperation—to improve parking and traffic flow. Currently, there are signs posted with a 3-hour time limit at the Cove. This is too long—there is no good reason, parking should be for longer than 2 hours. Some folks are using Peets as their office—they take their computers there and stay for much of the day. When school lets out and cars are backed up for the Tiburon Blvd traffic light, it creates a back-up of cars attempting to turn left from the Cove Shopping Center. If somehow, just after school lets out, egressing cars from the Cove could be directed to turn right, go a short half-block to Cecilia, turn left, then left at Rancho, then left on

Bay Vista to Tiburon Blvd, the back-up in the Cove Shopping Center would be eliminated....just thoughts for your consideration.

Thank you!

Highest Regards,
Preston



Blinds & Designs

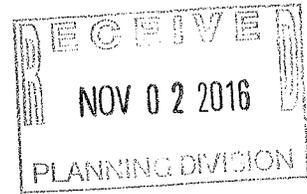
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Scott Anderson

From: Eric Andrewsen [REDACTED]
Sent: Wednesday, November 02, 2016 5:50 PM
To: Scott Anderson
Subject: Round Table Pizza at the Cove



Hello Mr. Anderson,

I am writing to lodge a protest against the possibility of Round Table Pizza taking over Milano's space at the Cove Shopping Center. I realize this is a business decision between landlord and tenant, but these are two distinctly different types of eating establishments. Milano's gives us a fine dining experience with an extensive menu, along with a very popular bar area/wine room for socializing with friends/locals. If my wife and I want to go out to dinner, we would look for a dining experience similar to Milano's, and certainly NOT a Round Table Pizza. If Milano's has to go, please consider a higher end restaurant than can offer a fine dining experience. That would be an asset to the neighborhood.

Thank you,
Eric Andrewsen
415-264-1626