



**TOWN OF TIBURON  
PLANNING COMMISSION  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Action Minutes  
February 11, 2004 - 7:30 PM**

## **ACTION MINUTES**

### **CALL TO ORDER AND ROLL CALL**

**Present:** Chairman Snow, Commissioner Collins, Commissioner Greenberg, Commissioner Fraser, Commissioner Kunzweiler

**Ex Officio:** Planning Manager Watrous, Minutes Clerk Flanagan

### **ORAL COMMUNICATIONS**

**THERE WERE NONE**

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes.

### **COMMISSION AND STAFF BRIEFING**

Staff Update  
Commission Information Items

### **CONSENT CALENDAR**

1. Approval of Planning Commission Minutes-----January 14, 2004 Regular Meeting **APPROVED AS AMENDED 5-0**

### **PUBLIC HEARINGS**

2. AMENDMENT TO HIGH MEADOW PRECISE DEVELOPMENT PLAN (PD #38) TO AMEND A BUILDING ENVELOPE; 1 HIGH MEADOW LANE; Chris Kingsley, Owner; E.E. Weiss, Architects and Applicant; Assessor's Parcel No. 58-100-75. **RECOMMENDED APPROVAL TO TOWN COUNCIL 5-0**
3. TIME EXTENSIONS FOR A CONDITIONAL USE PERMIT TO OPERATE A WIRELESS COMMUNICATIONS FACILITY; 2001 PARADISE DRIVE; Marin Sanitary District #5, Owner; Nextel Communications/A.K. Strotz & Associates, Applicants; Assessor's Parcel No. 59-162-02 **APPROVED 5-0**

**ADJOURNMENT**

**8:35 PM**

**MINUTES NO. 888  
PLANNING COMMISSION  
February 11, 2004  
Regular Meeting  
Town Council Chambers  
1505 Tiburon Boulevard, Tiburon, California**

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**CALL TO ORDER AND ROLL CALL**

Present: Chair Snow, Vice-Chair Greenberg and Commissioners Collins, Fraser and Kunzweiler

Absent: None

Ex-officio: Planning Manager Watrous and Meeting Recorder Flanagan

**ORAL COMMUNICATIONS**

There were none.

**COMMISSION AND STAFF BRIEFING**

Planning Manager Watrous noted that Marin County was preparing to distribute the draft Countywide Plan and asked if there is any interest in the having County make a presentation to the Planning Commission at a special meeting. The consensus of the Commission was to request such a special meeting. Planning Manager Watrous noted that Advance Planner Bryant would contact the Commissioners about scheduling the meeting.

**CONSENT CALENDAR**

1. Approval of Planning Commission Minutes – January 14, 2004 Regular Meeting

Changes include:

Page 5, last paragraph to read, "Commissioner Fraser stated he reviewed this issue at the Parks and Open Space Commission level and more specificity was requested. Public comments indicate lack of specificity...authority to determine what and how property may be designated as open space. The report should be more specific regarding the rights of landowners and how they may be impacted. The community needs balance between landowners and the desires and rights of all citizens in the community. The report should outline for our Commission guidelines and all other regulations of the county and town and how they pertain to this issue."

Page 6, 3<sup>rd</sup> paragraph, to state, "Chair Snow.....defining the report, making changes and return the report to the Commission."

Page 6, 4<sup>th</sup> paragraph, 1<sup>st</sup> line, after "summary" insert "of this hearing." 2<sup>nd</sup> line after "discussion," insert "in the future."

Page 6, 6<sup>th</sup> paragraph to read, "Commissioner Greenberg...were interesting. He noted that prime open space is being applied to large undeveloped properties only, and he raised the issue of when large single lots are developed. The Open Space and Conservation Element deals with conservation and open space, not parks; it is not true that more open space means less parks. Parks will be addressed in the Parks and Recreation Element. Tiburon is not abandoning neighborhood parks and taking property. Regarding vistas and viewpoints, Staff should ensure their work is accurate and the Town should not abandon that program."

Page 6, 8<sup>th</sup> paragraph to read, "Commissioner Kunzweiler stated...should help people determine a fair expectation of property rights. The reports should discuss other issues - grading, impacts on waterways, etc. - and define these so landowners know the extent to which their properties have components and to what can

realistically be built on the property. Much land presently not developed is difficult to build on or so disruptive it goes against the wishes of the vast majority of residents. People should look at their property and assess what the fair expectations are, and know the elements for sound planning of a property. Perhaps a citizen's handbook that helps people understand impacts is timely."

Page 7, 1<sup>st</sup> paragraph, 2<sup>nd</sup> line to state, "Update process. She would like to review a complete draft of the General Plan." Add "In 1989," before "when densities were" on Line 3. The 4<sup>th</sup> line to read, "'Maximum extent feasible" language meant what it said, and reflected the wishes of the Town's residents, but the language also provided for flexibility." A new last sentence would be added: "In particular, she mentioned slope policy and ridgeline and watercourse setbacks."

Page 7, 2<sup>nd</sup> paragraph, delete the last sentence.

Page 7, 4<sup>th</sup> paragraph, 1<sup>st</sup> line, change "real" to "specific." 2<sup>nd</sup> and 3<sup>rd</sup> lines to read, "...designated budget stream but we have our local conservation groups...good work on an ad hoc basis."

Page 7, 6<sup>th</sup> paragraph to state, "Commissioner Greenberg stated estate lots imply that development would be spread out over the whole property."

Page 7, 9<sup>th</sup> paragraph to state, "Commissioner Kunzweiler stated there are other areas of Marin County where development is limited to properties with slopes not to exceed 25 percent."

Page 8, 3<sup>rd</sup> paragraph, 1<sup>st</sup> line to state, "It was the Commission's recommendation that these comments..."

**M/S, Kunzweiler/Greenberg (passed 5-0) to approve the minutes as amended.**

## **PUBLIC HEARINGS**

2. AMENDMENT TO HIGH MEADOW PRECISE DEVELOPMENT PLAN (PD #38) TO AMEND A BUILDING ENVELOPE; ONE HIGH MEADOW LANE; Chris Kingsley, Owner; E.E. Weiss, Architects and Applicant; Assessor's Parcel No. 58-100-75.

Planning Manager Watrous presented the Staff report.

Chris Kingsley, owner, described the intent of the amendment to create a grassy area on which his children can play. Rather than a pool, he said that he would like to install a stone hot tub in the lower area. He stated that he would like to install some small retaining walls and landscaping, but does not want to fence in the yard areas. He said that the fence behind the garage was built by the builder of the home to prevent access to the retaining wall, but he would like to build a better fence near the retaining wall for the safety of his children and others.

Planning Manager Watrous stated it was his understanding a fence closer to the retaining walls would be classified as a safety improvement and would be consistent with the Precise Development Plan requirements.

Commissioner Fraser noted the slope on the lower section is dramatic, and that significant retaining walls might be required to construct a swimming pool there. Mr. Kingsley responded that that is why he changed his mind about a pool, as it would not be cost effective.

Commissioner Greenberg stated that she was concerned about the length and height of any potential retaining walls. Mr. Kingsley responded that any retaining walls would be two to four feet in height in both sections, and added that the walls in the lower section would not be particularly visible.

Commissioner Greenberg asked if any trees would be removed in the upper section, noting that it would be difficult to grow grass under some of the trees. Mr. Kingsley responded that he might remove the bay trees, but not the pine trees. He stated that a landscape architect had told him that some of his oak trees have Sudden Oak Death Syndrome.

Commissioner Greenberg stated that an intermittent water course is located near the Marinero Homeowners Association open space, and that tree removals could cause drainage issues. Mr. Kingsley responded that

he would rely on a landscape architect to guide him, but that he did not want to do anything that would harm his property.

Commissioner Greenberg noted that the Staff report recommends that no fencing be allowed in the new building envelope areas and asked if that was satisfactory to the applicant. Mr. Kingsley responded that he did not want to install any fencing.

Commissioner Greenberg stated that a change should be made to Section E of the draft resolution deleting language stating that the project had “been presented prior to construction.” She would like to exclude fencing from the new building envelope areas; limit the height of retaining walls to no higher than five feet; and require that the retaining walls have a natural façade or be faced with items consistent with natural materials.

Commissioner Fraser stated he is not troubled in principle by altering the building envelope. He felt unsure about what is proposed within the amended envelope areas, and that the proposed changes are not specific enough.

Commissioner Kunzweiler stated the Planning Commission’s role is not to get down to the levels of specificity expected for the Design Review Board. He felt that the purpose for the amendment was understandable, but this would defeat the purpose of establishing a building envelope in the first place. He stated that the owner knew of the constraints of the building envelope when he bought the property.

Commissioner Collins asked if the hot tub would impact the other future home on High Meadow Lane. Planning Manager Watrous replied that trees on the site would adequately screen the hot tub from the second home.

Commissioner Collins stated that although he shared some of the thoughts about the principles of rearranging building envelopes, some of the portions of the property proposed to be changed are difficult to use. He said that he could support the request.

Chair Snow stated that he remembered the Design Review application for the home on the site, where the only concern of the neighbors pertained to the roofing. He felt that lighting would need to be addressed for the hot tub. He thought that the modest changes requested to the building envelope would make this a more useful property, with the remainder of the site in a natural state. He said that he could support the request.

Planning Manager Watrous stated a way to limit building in the expanded portions of the building envelope would be to designate them as a secondary or landscape envelope area, with limitations on what could be constructed in these areas.

Commissioner Greenberg stated it pleases her to hear the concerns of the Commission. She felt that the lower area was not usable, and she cannot imagine the area having a hot tub as it is too far from the house. She noted that the upper area is relatively flat and would not appear to affect any neighbors.

Commissioner Kunzweiler stated it is not clear what is requested for the lower portion of the property. He supported the extension into the upper area, as this would enhance the usability of the property. He suggested deleting the lower portion from the amendment.

Planning Manager Watrous noted removing the lower area could be compensated by an increase in the building envelope area to the west.

Commissioner Greenberg asked the Town to contact the Marinero Homeowners Association about the unsightly and dangerous trees on their open space.

**M/S, Collins/Fraser (passed 5-0) to adopt Resolution No. 2004-01 recommending to the Town Council approval of an amendment to the High Meadow Precise Development Plan (PD #38) for property located at One High Meadow Lane, as modified as follows: Section 1, D, 4<sup>th</sup> line, delete the word “pool”; Section 1, E, to state, “The Planning Commission finds that the project ....goes to the property line and is adjacent to Open Space”; Section 2.1, add at the end, “except that the amendments to expand the northerly portion of the approved building envelope are not approved”;**

**Section 2, add Condition Number 4, to state, "The expanded building envelope area approved herein shall be limited to private recreational uses, with no structures permitted other than retaining walls less than five feet (5') in height. No fencing is permitted in this area. Retaining walls shall be surfaced or finished with rock or other materials designed to create a natural appearance."**

3. TIME EXTENSION FOR A CONDITIONAL USE PERMIT TO OPERATE A WIRELESS COMMUNICATIONS FACILITY; 2001 PARADISE DRIVE; Marin Sanitary District #5, Owner; Nextel Communications/A.K. Strotz & Associates, Applicants; Assessor's Parcel No. 59-162-02.

Planning Manager Watrous presented the Staff report.

Commissioner Greenberg asked how a permit expires without an extension. She stated that these permits should be renewed in a timely fashion.

Richard Tang, Richard Tang Consulting, representing Nextel, stated that Nextel has converted to a computer system to preclude any mistakes regarding time extension from happening in the future.

Commissioner Kunzweiler stated, in the interest of minimizing administration for the Town, he recommends a five year time extension to 2009. He noted that the facility does not appear to affect anyone, and is needed for the Nextel network.

Commissioner Collins asked if anything might occur during the upcoming review of the Town's Interim Standards and Criteria for Wireless Communications Facilities that might affect tonight's decision. Planning Manager Watrous replied that he did not believe that the changes would affect this application.

Commissioner Collins stated that he also favored an extension to 2009.

**M/S, Kunzweiler/Greenberg (passed 5-0) to adopt Resolution No. 2004-02 granting a five-year time extension to 2009 for a Conditional Use Permit for a wireless communications facility at 2001 Paradise Drive.**

#### **ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

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Wayne Snow, Chairman  
Tiburon Planning Commission

ATTEST:

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Scott Anderson, Secretary