

**ACTION MINUTES
PLANNING COMMISSION
April 14, 2004
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

7:30 PM

Chairman Snow, Vice Chairman Greenberg, Commissioner Collins,
Commissioner Fraser, Commissioner Kunzweiler. **ALL PRESENT**

ORAL COMMUNICATIONS

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. **THERE WERE**

NONE

COMMISSION AND STAFF BRIEFING

Staff Update
Commission Information Items

CONSENT CALENDAR

1. Approval of Planning Commission Minutes - March 10, 2004
APPROVED AS AMENDED 5-0
2. ADOPT RESOLUTION DENYING REQUEST TO AMEND THE POINT TIBURON PRECISE PLAN TO ALLOW ADDITIONAL FLOOR AREA; 207 PARADISE DRIVE; Susan Olson and Paul Ortner, Applicants; Assessor's Parcel No. 59-380-35 **ADOPTED 3-2 (GREENBERG AND FRASER DISSENTING)**

DISCUSSION ITEMS

3. COUNTYWIDE PLAN UPDATE – MARIN COUNTY PRESENTATION

4. **POTENTIAL AMENDMENT TO INTERIM STANDARDS AND
CRITERIA FOR WIRELESS COMMUNICATIONS FACILITIES
CONTINUED TO THE MEETING OF MAY 12, 2004**

ADJOURNMENT 9:00 PM

Future Agenda Items

1501 Tiburon Boulevard: Belvedere-Tiburon Library Expansion: (April 28)
General Plan Circulation Element Issues Paper: (May 12)
EIR Scoping Meeting for Ling Residential Development: (May 12)
Update of Wireless Standards and Criteria: (May 12)
5 Main Street (Guaymas): CUP Amendment: (May 26)

a041404

**MINUTES NO. 891
PLANNING COMMISSION
April 14, 2004
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

ROLL CALL

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

Absent: None

Staff Present: Planning Manager Watrous, Advance Planner Bryant and
Meeting Recorder Flanagan

ORAL COMMUNICATIONS

There were none.

COMMISSION AND STAFF BRIEFING

Planning Manager Watrous discussed future agenda items and noted that the
Planning Commission/Town Council workshop is scheduled for May 13, 2004 at
6:00 p.m.

CONSENT CALENDAR

1. **Approval of Planning Commission Minutes of March 10, 2004**

Changes include:

Page 3, 3rd paragraph, 3rd line to read, "...but occasional club activities end at..."
Page 3, 4th paragraph, 1st line delete "about."
Page 3, 5th paragraph to read, "...exit to the club, given the traffic and stoplight at Rockhill Road, might result in accidents. He asked if anyone discussed what effect new driveways might have on traffic with Caltrans. Ms. Jones..."
Page 5, 2nd paragraph, 7th line, change "adequate" to "adequately."
Page 5, 2nd paragraph, last line to read, "even though the club currently serves the community well."
Page 7, 2nd paragraph, 1st line, change "glass railings" to "side panels."
Page 9, 6th paragraph, 1st line to read, "support the application if uninterrupted glass windows (to ensure the features are not out of character) were installed..."
Page 9, 7th paragraph, 1st line, insert "previous" before "lawsuit."
Page 10, 4th paragraph, 1st line, change "Boardmember" to "Commissioner."
Page 10, 8th paragraph, 1st line to read, "...asked if it is an enclosed area..."
Page 11, 2nd paragraph, 3rd line to read, "...should have been done..."
Page 11, 2nd paragraph, 4th line, change "unsightly" to "unmanageable."
Page 11, 2nd paragraph, 8th line, change "fixing" to "fix."
Page 11, 3rd paragraph, last line to read, "...he could not make the findings."
Page 13, 3rd paragraph, 2nd line to read, "...for expansions would increase the floor area ratio."

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

2. ADOPT RESOLUTION DENYING REQUEST TO AMEND THE POINT TIBURON PRECISE PLAN TO ALLOW ADDITIONAL FLOOR AREA; 207 PARADISE DRIVE; Susan Olson and Paul Ortner, Applicant; Assessor's Parcel No. 59-380-35

Commissioner Collins recommended amending Section A of the draft resolution to read that "the subject property is developed as a condominium dwelling unit..."

M/S, Collins/Kunzweiler, to adopt the draft resolution denying the application.

Commissioner Greenberg stated that this is an exceptional, unique circumstance. She said that this situation was created because the Town approved an extension to the unit below with a flat roof that resulted in an empty area for the applicant. She said that they can attempt to fix the leak, but there may still be problems with the roof. She said that this was certainly not a land grab, as the addition would only be 36 square feet. She felt that this was an unsightly area approved by the Town, and that it is in everyone's interest to correct this in a meaningful way. She said that she could make the findings to approve the application, as nobody else in this complex would have the same situation. She

noted that she is usually not in favor of amending precise development plans, but she would like the Planning Commission to reconsider its decision on this application.

Commissioner Fraser stated that he agreed with Commissioner Greenberg, and noted that if the amendment were approved, there would be an aesthetic change to the exterior of the building. He said that this would correct a problem created by the Town's decision. He felt that this was a unique situation, and that it is the role of the Planning Commission to make reasoned decisions.

Commissioner Kunzweiler noted that the 36 square foot addition proposed was likely the smallest ever requested for a precise development plan amendment. He also noted that the homeowners association was not in favor of exterior changes, and had said that there would be five other potential amendments that may be requested. He said that this condition existed when the applicants purchased the property. He said that flat roofs leak, but can be fixed. He felt that this was not an ideal situation, but other additions have marred the complex over the years. He thought that other additions would be requested that would each attempt to describe unique circumstances.

Commissioner Collins stated that this was an unfortunate situation, and that he felt sorry for the applicants. However, he also noted that flat roofs leak, but can be fixed. He stated that the Town may have approved the addition, but whoever built it made the error, as this is a construction defect. He noted that the Town Council had expressly stated that no more changes were to be made to the complex. He said that this decision can be appealed to the Town Council, who has the authority to change its previously established policy regarding this complex.

Chair Snow stated that he had visited the property after the last hearing. He felt that it was still proper to adopt the resolution denying the application. He felt that approving the application would give other homeowners in the complex the opportunity to craft requests for additional floor area, which would be contrary to the position of the Town.

The motion passed 3-2 (Fraser and Greenberg dissented).

DISCUSSION ITEMS:

1. COUNTYWIDE PLAN UPDATE – MARIN COUNTY PRESENTATION

Advance Planner Bryant introduced county representatives, Alex Hinds and Michele Rodriguez, who presented a review of the Countywide Plan Update.

2. POTENTIAL AMENDMENT TO INTERIM STANDARDS AND CRITERIA FOR WIRELESS COMMUNICATIONS FACILITIES

Commissioner Collins explained progress that had been made on the revisions, and noted that the third draft of the revised Standards and Criteria would go out to homeowners groups by the end of this week.

This item was continued to the meeting of May 12, 2004.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

WAYNE SNOW, CHAIR
Tiburon Planning Commission

DANIEL M. WATROUS, SECRETARY