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COUNCILMEMBER RICHARD COLLINS - COUNCILMEMBER JEFF SLAVITZ

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October 29, 2009

A WORD FROM THE TOWN MANAGER



**Martha Project - Headed Toward Resolution after 35 Years**

As you may know or have read in The Ark, the owner of the largest undeveloped piece of land on the peninsula, the Martha Company, is seeking development approvals for their 110-acre property which is located in the County. This beautiful stretch of unincorporated land at the end of the peninsula overlooks Angel Island and the vast bay around it. It abuts the County-owned Old St. Hilary Open Space Preserve and has served as "informal" open space for residents for as long as anyone can recall. It has also been embroiled in legal battles and development entitlement efforts on and off for 35 years. Millions of dollars have been spent over this period by all sides. After all that time, it appears that a compromise plan has emerged that all the parties find not perfect but fair, equitable and better than the alternative outcomes lurking around the corner.

**An abbreviated history:** The saga started with a lawsuit between the County and Martha in 1974, which led to a 1976 settlement permitting subdivision into 43 lots, each a minimum one-half acre. Years passed. Martha made several applications to the Town, but those efforts stalled for various reasons. In 2007, the County challenged the 30-year-old settlement, claiming that too much time had passed for it to remain valid. A federal court sided with the Martha Company, ordering the County to process a new application and grant the original density of 43 lots by February 2, 2010. This application has been moving forward through its mandatory environmental and planning review at the



"DID YOU KNOW?"

"Leaf Blower Ordinance"

## Are gas-powered leaf blowers banned in Tiburon?

**Yes!**

Gas-powered leaf blowers and hedge trimmers have been banned in residential areas of Tiburon since 2002.

Electric leaf blowers and hedge trimmers can be used in residential areas.

Gas-powered blowers and hedge trimmers are limited to commercial areas and Town parks.

The Town's ordinance does not regulate gas-powered lawn mowers or weed whackers.

Here's a recap of what is allowed:

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Electric leaf blowers and trimmers can be operated in residential areas every day of the week between the hours of 9 a.m. and 4 p.m.

Gas-powered leaf blowers and trimmers are restricted to commercial areas

County at the court-ordered accelerated pace.

Meanwhile, neighbors to the Martha property decided to pursue annexation into Tiburon of their own adjacent lots. The neighbors filed for 'pre-zoning' of the property, a precursor step to annexation; the Town moved forward with the pre-zoning this past July and in doing so also pre-zoned the abutting Martha property. The Martha Company opposed this action and sued, claiming the Town's environmental review was inadequate. With the Town and Martha thusly locked in a legal battle, settlement discussions were initiated between the parties to see if a more amicable resolution could be found for the disposition of the property.

**Settlement:** Intense discussions ensued over the past several months, and the diligence of the parties paid off. Out of this legal morass came a path to settlement approved by the Town Council just this week: the Town and Martha have agreed upon a scenario, which they will ask the County to approve through its ongoing process, which will grant Martha a reduced but guaranteed set of development entitlements and ultimately result in annexation of the property to the Town. Since the County's EIR is still underway, the agreement is subject to it and it could force renegotiation of some points. To address this possibility, the parties have agreed to come together in good faith to resolve issues that arise through this process.

**Deal Points:** The new approach protects more than half the site (approximately 60 acres) as open space, and exchanges fewer lots for larger allowed homes on those lots. Instead of 43 lots, Martha will get 32. They will be allowed to build homes that could average up to 7,600 square feet; each lot has a designated house size with the largest homes being the furthest away from sensitive view areas. The smallest homes, adjacent to the Hill Haven Subdivision, would be 4,800 square feet including garages. Trails will be built over the public open space, and the Town's design review process will govern how each individual lot is developed. Some, but not all, of the most precious views and ridges will be protected. Instead of winding up through the narrow neighborhood streets of Old Tiburon and Hill Haven, most if not all construction traffic will

between the hours of 9 a.m. until 4 p.m., Monday through Friday, and cannot be used on holidays.

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Copies of the ordinance are available in brochure format in both Spanish and English at Town Hall.

Call 435-7354, or e-mail [mwalberg@ci.tiburon.ca.us](mailto:mwalberg@ci.tiburon.ca.us), for more information.

Both landscapers/gardeners and the property owners who employ them are subject to citations. Call 789-2801 to report a violation.

Keep your questions coming!  
Contact Diane Crane Iacopi, Town Clerk, at [dcrane@ci.tiburon.ca.us](mailto:dcrane@ci.tiburon.ca.us).

be confined to Tiburon Boulevard and Paradise Drive.

The settlement is a classic compromise: everyone wanted more (or less), but everyone gets something of basic and enduring value. Martha gets greater certainty and an excellent site plan for their purposes: fewer lots but the absolute right to build large homes on those lots; the Town and the neighbors get lower density, more open space, construction traffic management and a town-run design review process for each home. Everyone gets relief from the expense and negativity of what could otherwise be years and years of continued litigation.

**Unfinished business:** What Martha and the Town have accomplished is not the end of the story - the process still must unfold, and could yet unravel, as the County takes the application and the necessary environmental review forward - but we believe the heavy lifting has been accomplished. The agreement between the parties is detailed and thoughtful, and should withstand the rigors it must undergo until the County process is complete and the deal can be inked. There is also the hope that funds can be raised so that some of the lots, those the elimination of which would most improve the open space qualities of the site, might be purchased and dedicated as additional open space. The specific entitlements envisioned by the agreement aid this process because it creates the basis for establishing market value, the critical starting point for any land sale or acquisition. Some funds have already been raised for this purpose and that effort is expected to intensify soon.

I am full of praise for our Council committee, Tom Gram and Alice Fredericks, for the neighbors for their unfailing vision of development of the site being as minimal and graceful as possible while still being practical and fair to the owner, and for the Martha Company for its willingness to engage in the dialogue and strike a fair bargain. Staff too, notably Town Attorney Ann Danforth and Community Development Director Scott Anderson, did yeoman's work to pull this off. Thanks to their collective efforts we are on the verge of

resolving the Martha Company property dispute after 35 years of uncertainty, acrimony, and litigation.

Sincerely,



Peggy Curran

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## NEWS BRIEFS

### Security Cameras: CORRECTION!



This week's Ark Newspaper quoted me as saying that the proposed Security Camera Project could cost between \$200,000 and \$300,000. That is incorrect. We have been working on this project for some time now and there has never been a cost estimate that high.

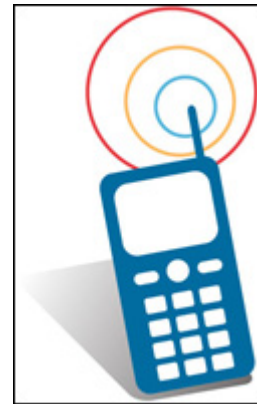
Much of the cost of the project is driven by where we are able to install the cameras. If we have to erect our own poles and supply power to them, construction costs will rise substantially. If we're able to use existing PG&E utility poles or Caltrans light standards, the costs will drop. We continue to negotiate with PG&E and with Caltrans to achieve the most economical solution for the Town. Right now estimates for the total project range from \$196,000 if we must use our own poles, to \$137,000 if we are able to use PG&E and Caltrans poles. This cost would be split by funding partners including the City of Belvedere, the Marin County Sheriff and a grant from the Association of Bay Area Governments. The Town's share of cost is projected to be between forty and fifty percent of the project total so, depending on how successful we are with PG&E and Caltrans, it will be from \$50,000 to \$100,000. All indications are that it will be closer to the lower estimate.

Finally, the matter will not be considered on November 4 (that date was sent to The Ark as a tentative one). Due to the ongoing negotiations described above, it will be heard on November 18 or possibly even after that. Ample public notice will be provided so that interested parties may attend the public discussion.

Michael Cronin  
Chief of Police

## 911 and Your Cell Phone

On October 21, one of Tiburon's best known residents was the victim of a fire in her home on Lyford Drive. Barbara Meislin, aka "The Purple Lady", escaped unharmed and called 911 on her cell phone, as we have all been taught to do.



Because of her location however, the call was routed to the nearest police agency from the cellular site that picked up her call. That turned out to be the San Francisco Police Department. Fortunately, they quickly determined the correct jurisdiction and transferred the call but seconds, possibly minutes, were lost.

The 911 system works best when you're calling from your home "land line" phone. Every land line phone number is attached to a physical address in the system. The dispatcher on the other end of the line knows exactly where the call is coming from and will send emergency services even if you never speak a word into the receiver.

If you call 911 from your cell phone, something a little different occurs. The call is routed based on which cellular site picks up the call. If you are within a half mile of a freeway, the system will route your call to the California Highway Patrol Communications Center in Vallejo. This call center receives calls from all over the North Bay and delays in answering can stretch into several minutes because of the sheer volume of calls. After the dispatcher answers your call, they will



need more time to determine where you're calling from and where to transfer your call, further delaying emergency response. Unlike a call from your home phone, the Emergency Services Dispatcher who answers will not be able to determine your location unless you stay on the line and answer their questions.

**What to do?** If you have an emergency and have ready access to a land line, use it rather than a cell phone. If that is not a timely option, realize that when you call 911 from your cell phone you will need to answer questions clearly and calmly to tell the dispatcher where you are located. As a backup plan, you may wish to program your cellular phone with the seven digit number for your local emergency services dispatch center. For Tiburon residents, this is the Marin Sheriff's Communication Center and the number is either 789-2800 or 446-4513. These numbers are answered by the same dispatch center that handles emergency calls for most of Marin and that answer any 911 call made from your home phone. You will still have to tell them your location, but you may avoid the extra routing a cell phone 911 call might otherwise receive. Obviously, it only makes sense to call the local number if you are in Marin at the time of the emergency. The great advantage of 911 is that everyone can remember it in a time of crisis, so never hesitate to use it if any other option might take more time.

**Local Information:** A problem that came to light during the house fire was the inability of local residents to get accurate information about how long Lyford Drive was going to be closed. Several residents called 789-2800 but were unable to obtain accurate information. That's because they were talking to an emergency services dispatcher. They rarely have the time to query fire and police units engaged in the response. You can, and should, call 789-2801 for non-emergency questions. That number rings in the Tiburon Police Department during normal business hours and we will be happy to get you the information you seek. After hours and on weekends, that number transfers to the Marin Sheriff's Communication Center who may not be able to answer your question, not because they are unhelpful, but because they handle numerous incoming calls and dispatch police, fire

and paramedic services all over Marin.

Michael Cronin  
Chief of Police

## November 3rd Election - Don't Forget to Vote!



Next Tuesday, November 3, 2009, is election day for the Town Council, Sanitary District No. 5, and Marin Community College races. The polls are open from 7 a.m.

until 8 p.m.

If you have a sample ballot, your polling place is printed on the back. If you do not have a sample ballot, go to [smartvoter.org](http://smartvoter.org) and type in "find my ballot" to obtain both a copy of the ballot, as well as the location of your polling place.

Results of the "vote by mail" ballots returned before November 3 will be available shortly after 8 p.m. on election night. The first report from the polls is expected at approximately 9 p.m. and every half hour thereafter until all the ballots are counted (approximately 11:30 p.m.). Check out the local results at [www.marinvotes.org](http://www.marinvotes.org).

Diane Crane Iacopi  
Tiburon Town Clerk

## Have a "Safe and Sane" Halloween



The Police Department makes extra efforts to make Halloween a safe and happy event for trick-or-treaters and non trick-or-treaters alike. We all need to exercise a little extra caution while driving on

Halloween (Saturday) night, because children are harder to see and less predictable than adults. We will be paying particular attention to traffic enforcement in the neighborhoods where pedestrian traffic will be heaviest.

We'll also be on the lookout for anyone who engages in the kind of rowdy behavior that frightens and intimidates smaller children and ruins their fun. Bullies and vandals won't be tolerated.

To help us out, we have asked local markets to refuse sales of shaving cream to those who don't look like they shave and the sale of eggs to those who don't look like they cook, and we'll be arresting people who throw or spray either one, or anything else, on someone else's property or person.

We appreciate the support of parents who take a moment to caution their older children about behaviors that hurt others or damage property. We also appreciate the parents who take the time to escort groups of children around neighborhoods.

Together we can make Halloween a safe and memorable experience.

Dave Hutton  
Police Captain

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## Homeowners and Contractors: It's Time to Winterize Your Projects

With the onset of the rainy season, it is important for homeowners and their contractors to "winterize" unfinished projects, beginning October 1 through April 30.

The Town requires all contractors to employ Best Management Practices (BMP's) in order to prevent the discharge of construction wastes or other contaminants into the Town's storm drain system.

For more information, [click here \(2MB PDF\)](#), or call the Building Division at 435-7357.

Dean Bloomquist  
Building Official

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**COMMUNITY EVENTS**



## **BLOOD DRIVE**

**Thursday, November 4, 3 p.m. - 7 p.m.**

Tiburon Fire Protection District  
1679 Tiburon Boulevard

The Tiburon Fire Protection District is hosting a blood drive for the Blood Centers of the Pacific.

Call 435-7200 for more information.

## **LANDMARKS SOCIETY ANNUAL MEETING**

**Sunday, November 15 - 4 p.m.**

China Cabin, 54 Beach Road  
Open to the Public

Come join our celebration in honor of 2009 Member of the Year, Ruth Wosser, and Volunteers of the Year, Angela and John Harris; also come see a scale model of the SS CHINA, built by Stuart Purvis.

Call 435-1853 for more information.

## **"ANGEL LIGHTS" BENEFIT**

**Thursday, December 3, 6 p.m. - 8 p.m.**

Corinthian Yacht Club  
Open to the Public

Join television personalities Doug McConnell and Jan Yanehiro as they host the Angel Island Association Benefit for the new solar-powered LED Angel Island Lights atop the island.

For more information, or to "adopt" an Angel Light, call Gail Dolton at 435-3972, [gail@angelisland.org](mailto:gail@angelisland.org).

## **NEW HOLIDAY FESTIVAL**

**Friday, December 4, 5:30 p.m.  
until the "twinkling hour"**

Main Street



A new Tiburon special event for the whole family to enjoy the holiday season!

Downtown will be transformed into a storybook wonderland



with holiday carolers, costumed characters, yummy gingerbread house making, holiday treats, a winterland photo shop for the kids, and much more. Put the date in your calendar now!

For more information, visit the Tiburon Peninsula Chamber of Commerce website (see "quick links" above), or call Georgia or Chris at 435-5633.

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## BEL-TIB LIBRARY COMMUNITY CALENDAR

For the scoop on events and meetings sponsored by local not-for-profit community and government organizations on the Tiburon Peninsula, visit the Belvedere-Tiburon Library's excellent [community calendar](#).



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## COUNCIL AND COMMISSION MEETINGS



**Town Council:** Wednesday, November 4 and 18, at 7:30 p.m.

**Design Review Board:** Thursday, November 5 and 19,

at 7 p.m.

**Planning Commission:** Wednesday, November 11 at 7:30 p.m.; the November 25 meeting is cancelled for the Thanksgiving holiday.

All meetings listed are in the Council Chambers at Tiburon Town Hall, 1505 Tiburon Boulevard.

**Sincerely,**

Town Staff  
Town of Tiburon  
435-7373

Editor: Diane Crane Iacopi

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