

PLANNING COMMISSION  
MINUTES NO. 1065  
Regular Meeting  
July 13, 2016  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

Vice Chair Williams called the meeting to order at 7:30 p.m.

Present: Vice Chair Williams, and Commissioners Corcoran and Welner

Absent: Chair Kulik and Commissioner Weller

Staff Present: Planning Manager Dan Watrous

**ORAL COMMUNICATIONS:**

There were none.

**COMMISSION AND STAFF BRIEFING**

Planning Manager Watrous stated that the Town Council would hear the Bicycle Pedestrian Master Plan on June 20, 2016. Staff's recommendation is that the Council adopt the plan per the recommendation of the Planning Commission. He noted there were a few Planning Commission items for the July 27<sup>th</sup> meeting.

**ELECTION OF CHAIR AND VICE CHAIR**

**ACTION:** It was M/S (Corcoran/Welner) to nominate and elect Vice Chair Williams as Chair of the Planning Commission. Motion carried 4-0.

**ACTION:** It was M/S (Williams/Welner) to nominate and elect Commissioner Corcoran as Vice Chair of the Planning Commission. Motion carried 4-0.

**PUBLIC HEARINGS**

1. 2304 MAR EAST STREET: Appeal of Planning Division decision to conditionally approve a Tidelands Permit to expand an existing dock and pier; File #TIDE2015003; Mark and Racia Blumenkranz, Owners/Appellants; Assessor's Parcel No. 059-400-10

Planning Manager Watrous gave the staff report and said this appeal relates to the applicant's request to expand an existing dock and pier located at 2304 Mar East Street. There was an appeal

of a staff decision which was heard by the Planning Commission on April 27, 2016. At that meeting there was discussion regarding guardrail heights, limitation of the storage on the dock, removal of the existing flagpole and the kayak platform design.

The consensus of the Planning Commission was that guard rails should be allowed on at least a portion of the dock, the flagpole should be removed and the platform lift should be limited per the original condition of approval. The Commission requested additional information regarding the code requirements for guardrails and asked for an opinion from the Town Attorney. The appeal was continued to allow time to gather this information and to allow time for the applicant to meet with the neighbors to discuss possible compromises.

Mr. Watrous stated that the Town Attorney reviewed the relevant sections of the building code and determined that the applicant is required to install guard rails on the dock under the requirements of the Tiburon Municipal Code. Mr. Watrous noted that the applicant has met with both adjoining property owners they have reached an agreement between the three parties regarding the dock and pier design. The agreement includes changes to the project design and staff recommends the following be added as conditions of approval for this application:

1. The kayak lift would be located as close to the residence as possible without further cutting the deck or pier and still keeping the lift parallel to the long axis of the pier.
2. The kayak lift would be redesigned so that the level of the platform at its highest point shall be at least one foot (1') below the level of the adjacent pier, similar to the current condition of approval. Related lift equipment would be installed with a maximum height of three feet, six inches (3' 6") above the level of the adjacent pier.
3. The proposed guard rails would utilize a horizontal steel cable rail design around the entire perimeter of the pier.
4. The existing flagpole on the dock shall be removed upon completion of the project construction.
5. The design of the pier and dock shall reflect the revised design illustrated in the attachment to the mutual release and settlement agreement between the applicant and neighboring property owners at 2280 and 2306 Mar East Street.

Mr. Watrous stated that the agreement also includes some limitations on storage of items on the pier and a limitation on the size of the boat to be stored on the existing boat lift. Staff does not see these as zoning issues and does not recommend approval of those under conditions of approval. As the agreement will be recorded between the owners, they can work to deal with those in the future.

Staff therefore recommended that the Commission hold a public hearing, take testimony on the appeal, deliberate on the appeal and adopt the draft resolution partially granting the appeal with the additional conditions of approval.

Chair Williams opened the public hearing.

Reilly Hurd, attorney representing Mark and Racia Blumenkranz, said that he was hired to facilitate a settlement and was pleased to report that that had been achieved. He summarized the concessions which were made and said that they hoped for the Commission's support. He said that the cable rail design would lessen the visual effects, the flagpole would be removed and the kayak lift was being carefully designed. He stated that the other items would be included in a recorded document that runs with the land and would be fully enforceable by the neighbors.

Jim Wickett stated he was pleased that everyone was able to work everything out. He thanked the Commission for remanding the project back to the neighbors and to the Town. He said that they support the agreement and appreciated Dr. Blumenkranz's willingness to work with them on the points that mattered to them. He thanked all involved and said that they were happy to get this resolved and move forward.

Chair Williams closed the public hearing.

Commissioner Welner said that this was an outstanding outcome, noting that there was a deal of rancor when the Commission originally heard the application. He felt very strongly that the Commission, as a general practice, should not prohibit someone from putting up a safety measure for aesthetic or other reasons. He was delighted that this would work for the neighbors and be safe for the owners to use, and he supported this outcome and the resolution.

Vice Chair Corcoran said that he was also pleased with the outcome and the compromise with the neighbors. He said that safety would be improved. He said that prior to the meeting he had a chance to visit Mr. Wickett's home and view the impact from his living area and believed that the removal of the flagpole would be a great improvement. He acknowledged Commissioner Welner for speaking his mind about the importance of the Commission upholding the need for safety and was happy with the end result.

Chair Williams echoed the sentiments of her fellow Commissioners. She was happy that all parties involved were able to reach a peaceful resolution and said she was not surprised given how respectful everyone was to each other. She said that the safety consideration was something she thought about afterwards and said she was happy with the way the Commission delayed the matter to obtain feedback on the railing requirements.

**ACTION:** It was M/S (Welner/Corcoran) that the Planning Commission adopt the draft resolution partially granting the appeal with the additional conditions of approval, as amended. Motion carried 4-0.

**MINUTES**

2. Planning Commission Minutes –Meeting of May 25, 2016

Mr. Watrous stated that staff received amendments to the minutes from Chair Williams, which had been incorporated into the current draft minutes.

**ACTION:** It was M/S (Welner/Williams) to approve the meeting minutes of May 25, 2016, as previously amended. Motion carried: 2-0-1 (Corcoran abstained).

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:45 p.m.

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ERICA WILLIAMS, CHAIR  
Tiburon Planning Commission

ATTEST:

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DANIEL M. WATROUS, SECRETARY