

**MINUTES NO. 199**  
**PARKS & OPEN SPACE COMMISSION**  
**MAY 13, 2003      7:00 P.M.**  
*Regular Meeting*  
**Town Council Chambers**

**1505 Tiburon Boulevard, Tiburon, California**

---

**CALL TO ORDER**

Vice-chair McMullen called the regular meeting of the Parks & Open Space Commission to order at 7:33 P.M., Tuesday, May 13, 2003, in the Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

**I. ROLL CALL**

PRESENT:    COMMISSIONERS: McMullen, Lindqvist, Zender, and Canter (7:35)

ABSENT:    COMMISSIONER: Fraser

EX-OFFICIO: Town Engineer/Public Works Director Echols

**II. PUBLIC QUESTIONS AND COMMENTS**

There was none.

**III. STAFF AND COMMISSION BRIEFING**

Director Echols informed the Commission that Item V-C will be continued to a future meeting date.

**IV. CONSENT CALENDAR**

**A. Minutes of March 11, 2003 (No. 197) approved with the following changes:**

- a. Clarification of Wayne Snow's comments on Items V-B and V-C
- b. Page 8, Item D: Correct spelling of Bonnie

**M/S McMullen/Lindqvist 3-0-2 (Fraser absent, Canter late) to approve the Minutes No. 197 as amended.**

**B. Minutes of April 8, 2003 (No. 198) approved with the following changes:**

- a. Page 3, paragraph 7: Strike sentence 2.

- b. Page 6, paragraph 5: Add Commissioner Lindqvist and Vice Chair McMullen (Chairperson) to the list of subcommittee members for the Tayer tree permit application.

**M/S Lindqvist/McMullen 3-0-2 (Fraser absent, Canter late) to approve the Minutes No. 198 as amended.**

**V. BUSINESS ITEMS**

**A. Request from Joyce Tayer to remove trees between Blackie's Pasture parking lot and Tiburon Boulevard – *continued from April 8, 2003***

Vice Commissioner McMullen gave a brief overview of the process that the POSC subcommittee has taken to investigate the application submitted by Joyce Tayer to remove several trees between Blackie's Pasture parking lot and Tiburon Boulevard. At the April 2003 POSC meeting, the commissioners appointed a subcommittee comprised of two POSC commissioners, McMullen and Lindqvist, and residents representing neighborhoods that would be both positively and adversely affected by the proposed removal.

McMullen stated that the subcommittee researched the application for its effect on issues such as view restoration and mitigation. The subcommittee found that "active mitigation" is not feasible because there is insufficient water pressure to provide irrigation to the area where the trees would be removed. McMullen added that the cost of water required to establish new growth would be prohibitive since the Town is currently paying "tier-three" water rates. The subcommittee concluded that mitigating removal of trees by planting new vegetation in the subject area is not feasible at this time.

McMullen noted that the subcommittee observed dense vegetation under and around the subject trees including native Coyote brush and Toyon, as well as a variety of other trees. They were informed that upon removal of the undesirable trees, the remaining vegetation would experience an increase in growth and naturally mitigate the removal of the view-obstructing trees. The subcommittee also investigated a plan that would provide adequate visual screening of the parking lot for residents in the Reedlands and on Greenwood Beach Road.

McMullen informed the Commission that the subcommittee agreed upon a plan of action to remove 9 of the 14 trees identified in Ms. Tayer's permit application along with saplings of the same species; trimming the large eucalyptus tree closest to Greenwood Beach Boulevard; and a mitigation plan that utilizes existing established growth. The subcommittee agreed upon keeping the trees in the Blackie's Grove area and added that the Tiburon Peninsula Foundation will keep those trees trimmed to a height that would not further impact the views of the homes in the Reedlands neighborhood.

McMullen noted that Larry Smith has requested that the following changes be made to the subcommittee report:

**APPROVED**

1. Page 2: Note that Larry Smith was not in attendance at the 6:00 p.m. meeting held on April 14.
2. Page 2, Summary of Findings, Item #1: Revise sentence to state "...such that they will not further encroach on homeowner views".
3. Page 3, Plan Details, Item #1: Revise sentence to state "...at a height that will not further encroach on homeowner views".

Vice Chair McMullen opened the floor for discussion of the application.

Joyce Tayer, tree permit applicant, stated that the views of the Reedlands have been impacted heavily by the subject trees. Tayer stated that she has received tremendous support for her application by the Reedlands Homeowners Association and has collected over 50 signatures to demonstrate that support.

Tayer commended Vice Chair McMullen, Commissioner Lindqvist, and Town employee Dave Davenport for their efforts with respect to reviewing her application. Tayer noted that the Tiburon Peninsula Foundation was extremely cooperative with assisting in mitigation plans.

Tayer expressed concern over future growth of ash trees in Blackie's Grove that will not be removed and how they will be mitigated so as to not grow to block views of the shoreline.

Tayer concluded by thanking the subcommittee members for their time.

David Lui, 21 North Terrace, commented that the Reedlands Homeowner Association has two goals: (1) to protect the interests of the property owners in the Reedlands and (2) use the organization to foster a spirit of cooperation among the people in the neighborhoods. Lui stated that the cooperation among residents on East Terrace has been jeopardized recently due, in large part, to acrimonious conflicts over trees. Lui commented that he asked the POSC to provide the Reedlands HOA an example of how conflicts over trees can be resolved peacefully. Lui said that the conflict over the Tayer tree application was handled successfully by the POSC and is pleased with the compromise that resulted after careful consideration of the application. He hopes that this will serve as an example to conflicts in the future.

Lui requested that the POSC incorporate a statement into the subcommittee report that gives the applicant the authority to perform maintenance to the subject vegetation to ensure that it does not grow to encroach upon views in the future.

Margo Clemens, 5 Greenwood Court, stated that she is pleased with the solution that the subcommittee agreed upon. Her greatest concern was with the eucalyptus adjacent to Bruce Abbott's property and stated that she would like to see that tree be maintained so that it does not impact her views.

Commissioner Zender stated that she is pleased that the subcommittee was able to reach a compromise.

## **APPROVED**

Vice Chair McMullen suggested that Town Staff decide on a maintenance plan for each of the species, such as the cypress trees that may experience rapid growth. Planner Watrous replied that because the cypress trees are not part of the application, Staff may be directed to investigate other trees in the area for future long term effects once a recommendation has been made on this application.

McMullen stated that Ms. Tayer is in the process of acquiring a permit from CalTrans to remove trees within their jurisdiction.

In response to a question by Commissioner Zender, Commissioner Lindqvist stated that the funds for this project will be raised privately. McMullen added that the Tiburon Peninsula Foundation will collect donations for this project. McMullen stated that the Town should decide upon whether Ms. Tayer is the party responsible for providing any remaining portion of funds necessary to complete the project should the TPF be unable to collect enough funds through donations.

Commissioner Canter expressed concern over several elements of the subcommittee's compromise, first of which is the responsibility of the TPF to maintain the subject trees. Canter expressed further concern that the subcommittee was one-sided on the issue. Canter continued that she is concerned about private entities having the responsibility to maintain the trees. She feels that the Town's Public Works Department and qualified arborists should be responsible for maintaining trees on Town property.

Commissioner Canter encourages prospective homebuyers to communicate concerns about trees with the neighbors of the property. She added that the POSC has reviewed numerous applications to restore views and that the Town Council stated, essentially, that property owners are not entitled to the views that they had when their property was initially purchased. Part of her duty as a commissioner, Canter continued, is to preserve the beauty along the waterfront. Although she understands that a number of people want the subject trees removed, she feels that the aesthetics and beauty of the trees outweigh applicants subjective views.

Commissioner Lindqvist endorsed the compromise reached by the subcommittee and stated that she feels the two groves of trees along Richardson Bay in Blackie's Pasture maintain the aesthetics of the area. She added that the trees in Ms. Tayer's application are not native and it is unlikely that they were planted intentionally.

Vice Chair McMullen expressed his support of the report by stating the subcommittee reached a fair and equitable compromise after careful examination of the tree ordinance. The tree policy, McMullen continued, provides a mechanism to maintain views and the exclusion of trees on Town-owned land shouldn't preclude equitable solutions to mitigate view obstruction. He further commented that the letter submitted by Mr. Abbott is inaccurate and noted that the subcommittee solicited public input on numerous occasions.

**APPROVED**

In response to a question by Commissioner Zender, McMullen stated Mr. Abbott agreed that the mitigation plans will provide adequate screening of the parking lot for the residents on Greenwood Beach Road.

Director Echols suggested to the POSC that they make a recommendation to the Town Council that all work performed be under the supervision of Town Arborist Dave Davenport.

The POSC will refer to the Department of Public Works for a staff recommendation to maintain the cypress and eucalyptus trees in the Blackie's Pasture parking lot.

**M/S, Zender/Lindqvist, 3-1-1 (Fraser absent), to recommend to Town Council approval of the Tayer Tree Permit Application subject to the modifications and plans as described in the Subcommittee Report and that all work performed under the permit shall be supervised by Town Staff.**

**B. Proposed relocation of the Gallows Frame Monument Wheels from in front of the Belvedere-Tiburon Public Library to a location adjacent to the Donahue Building –  
*continued from March 11, 2003***

Director Echols gave a brief overview of the proposed relocation of the gallows frame monument wheels from their current location in front of the Belvedere-Tiburon Public Library to a location adjacent to the Donahue Building (Railroad-Ferry Museum). Echols noted that the commission voted to defer a recommendation on the proposal pending a subsequent meeting between Point Tiburon Bayside Condominium Association (Association) representatives and the Belvedere-Tiburon Landmarks Society (Society). The commission also requested that the Society prepare a more detailed rendering or model to represent the proposal. Subsequent to meetings with the Association, the society has prepared two alternatives for relocating the wheels:

1. Place the wheels in an area immediately west of the Donahue Building (Exhibit 2). This area is currently a grassy berm that is raised approximately 1.5 feet higher than the surrounding sidewalk area. The proposal would entail lowering the berm approximately 1.5 feet and placing the wheels in the flattened area so that there would be no net change in the height or view obstruction. The area beneath and surrounding the wheels would be treated with grouted river rock.
2. Mount the wheels along the backside (bay-facing side) of the building (Exhibit 3). Due to the age and structural integrity of the building, a separate structural mounting frame would be required to support the wheels. Echols noted that the configuration shown on Exhibit 3 is strictly for illustrative purposes.

Director Echols noted that it is Staff's opinion that the first alternative poses less of an attractive nuisance and would likely be less costly to construct and maintain. Mounting the wheels on a frame on the side of the building would inhibit building maintenance such as painting and other

repairs.

Echols informed the Commission that the ultimate decision on the proposal will be made by the Town Council. The Commission is being asked to provide input to the Town Council on the proposal.

Janice Anderson-Gram, representative for the Society, gave an overview of their proposal to relocate the wheels. Anderson-Gram opened by giving a history of the six cast iron gallows frame wheels used by the Northwestern Pacific Railroad from 1912-1967 as part of a large wooden structure used to roll railroad freight cars on and off of the cargo ferries that ran between Tiburon and San Francisco. When the gallows frame was dismantled in 1974, the town requested that the railroad retain the wheels so that they may be donated to the town at a later date to serve as historical artifacts. The wheels were stored in a vacant lot (that later became Point Tiburon) until 1991 when the Heritage and Arts chairperson saved them from destruction and relocated them to the corner of Mar West and Tiburon Boulevard, the site that eventually became home to the Belvedere-Tiburon Public Library.

Anderson-Gram stated that the Society discussed relocating the wheels to the Railroad-Ferry Museum at their January 2003 board meeting. Since that meeting, Anderson Gram contacted Town Manager McIntyre to ascertain the necessary steps to complete the process of relocation. McIntyre instructed Gram to make sure the wheels are Town assets and that they are on Town property. He further suggested that the Society meet with the Belvedere-Tiburon Public Library Board, the Heritage and Arts Association, the Parks and Open Space Commission and the president of the Association. Planning Director Anderson informed Anderson-Gram that the wheels must be less than three feet in height and suggested that the Society meet with the Tiburon Department of Public Works to discuss the type of surface on which to install the wheels so that they will be stable. Planning Director Anderson also suggested taking photographs of the wheels at their current location.

Anderson-Gram quoted Planning Director Anderson's staff report supporting the significance of the artifacts and the appropriateness of the proposed relocation.

Anderson-Gram stated that she left four lengthy voicemail messages for the Ben Agee, president of the Association and that she never received a return telephone call. She did receive a phone call on March 10, 2003 (one day before the Society was scheduled to give a presentation to the P.O.S.C.) from Diane Kay, general manager of Point Tiburon, and scheduled a presentation for the next Board of Directors meeting on March 26, 2003. Gram recalled notifying Point Tiburon residents at the March 11, 2003 P.O.S.C. meeting that the Society would meet with them as often as requested to discuss the proposal.

Anderson-Gram stated that she was contacted by Dellie Woodring, resident of Point Tiburon, on March 21, 2003 to schedule a meeting at the Donahue Depot. Anderson-Gram stated that she encouraged Woodring to invite other residents interested in the relocation. Andersen-Gram met with Woodring and two other Point Tiburon residents, who suggested placing the wheels on the backside of the building so that Point Tiburon residents would not be able to see the wheels.

## APPROVED

Anderson-Gram and Phil Cassou met with the Association's Board of Directors on March 26, 2003. She claimed that despite their attempts to explain the relocation and offers to meet with residents and provide a model, they were told that regardless of the placement of the wheels, the board would reject their proposal.

Anderson-Gram stated that Gary Ragghianti sent a letter dated March 28, 2003 to Planning Director Anderson and the Town Council stating that the Association has veto power over improvements at Shoreline Park and the wheels could not be considered complementary.

April 24, 2003 Town Attorney Danforth wrote a memo stating the wheels do not appear to fall under the Association's veto power and that the other prohibitions of the section also seem inapplicable. The memo also stated that because the wheels are less than two feet in height, they do not qualify as a structure under the Town's zoning ordinance. Even if they were considered structures, they could be considered complimentary to the permitted park use and incidental to the permitted museum's use. Danforth's memo further stated that she does not believe that the Town must obtain permission from the Association to install the wheels adjacent to the Donahue Building, provided they are placed so as to avoid the obstruction of Point Tiburon views.

Anderson-Gram summarized the proposed relocation plan, stating that once the berm is leveled, only the tallest wheel axle would stand approximately 8.5 inches higher than the current height of the berm. She further stated that when taking parked cars and the 34-inch bike rack into consideration, the wheels would not cause any more of a view impact than the structures that are currently at the site.

The Society proposes to dig holes that allow one side of each wheel's axle to be set into the ground to allow a flat installation, spread gravel, pour concrete with imbedded river rock, and brush the wheels to remove rust. Furthermore, an informational plaque will be installed and low-growing landscaping is being considered to provide an additional barrier around the wheels.

Anderson-Gram stated that mounting the wheels on the side of the building is not a desired option due to aesthetic, safety, and cost concerns.

Anderson-Gram demonstrated the proposed placement of the wheels with the aid of the scaled model constructed by Phil Cassou.

Based on a comment made by Commissioner Canter, Anderson-Gram stated that Public Works Deputy Iacopi and Town Engineer Echols feel that the berm needs to be leveled to provide a flat surface to ensure the stability of the wheels.

Jay Key of Point Tiburon commented that the Donahue Building was donated by the Association to be used as a museum. Residents of Point Tiburon and its Board of Directors frequently bring issues to the Town Council's attention (with the assistance of their attorney) in order to defend the agreement crafted by the Town between Tiburon and the Association. Key asked that the

## **APPROVED**

Commissioners judge the wheels on the merit of the wheels and to remember that they will be seen every day by residents at higher elevations. Key is opposed to the idea that the wheels will enhance the aesthetic beauty of the park.

Dellie Woodring, resident of Point Tiburon, stated that a number of her neighbors had not received notices when the proposal was initially scheduled to go before the P.O.S.C. (Woodring later corrected this issue with the assistance of Town Staff). Woodring reiterated Commissioner Canter's comments in regards to preserving the pristine feeling along the open shoreline in front of Point Tiburon, Paradise Drive, and Greenwood Beach Road. Woodring stated that the original developer of Point Tiburon communicated with her that he was present when the original agreement was signed by the Town and that it was signed for the purpose of not having anything placed on the lawn except for the benches and the lights. Woodring commented on Anderson-Gram referring to the proposed relocation of the wheels as attractive "nuisances", not an attraction. Woodring said that she understands why the wheels cannot be mounted on the side of the building. Woodring commented that the parking lot is a traffic hazard on busy days and weekends and believes that the wheels would be a nuisance.

Mary Chalken, a resident of Point Tiburon, commented that the wheels will be a nuisance not only to Point Tiburon residents but to the people that visit the park. She believes that the wheels will contribute to the already unsafe traffic conditions in the area. She stated that the presence of the wheels would be a blight to her home and her guests.

William Dunlay, a resident and board member of Point Tiburon, commented that the board's position has been misrepresented and that they are not opposed to any alternatives to the proposal made by the Society. One alternative suggested by Dunlay is to leave the wheels where they currently are. The other alternative is to choose one of the two proposed locations. Dunlay expressed concern over the idea that a sign warning visitors to stay off of the wheels would be required. Dunlay said that mounting the wheels in a vertical position on the wall presents an opportunity to display them in a position that demonstrates how they operated. Dunlay commented that in addition to this alternative allowing a more interesting display of the wheels; it also keeps them from being a nuisance.

Doug Woodring, resident of Point Tiburon, commented that he dislikes the use of the term "beautification" used in this proposal because the wheels are a nuisance in his opinion. He commented that visitors enjoy Tiburon's shoreline and views, and does not agree that the wheels will add to that beauty. Woodring feels that a meaningful alternative to the relocation would be to leave the wheels in their current location and to install an informational plaque. The wheels current location, Woodring stated, does not pose a hazard or nuisance to residents.

Commissioner Canter commented that the wheels are an art-form and display the industrial heritage of the Town. Canter stated that a horizontal placement of the wheels may be more inviting for children to climb on and would like to see the wheels placed at the side of the building either facing the street or the water. She does not think that the structure is large enough to cause a significant visual impact and agrees that a plaque would be a nice addition to the wheels.

**APPROVED**

Commissioner Zender agreed that the wheels are an art-form and contribute to the town's history. Additionally, the wheels contribute to the theme to the Railroad-Ferry Museum. Zender added that the wheels will not cause a significant visual bay view impact.

Commissioner Lindqvist agreed with Commissioner Zender's comments and disagreed with Mr. Woodring's statement that visitors to Tiburon do not appreciate its railroad history, as the museum is very popular among visitors and feels that the wheels would be complimentary to the area. Lindqvist does not believe that wheels would be dangerous to children.

McMullen echoed the comments made by his fellow commissioners, agreeing that the historical value of the wheels is important, that there would be no increase in danger (compared to the rocks), and that he supports the exhibit overall.

**M/S, McMullen/Zender, 4-0-1 (Fraser absent), to recommend to Town Council that they approve Alternative 1 of the Belvedere-Tiburon Landmarks Society proposal to relocate the Gallows Frame Monument Wheels.**

**C. Updated report from the South of Knoll Park subcommittee**

Item continued.

**VI. CORRESPONDENCE**

A. Correspondence from the Environmental Forum of Marin was noted.

**VII. ADJOURNMENT**

**M/S McMullen/Lindqvist (4-0-1) to adjourn at 8:45 p.m.**

---

MICHAEL MCMULLEN, VICE-CHAIR  
Parks & Open Space Commission

ATTEST:

---

PAT ECHOLS, SECRETARY