



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
September 28, 2005 – 7:30 PM**

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

UNFINISHED BUSINESS

1. Z 2005-02: TOWN-INITIATED ZONING ORDINANCE AMENDMENT TO ADD A SECTION REGULATING ANTENNAS AND WIRELESS COMMUNICATION FACILITIES; CONSIDERATION OF REVISED WIRELESS COMMUNICATION FACILITY STANDARDS **Recommended Approval to Town Council 5-0**

PUBLIC HEARINGS

2. 761 HILARY DRIVE: REVIEW OF CONDITIONAL USE PERMIT #19908 GRANTED TO EXPAND THE FACILITIES FOR AN EXISTING CHURCH (ST. HILARY CATHOLIC CHURCH: AND SCHOOL; Assessor Parcel Nos. 55-253-20 and 55-221-06 **Review Completed; No Additional Conditions 4-0**

3. 1600 MAR WEST: CONDITIONAL USE PERMIT #10502; REQUEST TO MODIFY PREVIOUS PLANS TO EXPAND A PRIVATE RECREATIONAL FACILITY; Tiburon Peninsula Club, Owner; Nova Partners, Inc., Applicant; Bradanini & Wings, Architect; Assessor's Parcel Nos. 58-171-17 and 58-240-21 Approved 3-0

MINUTES

4. Planning Commission Minutes - Regular Meeting of September 14, 2005
Approved as Amended 3-0

ADJOURNMENT 8:30 PM

**MINUTES NO. 923
PLANNING COMMISSION
September 28, 2005
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

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 noted that the Commission received the final version of the Tiburon General Plan which has been approved by the Town Council. He reported that Advance Planner Bryant will be accepting a position with the City of Sausalito.

UNFINISHED BUSINESS

1. **Z 2005-02: TOWN-INITIATED ZONING ORDINANCE AMENDMENT TO ADD A SECTION REGULATING ANTENNAS AND WIRELESS COMMUNICATION FACILITIES; CONSIDERATION OF REVISED COMMUNICATION FACILITY STANDARDS**

Planning Manager Watrous presented the Staff report and stated that the changes discussed at the last meeting had been incorporated into the draft ordinance and standards documents. He said that the outstanding issue regarding whether wireless facilities should avoid locations within or "near"

residential areas, hospitals, child care centers, or schools or whether a specific distance from these uses should be specified. He stated that Staff concluded that outside of a very small area in the middle of downtown, there would be no other sites in Tiburon that would be more than 300 feet away from such uses. He suggested that the standard be modified to read, “WCFs should avoid locations within, or in very close proximity to the following uses: dwelling units, hospitals, child care centers and schools.”

The public hearing was opened.

No one spoke on this item.

The public hearing was closed.

Chair Snow concurred with Staff’s recommendation.

Commissioner Collins agreed with Staff’s recommendation and proposed the following additional change:

- i. WCF Ordinance: Page 7, paragraph 1, line 3: after “Town of Tiburon’s WCF”, insert “policy and.”

Commissioner Aguirre proposed the following changes:

- ii. WCF Ordinance: Page 8, last paragraph, move “within fifteen (15) days” to the end of the sentence.
- iii. WCF Standards: Page 15, paragraph 1, line 7: change “protect” to “protecting” and “preserves” to “preserving.”
- iv. WCF Standards: Page 18, paragraph 2, lines 10-12: move “within fifteen (15) days” to the end of the sentence.
- v. WCF Standards: Page 38, paragraph 3, line 1: delete “other.”

Commissioner Snow proposed the following change:

- vi. WCF Standards: Page 8, item (b), line 2: delete “at any time.”

Chair Kunzweiler proposed the following changes:

- vii. WCF Standards: Page 2, item 3, lines 2-3, change to “of all coverage areas in Marin County or areas capable of coverage, i.e. search rings.”
- viii. WCF Standards: Page 5, item 22, line 4: change “as” to “that.”
- ix. WCF Standards: Page 5, item 25 (a), line 2: change “would” to “could.”
- x. WCF Standards: Page 5, item 25 (a), lines 15-16: insert commas (,) after “peer review” and “applicant’s expense.”
- xi. WCF Standards: Page 6, item 25 (b), line 2: after “analysis of”, insert “potentially.”
- xii. WCF Standards: Page 19, lines 3-4: remove “promptly” and insert “in thirty (30) days” at the end of the sentence.

M/S Collins/Snow (5-0) to adopt the draft resolution as modified, recommending to the Town Council adoption of the ordinance and updated standards for wireless communications facilities.

PUBLIC HEARING

2. 761 HILARY DRIVE: REVIEW OF CONDITIONAL USE PERMIT #19908 GRANTED TO EXPAND THE FACILITIES FOR AN EXISTING CHURCH (ST. HILARY CATHOLIC CHURCH: AND SCHOOL; Assessor Parcel Nos. 55-253-20 and 55-221-06

Commissioner Aguirre recused himself from the remainder of the meeting because he is a parent of three children attending St. Hilary School as well as member of the Tiburon Peninsula Club.

Planning Manager Watrous presented the Staff report. He noted that since the last review of this item on March 9, 2005, Staff has received indications that representatives of St. Hilary have been making efforts to meet with neighbors and come to agreements with some of the issues raised at that review.

The public hearing was opened.

Katie Vogelheim, St. Hilary representative, gave a brief presentation of the progress that the church has made since their last meeting with the Commission in March. She noted that immediate neighbors of the church were invited to attend a barbeque at Parish Hall to forge a positive path within the neighborhood. She overviewed the progress made in the areas of traffic flow, traffic volume, lighting, and sound mitigation. She said that she had spoken to the Police Department and that there had been no observed problems with traffic flow. She said that the traffic monitoring is continuing and members are becoming more accustomed to the new circulation pattern. She said that the baffles on the light poles are doing the job, as they have had no complaints from the neighbors. She stated that the sound wall was not designed to be a sound barrier but rather to mitigate sound coming from the gymnasium and that the removal of all of the outdoor basketball hoops has resulted in a reduction of noise. She said that in summary, there have been no complaints about noise, traffic, or lighting. She asked that no changes be made to the use permit at this time.

Mark Gineris, Tiburon resident, said that the church is a valuable asset in the community, but he felt that there should be a balance with the surrounding neighborhood. He asked whether or not adequate on-site parking is provided for all church activities. Planning Manager Watrous responded that the intent during the review of the expansion was that the parking lot would be sufficient for most church activities, including ongoing gymnasium use and after-hours activities. He said that there was no expectation that all parking for all church services will be on-site, and that some overflow could be expected for certain activities such as funeral services. Mr. Gineris said that increased church activities could result in impacts on homes in the vicinity.

Steve Bendinelli, Tiburon resident, said that he and the church have “buried the hatchet” on their past differences. He said that he and his wife are impressed with the work that has been performed

on the facility. He said that the lights are no longer an issue, as these impacts have been mitigated. He echoed Mr. Gineris' comments regarding parking and said that his only concerns are related to parking and noises coming from outside of the gym, such as voices, car doors, and motors. He said that overall he is very pleased with the church's work.

Commissioner Fraser applauded Mr. Bendinelli and the church for working together to overcome their differences.

There being no further comments, the public hearing was closed.

Commissioner Fraser stated that he was very pleased with the report from the church.

Commissioner Snow noted that he was on the Planning Commission at the time of the use permit for the expansion, and said that it has been heartfelt to see the church and the neighborhood work together. He said that the church appears to be in substantial compliance with the conditions of their use permit.

Chair Kunzweiler commented that the interaction between the neighbors and the church should be applauded. He said that these sorts of community balancing acts will keep coming up in Tiburon, and how they are handled is a reflection of the maturity of the community.

M/S Collins/Fraser (4-0) to accept the review as being in compliance and not require any modifications at this time.

3. 1600 MAR WEST: CONDITIONAL USE PERMIT #10502; REQUEST TO MODIFY PREVIOUS PLANS TO EXPAND A PRIVATE RECREATIONAL FACILITY; Tiburon Peninsula Club, Owner; Nova Partners, Inc., Applicant; Bradanini & Wings, Architect; Assessor's Parcel Nos. 58-171-17 and 58-240-12

Commissioner Fraser recused himself from the item because he is a member of the Tiburon Peninsula Club.

Planning Manager Watrous presented the Staff report.

The public hearing was opened.

Bob Austrian, president of the Tiburon Peninsula Club, said that the application is to replace their only remaining vintage building with one that is both better suited for the size and shape of the existing structure and more compliant with current codes. He said that the locker room structure would be fundamentally single story and in approximately the same footprint of the existing structure.

Commissioner Collins asked where the existing pool equipment is located. Mr. Austrian replied that the equipment is located partially inside the enclosed envelope of the existing locker room building and partially in an outdoor yard. He said that the equipment would be slightly south and within an enclosure that would be aesthetically identical to the existing fences.

Commissioner Collins asked what the height of the locker building would be. Mr. Austrian replied that the highest point of the building would be 25 feet, which would be comparable to the height of the approved clubhouse building.

Commissioner Snow asked what the slope of the roof would be. Jerry Wings, project architect, said that the slope of the building was designed to have the same slope as the clubhouse, which would be 6:12. He said that the building would also mirror the design and materials of the clubhouse.

Commissioner Kunzweiler stated that the neighbors have expressed concern over the noise, asked Mr. Austrian to describe the intended use of the rooftop pool terrace. Mr. Austrian replied that the upper deck is a small space that is envisioned more as an overlook and will serve as a place for a modest number of people to hang out. He said that this would be a flat spot, not one that would be a good location for watching swim meets or an overflow area for larger activities.

The public hearing was closed.

Commissioner Collins said that he likes the idea of the locker rooms and the upgrading of the facility. He said that it is a nice addition and that there is a benefit to moving the pool equipment further away from the residential area.

Commissioner Snow stated that the previous use permit application for the club was in tune with the community and the needs of the club, and that this application fits as well.

Chair Kunzweiler said that the improvements make sense and will be a great addition to the community.

M/S Collins/Snow (3-0) to approve the application as submitted.

MINUTES

4. Planning Commission Minutes – Regular Meeting of September 14, 2005

Page 3, paragraph 2, line 2: insert “at this meeting” after “...the bigger issues.”

Page 3, paragraph 4, line 2: after “may interpret”, insert “the.”

Page 4, paragraph 2, lines 2-3: change to “He also stated that these standards.”

Page 4, paragraph 3, line 2: after “ordinance to a certain level”, insert “and that it was then reworked by the Town Staff and the Town Attorney.”

Page 4, paragraph 3, line 3: change to “concerned about public notices and asked if notices of the application’s filings could be posted on the Town’s website.”

Page 4, paragraph 4, line 1: change to “sent a copy of the Town’s WCF policy requesting that those agencies respect and abide by the Town’s WCF ordinance and standards.”

Page 4, paragraph 6, line 9: after “Anderson responded”, insert “that.”

Page 5, paragraph 1, line 1: change to “in terms of Staff discretion.” Line 2: delete “being left to individuals.”

M/S Snow/Collins (3-0) to approve the minutes as amended.

ADJOURNMENT

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

JOHN KUNZWEILER, CHAIRMAN
Tiburon Planning Commission

DANIEL M. WATROUS, SECRETARY