



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Action and Approved Minutes
Tiburon Planning Commission
April 9, 2008 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

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

Present: Commission Fraser, Commissioner Frymier, Commissioner Kunzweiler
Absent: Commissioner O'Donnell

ELECTION OF VICE CHAIR

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. Testimony regarding matters not on the agenda will not be considered part of the administrative record. **There were None**

COMMISSION AND STAFF BRIEFING

Commission and Committee Reports
Director's Report

PUBLIC HEARING

1. 426 GREENWOOD BEACH ROAD: CONDITIONAL USE PERMIT TO CONSTRUCT A DOCK AND FLOAT AND TO LEGALIZE AN EXISTING PIER AND SEA WALL; FILE #10803; Nicky Hall, Owner/Applicant; Assessor's Parcel No. 055-121-33 **CONTINUED TO APRIL 23, 2008** [DW]
2. 7 WILKINS COURT: AMENDMENT TO PLANNED DEVELOPMENT #19 (7 & 9 WILKINS COURT) TO MODIFY A BUILDING ENVELOPE AND CREATE A LANDSCAPE ENVELOPE; FILE #30801; Quentin Keith Hills, Owner; Ruschmeyer & Associates, Applicant; Assessor's Parcel No. 039-070-32 [SP] **Recommended Approval to Town Council (3-)**

3. TOWN-INITIATED TEXT AMENDMENTS TO TIBURON MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) TO DELETE REFERENCES TO THE PARKS AND OPEN SPACE COMMISSION CONTAINED IN SECTIONS 16-3.7.1, 16-3.7.2, 16-3.7.3, AND 16-3.7.4; FILE #MCA 2008-11 [DW]
Recommended Approval to Town Council (3-0)

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of March 26, 2008
Approved as Amended

ADJOURNMENT **8:10 PM**

**APPROVED MINUTES NO. 963
PLANNING COMMISSION
April 9, 2008
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL:

Chair Aguirre called the meeting to order at 7:30 P.M.

Present: Commissioners Fraser, Frymier and Kunzweiler

Absent: Vice Chair O'Donnell

Staff Present: Planning Manager Watrous and Assistant Planner Phillips

ELECTION OF VICE CHAIR:

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| <p>ACTION: It was M/S (Fraser/Frymier) to nominate Commissioner Kunzweiler as Vice Chair. There were no other nominations and Commissioner Kunzweiler was appointed Vice Chair. Vote: 3-0.</p> |
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ORAL COMMUNICATIONS:

None

COMMISSION AND STAFF BRIEFING:

Staff Update: Planning Manager Watrous reported that the application for 426 Greenwood Beach Road was continued to the April 23, 2008 meeting and that the St. Hilary annual CUP review

will also be conducted at that meeting. He reminded the Commission of the annual workshop with the Town Council and Design Review Board to be held on April 29, 2008.

PUBLIC HEARING:

- 1. 426 GREENWOOD BEACH ROAD: CONDITIONAL USE PERMIT #10803; PERMIT TO CONSTRUCT A DOCK AND FLOAT AND LEGALIZE AN EXISTING PIER AND SEA WALL; FILE #10803; Nicky Hall, Owner / Applicant; Assessor's Parcel No. 055-121-33; CONTINUED TO APRIL 23, 2008**
- 2. 7 WILKINS COURT: AMENDMENT TO PLANNED DEVELOPMENT #19 (7 & 9 WILKINS COURT) TO MODIFY A BUILDING ENVELOPE AND CREATE A LANDSCAPE ENVELOPE; FILE #30801; Quentin Keith Hills, Owner; Ruschmeyer & Associates, Applicant; Assessor's Parcel No. 039-070-32**

Assistant Planner Phillips presented the staff report and gave a history of the master plan and previous approvals on the site. He described the proposed application to create a landscape envelope and modify the existing building envelope to allow deck and exterior stairway expansions, and the addition of fencing, walls and landscaping around an existing single family residence. He noted that fencing outside the existing envelopes which blocks a trail easement would be removed. He noted that a portion of the proposed 5 foot high wall and the stone bollard nearest Wilkins Court would be outside the building envelope and the landscape envelope and he recommended that that the building envelope be further adjusted to encompass this small area of discrepancy. He recommended that the Planning Commission hold a public hearing and adopt the draft resolution recommending conditional approval to the Town Council of the amendments to the master plan.

Commissioner Fraser said that he had spent time walking both 7 and 9 Wilkins Court, and that there is a fairly significant drainage culvert on the southwest side of the house which might not allow extension of a landscape envelope into that area. He said that it appears that the homes at 7 and 9 Wilkins encroach into each others' property because they are so close together. Assistant Planner Phillips noted that the building envelope of 7 Wilkins encroaches into the property of 9 Wilkins and he described other easements on the site, adding that the only changes proposed are for 7 Wilkins Court.

Commissioner Fraser asked how the Town might deal with the drainage culvert which would be within the new landscape envelope. Planning Manager Watrous said that the property owners are not allowed to construct anything that would obstruct the culvert even if it were within a buildable envelope.

Commissioner Frymier whether the new envelope would encroach into open space. Assistant Planner Phillips said that the recorded CC&R's require the areas outside the building envelopes to be kept in a natural state, but these areas are not technically open space.

Vice Chair Kunzweiler questioned and confirmed that there was Town-owned open space adjacent to the property but outside of the envelope.

Vice Chair Kunzweiler opened the public hearing.

Al Ruschmeyer and Amber Perry McQuan, applicants, distributed photographs showing the southern area where landscaping is proposed, the existing garden which would be re-terraced and the area of the trail easement. Ms. McQuan described the proposed landscaping and said that they hoped to create a more usable landscaped area for the owners' family. Mr. Ruschmeyer responded to a question from Vice Chair Kunzweiler about excavation, stating that they were not proposing much land disturbance and want to work with the lay of the land.

Vice Chair Kunzweiler closed the public hearing.

Commissioner Fraser asked and confirmed that Design Review would be required for landscaping within the landscape envelope. He encouraged minimal landscaping and earth movement in the new envelope, particularly near the drainage culvert. He said that he had no problem otherwise with the project, noting that this was an unusual neighborhood.

Commissioner Frymier said that she visited the property, and although the project was somewhat confusing, she was more comfortable knowing that the owners of 9 Wilkins Court had signed off on it. She said that she just needed to be clear about possible encroachment into open space and understood that the area beyond the envelopes is not open space.

Vice Chair Kunzweiler noted that these envelopes had been established 25-30 years ago. He said that the property has room for improvement and the request is now easier to understand. He believed that the project would be an overall improvement, make the property more livable and correct some issues on the site. He suggested that the resolution should require that specific attention be paid to existing drainage patterns and require the applicant work with Town staff to determine if further work or design changes should be implemented. He also suggested that a condition of approval discourage any substantial changes to the grade or topography within the landscape envelope.

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| <p>ACTION: It was M/S (Fraser/Frymier) to approve the draft resolution recommending approval of the master plan amendment to the Town Council, as amended to add conditions of approval requiring attention to be paid to existing drainage patterns and discouraging substantial changes to the grade and topography in the landscape envelope. Vote: 3-0.</p> |
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3. TEXT AMENDMENTS TO TIBURON MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) TO DELETE REFERENCES TO THE PARKS AND OPEN SPACE COMMISSION CONTAINED IN SECTIONS 16-3.7.1, 16-3.7.2, 16-3.7.3, AND 16-3.7.4; FILE NO. MCA 2008-11

Planning Manager Watrous stated that the Town Council has initiated the process of consolidating the Parks & Open Space Commission (POSC) and the Bicycle-Pedestrian Advisory Committee (BPAC) into a new advisory commission. He said that as part of this action, the Zoning Ordinance should be amended to repeal sections describing the duties of the POSC. He noted that the Council would soon adopt the ordinance establishing the new commission, which has not yet been named. He recommended that the Commission adopt the draft resolution recommending approval of amendments to the Town Council.

Commissioner Fraser disclosed that he was a previous Parks and Open Space Commissioner and he currently is a member of the Bicycle Pedestrian Advisory Committee, and he supported staff's recommendation.

Commissioner Frymier questioned and confirmed with Mr. Watrous that the only purpose of the proposal was to clean up the ordinance.

Vice Chair Kunzweiler noted that the old ordinance required annual reviews and reports to be submitted to the Town Council and was more specific than the duties and responsibilities of the new commission. Mr. Watrous said he believes the Council is encouraging a more flexible or periodic Commission that meets as needed rather than holding meetings every month.

Vice Chair Kunzweiler opened the public hearing. There were no public comments, and the public hearing was closed.

All Commissioners were in agreement with the proposed recommendation.

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| ACTION: It was M/S (Frymier/Fraser) to adopt the attached resolution recommending approval of amendments to the Town Council. Vote: 3-0. |
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MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of March 26, 2008

Vice Chair Kunzweiler requested the following amendment to the minutes:

- Page 3, second paragraph; “Julie Coulston, General Manager, explained that she had not reviewed the parking lot management plan...”

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| ACTION: It was M/S (Fraser/Frymier) to approve the minutes of March 26, 2008, as amended. Vote: 3-0. |
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ADJOURNMENT

The Planning Commission adjourned the meeting at 8:10 p.m.

ATTEST:

JOHN KUNZWEILER, VICE CHAIRMAN

DANIEL M. WATROUS, SECRETARY