



**TOWN OF TIBURON  
PLANNING COMMISSION  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Action and Approved Minutes  
Regular Meeting  
October 26, 2005 – 7:30 PM**

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## **ACTION MINUTES**

### **CALL TO ORDER AND ROLL CALL 7:30 pm**

Present: Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Collins Absent:  
Commissioner Aquirre

### **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. 761 HILARY DRIVE; ST. HILARY CATHOLIC CHURCH AND SCHOOL;  
CONDITIONAL USE PERMIT #10504 TO MODIFY THE CONDITIONS OF  
APPROVAL FOR A PREVIOUSLY APPROVED USE PERMIT TO EXPAND THE  
FACILITIES FOR AN EXISTING CHURCH AND SCHOOL; Assessor's Parcel Nos.  
55-253-20 and 55-221-06 **Recommended Approval to Town Council 3-0**

### **MINUTES**

2. Planning Commission Minutes – Regular Meeting of September 28, 2005 **Approved as Amended 3-0**

### **ADJOURNMENT 8:00 PM**

**APPROVED MINUTES NO. 924  
PLANNING COMMISSION  
OCTOBER 26, 2005  
Regular Meeting  
Town Council Chambers  
1505 Tiburon Boulevard, Tiburon, California**

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**ROLL CALL**

Present: Chair Kunzweiler, Commissioners Collins and Fraser  
Absent: Commissioner Aguirre  
Staff Present: Planning Manager Watrous and Meeting Recorder Creekmore

**ORAL COMMUNICATIONS**

There were none.

**COMMISSION AND STAFF BRIEFING**

Planning Manager Watrous informed the Commission that special hearing dates may need to be scheduled in late November or early December to review the Belvedere Tennis Club and Ling applications and several other projects as well.

Planning Manager Watrous announced that Commissioner Snow has resigned from the Planning Commission due to personal reasons. Chair Kunzweiler requested that a resolution be prepared for adoption at the next meeting recognizing Commissioner Snow's commitment and service to the Town.

Commissioner Collins asked if a decision had been made about quorum issues for the Belvedere Tennis Club project. Planning Manager Watrous informed the Commission that the Town Attorney will advise Staff as to how that issue should be handled.

**PUBLIC HEARING**

- 1. 761 HILARY DRIVE; ST. HILARY CATHOLIC CHURCH AND SCHOOL;  
CONDITIONAL USE PERMIT #10504 TO MODIFY THE CONDITIONS OF  
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55-253-20 and 55-221-06**

Planning Manager Watrous presented the Staff report and stated that there are three specific requests to be modified from the current use permit. He said that the Chief of Police is in support of the modification to eliminate the school representative to be posted at the Hilary Drive entrance to the St. Hilary property. In reference to the CYO modifications, he said that Staff recommends that if the approval is granted for the expansion that a noise study be required to be prepared analyzing noise during CYO activities.

Chair Kunzweiler asked why the requirement for the noise study was not included in the draft resolution. Planning Manager Watrous replied that such a requirement would not need to be adopted

as a condition of approval but rather be given as direction from the Planning Commission to the church. He added that such a requirement would be a time-specific condition that would not need to run for the duration of the use permit.

Planning Manager Watrous explained that one more recommended amendment would allow the Planning Commission to make relatively minor changes to the St. Hilary use permit in the future instead of referring those changes to the Town Council.

Planning Manager Watrous confirmed for Commissioner Collins that the Town Attorney has determined that the Town was in substantial compliance with the noticing requirements for this application.

Commissioner Fraser asked why the timeframes for Tuesdays and Thursdays were different from timeframes for Mondays and Wednesdays. Planning Manager deferred this question to the St. Hilary representatives.

The public hearing was opened.

Katie Vogelheim, representative for the St. Hilary CYO program, gave a brief presentation of the proposed changes to the conditional use permit. She said that the CYO program had been approached to make these changes by a broad contingent of the community, including the Planning Commission and members of the Town Council. She said that the Tuesday/Thursday schedule was abbreviated at the time of approval in response to noise issues and was not due to CYO scheduling. She said that more consistent hours Monday through Friday as well as an additional two hours on Saturdays would be helpful to the CYO. She added that an additional request is to elongate the schedule on Saturdays and eliminate the 45 minute gap, which would result in a total increase of 4 hours per week, or a 6% total increase in allowed hours. She said that she believes eliminating the 45 minute gap would help eliminate noise problems as it would reduce the amount of people “hanging out” during that time. She requested that the language of Item #22 be changed to eliminate the phrase “and all other athletic uses” so that the school is not precluded from using the gymnasium on Sundays for activities that are not affiliated with CYO. In reference to traffic monitoring, she said that she has spoken extensively with the Chief of Police about the issue and that it has been determined that a monitor is no longer needed at the Hilary Drive entrance. She said that the Hilary Drive/Rock Hill Drive intersection was a controlled intersection, but the police feel that it is less safe for posting a representative at the other location. She said that no complaints have been received from the neighbors since the CYO volleyball season has begun. She characterized the requested changes as minor, stating that the increased CYO hours would occur at times when there is not an expectation of quiet in the surrounding neighborhood. She disagreed with Staff’s recommendation that an additional noise study be performed and gave the Commission copies of the noise study that was performed in the spring during CYO activities. She said that she believes that on-site noise is acceptable and no further studies are needed. She concluded by stating that the CYO program is a broad-based community program.

Commissioner Fraser asked what increase in the number of CYO games is expected with the proposed schedule changes. Kevin Finn, member of the CYO Board, replied that the change would result in an increase from 5 to 8 games on Saturdays with the elimination of the 45 minute gap. Ms. Vogelheim added that games are held on Saturdays only, and that only practices occur during the week.

Steve Bendinelli spoke in support for the project and said that he is satisfied with the acoustics of the gym and that his only concern is with parking lot noises, but that so far that has not been an issue. He requested that parking lot noises be monitored in the future if there is an increase in facility usage.

The public hearing was closed.

Commissioner Collins stated that the speed bumps along the Hilary Drive entrance have been effective. He said that the gymnasium was built to be used as a gymnasium. He noted that there are no objections by neighbors, and that there had been no evidence that these modifications would result in increased noise. He recommended modifying the resolution to indicate that sufficient notice was given for this meeting and that the words “and all other athletic uses” be deleted from Item #21.

Commissioner Fraser concurred and although an acoustical study is probably not needed at this time, the Town should reserve the right to conduct such a study in the future should noise issues arise.

**M/S Fraser/Collins (3-0) to adopt the resolution recommending that the Town Council approve the modifications to the St. Hilary use permit, as amended.**

## **MINUTES**

### **2. Planning Commission Minutes – Regular Meeting of September 28, 2005**

Amend the following:

Page 1, paragraph 2, line 2: Change to “to add a section”

Page 4, paragraph 5, line 2: Insert “of the expansion” after “use permit”

Page 5, paragraph 6, line 1: Change to “the upgrading of the facility.”

Page 5, paragraph 6, line 2: Insert “equipment” after “pool”

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

## **ADJOURNMENT**

The meeting was adjourned at 8:00 p.m.

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JOHN KUNZWEILER, CHAIRMAN  
Tiburon Planning Commission

ATTEST:

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DANIEL WATROUS, SECRETARY