



**TOWN OF TIBURON  
PLANNING COMMISSION  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Action and Approved Minutes  
Regular Meeting  
July 27, 2005– 7:30 PM**

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**ACTION MINUTES**

**CALL TO ORDER AND ROLL CALL 7:30 PM**

Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Aguirre, Commissioner Collins, Commissioner Snow **All Commissioners 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

**PUBLIC HEARING**

1. 1600 JUANITA LANE; REVIEW OF CONDITIONAL USE PERMIT #10405; GRANTED TO OPERATE A PERSONAL FITNESS CENTER (CURVES); Belvedere Land Company, Owner; Evelyn Foster, Applicant; Assessor's Parcel No. 059-102-16  
**Approved 5-0**
2. 1505 TIBURON BOULEVARD; CONDITIONAL USE PERMIT #10409; TO INSTALL AND OPERATE A WIRELESS COMMUNICATIONS FACILITY; Town of Tiburon, Owner; Cingular Wireless, Applicant; Assessor's Parcel No. 058-171-90 **Approved 5-0**
3. 10 ROUND HILL TERRACE; FILE #30501; AMENDMENT TO THE ROUND HILL OAKS PRECISE DEVELOPMENT PLAN (PD #36) TO AMEND A BUILDING ENVELOPE; Stephanie Cyr and Richard Donick, Owners; Weir/Andrewson Associates, Inc., Applicant; Assessor's Panel No. 058-301-42 **Approved 5-0**

**MINUTES**

4. Planning Commission Minutes - Regular Meeting of July 13, 2005  
**Approved as Written 5-0**

**ADJOURNMENT 8:30 PM**

**PLANNING COMMISSION  
APPROVED MINUTES  
July 27, 2005  
Regular Meeting  
Town Council Chambers  
1505 Tiburon Boulevard, Tiburon, California**

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**ROLL CALL**

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

Absent: None

Staff Present: Planning Manager Watrous and Meeting Recorder Creekmore

**ORAL COMMUNICATIONS**

There were none.

**COMMISSION AND STAFF BRIEFING**

Planning Manager Watrous reported that review of the Draft EIR for Kol Shofar will be on the at the August 10, 2005 agenda and the recommendation to the Town Council to adopt the General Plan and certify its EIR will be on the August 24, 2005 agenda.

**PUBLIC HEARING**

- 1. 1600 JUANITA LANE; REVIEW OF CONDITIONAL USE PERMIT #10405  
GRANTED TO OPERATE A PERSONAL FITNESS CENTER (CURVES); Belvedere  
Land Company, Owner; Evelyn Foster, Applicant; Assessor's Parcel No. 059-102-16**

Chair Kunzweiler opened the item for public comment.

Evelyn Foster, owner of Curves, reported on the business's success. She said that the rotation of members has allowed the facility to accommodate its members without causing any parking problems. She added that the six parking spaces are meeting the needs of the business and that people rarely have to park at the Boardwalk Shopping Center.

Commissioner Aguirre asked how many members the fitness center currently has. Ms. Foster replied that there are currently just over 200 members and that an additional 50 to 100 members are expected over the long-term.

Kathy Larson, property manager for the Belvedere Land Company, said that her board of directors is very pleased with the facility's traffic flow and that the only parking issue in the past six months was resolved in a matter of minutes.

The public comment period was closed.

Commissioner Collins said that the parking study was fine, but the Commission may want to review the use again when the facility reaches its maximum membership.

Commissioner Snow said that he was glad to see the item come back to the Commission with no apparent issues or concerns. He said that he would like to revisit the permit in six months with its larger membership.

Commissioner Aguirre said that he would also like to see how the center evolves as its membership increases.

Commissioner Fraser said that he is pleased that the use has worked out as planned. He did not think that it was necessary for the Commission to review the permit again in six months. He said that reviewing the application in another twelve months would be more appropriate, given the lack of negative feedback for the center.

Chair Kunzweiler agreed that a review after twelve months would be more appropriate, but would still be necessary, given the historical concerns about the use and the increasing membership.

**M/S Collins/Fraser (5-0) to find that the parking provided for the fitness center has been adequate, to impose no additional conditions of approval and to review the permit after a period of twelve more months.**

**2. 1505 TIBURON BOULEVARD; CONDITIONAL USE PERMIT #10409; TO INSTALL AND OPERATE A WIRELESS COMMUNICATIONS FACILITY; Town of Tiburon, Owner; Cingular Wireless, Applicant; Assessor's Parcel No. 058-171-90**

Pamela Nobel, consultant for NSA Wireless and representative for Cingular Wireless, gave an overview of the application to co-locate a Cingular wireless communication facility in the Town Hall clock tower. She noted that the Town's terrain has "dips and valleys" in its service coverage area and that the application proposes to improve Cingular's service for its Tiburon customers.

Commissioner Collins clarified that Cingular Wireless is the applicant and would be a party to all agreements regarding this application. He questioned the radiation frequency study results and questioned how the engineers arrived at the percentages for exposure levels, particularly how the levels with both the Cingular and Sprint facilities in operation could be only 0.01% higher than the levels with just the Cingular facility in operation. Ms. Nobel replied that she was unable to comment on the engineer's calculations but that she would be happy to forward the Commission's questions to the engineer.

Commissioner Fraser asked what other locations had been evaluated for this facility. Ms. Nobel replied that a location at the Tiburon Fire District station on Tiburon Boulevard was also considered, but that the clock tower was deemed a more suitable location for a number of reasons, including lack

of visual impact and facility height. Planning Manager Watrous confirmed that discussions had been held with the Fire District regarding the application.

Commissioner Fraser asked if Cingular Wireless has other sites proposed in Tiburon. She replied that another site on Trestle Glen Boulevard is being proposed, along with a site outside the Town limits on Paradise Drive, as indicated on a map that was submitted with the application. Planning Manager Watrous added that the Trestle Glen application is currently deemed incomplete.

Chair Kunzweiler asked if a master plan had been developed to provide service that satisfies the requirements of the Federal Communications Commission. Ms. Nobel responded by providing details about the service coverage map and stating that the three proposed sites would provide good coverage for its Tiburon customers, acknowledging that there will still be service “valleys” inherent to the terrain.

Chair Kunzweiler asked if Cingular had a timetable for these projects. Ms. Nobel replied that timeframes were difficult to estimate, and were based upon the number of customers added to the system. Planning Manager Watrous added that it had taken the applicant 8 months to complete the subject application.

Chair Kunzweiler asked how the facility would affect the appearance of the clock tower. Planning Manager Watrous provided the Commission with renderings depicting how the clock tower would look should the facility be installed. He said that the appearance of the tower would not be altered significantly and that it would be consistent with the current board and bat style of the clock tower. Ms. Nobel said that there would be a total of six panels, two each on three sides of the clock tower.

The public hearing was opened. There were no public comments.

The public hearing was closed.

Commissioner Fraser asked if there is a limit to the number of wireless facilities the Town would consider placing in the clock tower. Planning Manager Watrous replied that the number of facilities that the tower can accommodate would likely be determined by equipment space and frequency interference between facilities.

Commissioner Aguirre asked if Staff had performed an independent electromagnetic frequency (EMF) study. Planning Manger Watrous replied that Staff does not have the technical capabilities to reproduce the study and assured the Commission that Hammett & Edison have a reputation for being reliable and impartial consultants. He noted that the frequency percentages that Commissioner Collins questioned are higher than those found in most other such studies in Tiburon, presumably due to the proposed existence of two wireless facilities in the tower.

Commissioner Collins commented on the conclusions in the report prepared by Hammett and Edison, Inc. and asked why the reports state that Cingular Wireless “can” comply with the prevailing standards for limiting human exposure to radio frequency energy rather than “will” comply. Ms. Nobel replied that Cingular is required by the FCC to comply with the standards.

Chair Kunzweiler expressed concern over the visual appearance of the facility and said that the renderings do not make it appear to be invisible as the application claims. He said that he recognizes the significant need for improved cellular service but commented that the clock tower is a focal point

for the town and that he is concerned that the facility would disrupt its design. Ms. Nobel said that the intention is to put the antennas on the inside of the building, and they would abide by a condition of approval that the antennas be flush-mounted and not stand out visually. Commissioner Aguirre noted that the application clearly states that panels will be installed on the exterior of the tower.

Commissioner Collins spoke to the draft standards and criteria for wireless communications facilities currently under review, and asked if language could be added to the resolution referring to compliance with the new standards. Planning Manager Watrous replied that the resolution cannot reference standards that have not yet been adopted.

Commissioner Collins asked about the frequency of reviews for this facility. Planning Manager Watrous replied that the approval of this application would be only for one year, and would return to the Commission after one year for a five year extension.

Commissioner Collins questioned language in the draft resolution about the standard performance agreement. Planning Manager Watrous cautioned against deleting any language written by the Town Attorney. Chair Kunzweiler recommended that rather than altering the language in the resolution, that the Commission recommend that the Town Attorney determine the appropriate language in any agreements.

**M/S Collins/Snow (5-0) to recommend adoption of the resolution with modified conditions of approval to require review of any agreements by the Town Attorney and requiring that the antennas be mounted inside the clock tower with the building appearance unchanged.**

**3. 10 ROUND HILL TERRACE; FILE #30501; AMENDMENT TO THE ROUND HILL OAKS PRECISE DEVELOPMENT PLAN (PD #36) TO AMEND A BUILDING ENVELOPE; Stephanie Cyr and Richard Donick, Owners; Wier/Andrewson Associates, Inc., Applicant; Assessor's Parcel No. 058-301-42**

Richard Donnack, applicant, reviewed his application to amend the building envelope at his residence to improve access to the outdoor living areas on the northern portion of the property.

Commissioner Collins asked the applicant if he plans to install a planter where the retaining wall is located. The applicant replied that they have not decided, but that they will make the finished project aesthetically pleasing.

Commissioner Aguirre asked the applicant if they have plans to put in new lighting where the steps are. Mr. Donnack replied that they plan to change the lighting to make it dimmer than it currently is. Planning Manager Watrous informed the Commission that the project will be required to include downlights as part of the design review process.

The public hearing was opened.

Ian Schwartz, adjacent property owner, said that he supports the application without reservation.

The public hearing was closed.

Commissioner Snow said that this was a rather small request, but quite appropriate, and noted that the neighbors support the application.

Commissioner Collins said that he supports the application and added that the changes will improve the appearance of the house.

**M/S Aguirre/Fraser (5-0) to adopt the resolution recommending approval of the application to the Town Council.**

**MINUTES**

**4. Planning Commission Minutes – Regular Meeting of July 13, 2005**

**M/S Snow/Aguirre (5-0) to approve the minutes as submitted.**

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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JOHN KUNZWEILER, CHAIRMAN  
Tiburon Planning Commission

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DAN WATROUS, SECRETARY