

**MINUTES NO. 207
PARKS & OPEN SPACE COMMISSION
JUNE 8, 2004 7:00 P.M.
Regular Meeting
Tiburon Ferry Plaza
Tiburon, California**

CALL TO ORDER

Vice-Chair Zender called the regular meeting of the Parks & Open Space Commission to order at 7:09 P.M., Tuesday, June 8, 2004, at the Tiburon Ferry Plaza, Tiburon, California.

I. ROLL CALL

PRESENT: Vice-Chair Zender, Commissioners Lindqvist, and Hermann

ABSENT: Chair McMullen and Commissioner Canter

EX-OFFICIO: Town Engineer/Public Works Director Echols, Administrative Aide Creekmore

II. PUBLIC QUESTIONS AND COMMENTS

There were none.

III. STAFF AND COMMISSION BRIEFING

Director Echols noted the late mail received for Business Item V-B.

IV. CONSENT CALENDAR

A. Minutes of May 11, 2004 (No. 206) approved as submitted.

M/S Hermann/Lindqvist 3-0 to approve Minutes No. 206.

V. BUSINESS ITEMS

**A. Discuss proposed locations to install binocular viewers at the Tiburon Ferry Plaza –
*Tiburon Sunset Rotary Club***

Stephen Sanders, member of the Tiburon Sunset Rotary Club (TSRC), gave an overview of the proposal to install binocular viewers at the Tiburon Ferry Plaza. Sanders noted that most likely two viewers will be installed: one standard viewer and one ADA compliant viewer. The TSRC proposes to lay a 3-foot by 4-foot concrete pad adjacent to where the railing terminates at the

east end of the ferry dock to accommodate side-by-side installation of the viewers. The pad would be placed on the bay side of the multi-use path over the rip-rap and would be set back far enough to allow users to remain out of the way of pedestrian traffic. Specifications and photos of the viewers were passed around. Director Echols noted that the existing concrete bollards would provide additional protection from pedestrian traffic along the path.

In response to a question asked by a member of the audience, Mr. Sanders said that the TSRC selected this area because of the views of San Francisco's Presidio District, Coit Tower, passing boats, and wildlife. The two other sites that were initially considered as possibilities are behind the Donahue Building and Beach Road in Belvedere. Consideration of those sites was abandoned due to either lack of space, limited views, or low anticipated use.

He assured the Commission that the viewers would be installed in a manner that would not allow them to be used to view private Town residences.

An audience member commented that he likes the proposed location because it receives a lot of tourist traffic and believes the viewers would be used frequently.

Mr. Sanders noted that there would be no charge to use the viewers.

In response to a public comment, Mr. Sanders said that he will look into attractive nuisance liability. Director Echols said that if the Town Council endorses the project, the TSRC would have to apply for an encroachment permit that indemnifies the Town against any liability associated with the viewer.

An audience member expressed concern that along with the caboose proposal (Business Item V-B), the Town runs the risk of becoming a commercialized tourist destination similar to Fisherman's Wharf and the City of Sausalito. Mr. Stephens replied that the viewer is a high-quality apparatus and would blend nicely into the surrounding area.

An audience member suggested providing a cut-out to give a better visual representation.

Director Echols gave a brief outline of the process to acquire Town approval for the viewers and noted that the encroachment permit is revocable at any time if the Town deemed the viewers as undesirable or unsuccessful.

An audience member said that the ferry plaza and Shoreline Park are appreciated and enjoyed for their entire beauty, not just the views that they provide. She said that the park should be preserved as it is and discourages the installation of any entertainment structures.

There being no further public comment, the public hearing period was closed. Commissioner Lindqvist said that the viewers would not pose any view obstructions for Point Tiburon condominium owners. She is in favor of the viewers and commented that they are not simply a form of entertainment.

Commissioner Hermann asked whether permits from other agencies, such as BCDC, would be required. Director Echols replied that although a BCDC permit might be required, it is unlikely that they will take issue with this project as BCDC is primarily concerned with the filling in of the bay.

Commissioner Hermann questioned whether the TSRC had looked into liability insurance, adding that the TSRC might find it so costly that it they abandon the project.

Mr. Sanders replied that he is willing to postpone the project until liability insurance and attractive nuisance issues have been further examined. Additionally, the TSRC wants to find a project that benefits the entire Town and will follow up with various home and condominium owner associations to consult with them.

Commissioner Hermann said that the path is already very congested and is concerned that the proposed location may pose a problem. Director Echols replied that most ferry traffic does not affect this part of the path.

Director Echols stated that the Town Attorney will investigate legal issues when the Town Council receives the application. Additionally, nearby residents will receive notification of the application.

Commissioner Herman assured the public that there is no need to worry about the commercialization of downtown Tiburon as there are many people working to prevent that from happening.

In response to a comment by the public, Mr. Sanders said that railing matching the existing ferry dock railing would be provided to protect children from falling onto the rip-rap.

Vice-chair Zender agreed with Commissioner Lindqvist's comments and likes the idea of having the viewers to provide magnified views of the bay. However, she still would like to receive more information on the project.

B. Application to install miniature caboose railcar on the water side of the Donahue Building – *Belvedere-Tiburon Landmarks Society*

Director Echols opened the item by giving a brief overview of the proposal to install a miniature caboose railcar on the water side of the Donahue Building.

Janice Anderson Gram, representative of the Landmarks Society, gave a presentation on the proposed caboose. The caboose is a miniature replica of a Northwest Pacific Railroad car that measures eight feet in length, four feet in width, and approximately five feet in height. It would be located in the center of the wall that faces the bay. The colors of the caboose would be red

and black. The Heritage and Arts Commission voted unanimously to pass the project. Anderson Gram presented pictures of the proposed car to the Commission and said that although it is a sturdy structure, it is not intended for recreational use.

Point Tiburon Condominium residents expressed the following concerns:

Jay Key said that the Point Tiburon Condominium Association (PTCA) boardmembers have not had a chance to discuss the proposal and said it is an issue of great concern to them as it does not fit well into the existing setting.

Ben Agee said that the caboose is not needed and expressed concern over vandalism.

Dellie Woodwring said the PTCA wants to preserve the park as it is and that the caboose would change the natural beauty of the park.

In response to a question by an unidentified audience member, Anderson Gram said that the Landmarks Society would be liable for the caboose and that they would look into additional liability concerns. Anderson Gram added that the Landmarks Society is aware of the PTCA's position on the application and did not feel that a meeting between the Landmarks Society and the PTCA and would change their position.

Nancy Dolphin said she is concerned that the caboose would be an attractive nuisance and asked whether the Town has had an opportunity to review a sign proposal of this size. Anderson Gram replied that the Landmarks Society is very aware of the process and policies relating to sign applications.

Christina Hoffman said that the Railroad Museum would be better served by having a sign that lists its hours of operation and added that the proposed colors would distract visitors - such as those coming into Tiburon from the ferry - of the existing shoreline views.

Vice-chair Zender asked if other colors options were available. Anderson Gram replied that she believes that red and dark green are the two colors offered by the manufacturer but that the Landmarks Society would be willing to paint it a different color if the Town desired.

Ms. Woodwring said that it is her impression that the Landmarks Society is trying to turn a structure into a sign, and that the proposed railcar is not consistent with the definition of a sign.

Anderson Gram reiterated that the caboose would not be a permanent structure.

Macy Graist noted that numerous proposals have been presented to the Town within the past year to alter the shoreline and said that a covenant governing the land was created when it was donated to the Town.

Commissioner Hermann said that a red caboose would be too bright and would not fit in with the

shoreline landscape. He agreed that the Donahue Building is in need of a sign that informs visitors that it is a railroad museum. He noted that he likes the idea of the caboose as it recognizes the Town's history, but thinks a smaller size and less vibrant color would be more tasteful.

Commissioner Lindqvist agreed that the Donahue Building is in need of a sign. She said that she is in favor of the proposal but that she recommends using a darker color.

Vice-chair Zender agreed that a sign is necessary, but that the purpose of the sign is to increase visibility of the building. She asked how large the letters on the caboose would be. Anderson Gram replied that the size of the letters would be consistent with Town guidelines.

Vice-chair Zender said that she is not sure that a caboose with small lettering achieves their objective and that she does not like the proposed color. She stated that she is not in support of the proposal at this time but that if the Landmarks Society returned with a proposal for a less vibrantly colored caboose that she might reconsider her position.

C. Update on South of Knoll Tot Playground Renovations – *South of Knoll Playground Subcommittee*

Vice-chair Zender gave a brief update of the South of Knoll Tot Lot renovations and stated that twenty-four thousand dollars has been raised to date. She said that the subcommittee may need to obtain a resolution of support from the Town Council.

Vice chair Zender stated that she would like to have an experienced, certified safety consultant review the subcommittee's renovation plans. Additionally, a certified consultant may offer error and omissions liability. After the initial plan has been reviewed and certified, Vice-chair Zender agreed that Assistant Superintendent of Public Works Davenport safety consultant certification would allow him to maintain and oversee the project.

Vice-chair Zender requested support from the Commission for approving a \$500 expenditure to hire an outside safety consultant.

Commissioner Lindqvist asked if the safety consultant for the Belvedere playground found anything that did not meet safety standards. Director Echols replied that the consultant is part of the design process. He added that donors could be assured that the playground would meet ADA and safety requirements. He replied to Vice-chair Zender's comment about liability by stating that liability protection provided by a safety consultant would have to be investigated further.

Commissioner Hermann stated that he would like more information on the consultant that they are considering for the project.

Commissioner Lindqvist commented that she feels confident that the playground would be built to meet current safety standards.

APPROVED

Vice-chair Zender stated that using a safety consultant would ensure that the playground is designed to meet those standards.

Director Echols commented that a certain amount of risk is involved whether the design is performed in-house or by an outside consultant. He added that the Town is covered by the Association of Bay Area Governments (ABAG) liability insurance.

Commissioner Lindqvist stated that she was unclear of what an outside consultant would provide that couldn't be done in-house. Vice-chair Zender replied that she would have a higher level of comfort if a more experienced consultant was retained.

Director Echols confirmed for Commissioner Hermann that funds for hiring a consultant would come from a dedicated fund.

The Commission agreed by consensus that they support hiring an outside consultant provided the Town Attorney has reviewed liability concerns and endorses the decision.

VI. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

MARGO ZENDER, VICE-CHAIR
Parks & Open Space Commission

ATTEST:

PAT ECHOLS, SECRETARY