



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action Minutes and Approved Minutes-
Regular Meeting
February 22, 2006 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL

Present: Chairman Kunzweiler, Vice Chairman Fraser, Commissioner Collins,
Commissioner Bird

Absent: Commissioner Aguirre

ORAL COMMUNICATIONS *There Were None*

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.

COMMISSION AND STAFF BRIEFING

Staff Update
Commission Information Items

PUBLIC HEARING

1. 700 TIBURON BOULEVARD: CCONDITIONAL USE PERMIT TO MODIFY PREVIOUSLY APPROVED PLANS TO EXPAND AN EXISTING PRIVATE RECREATIONAL FACILITY; Belvedere Tennis Bluv, Owner; Brodanini and Winger, Architect; Assessor's Parcel No. 055-201-36 **Continued to March 8, 2006 3-0**
(Commissioner Collins recused)

DISCUSSION ITEM

2. RESOLUTION DESIGNATING DIRECTOR OF COMMUNITY DEVELOPMENT AS ACTING BODY FOR LARGE FAMILY DAY CARE HOME APPLICATIONS WHEN NO HEARING IS REQUESTED **Approved 4-0**

MINUTES

3. Planning Commission Minutes - Regular Meeting of January 25, 2006
Approved as Amended 4-0

ADJOURNMENT **9:40 PM**

MINUTES NO. 930
PLANNING COMMISSION
FEBRUARY 22, 2006
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard, Tiburon, California

The meeting was called to order at 7:30 p.m.

ROLL CALL

Present: Chair Kunzweiler, Vice-Chair Fraser, Commissioners Bird & Collins
Absent: Commissioner Aguirre
Staff Present: Community Development Director Anderson, Planning Manager Watrous and
 Meeting Recorder Creekmore

ORAL COMMUNICATIONS

There were none.

COMMISSION AND STAFF BRIEFING

Chair Kunzweiler announced that the agenda items will be taken out of order.

Community Development Director Anderson requested that a Commissioner volunteer to attend the March 1 Town Council hearing of the Tiburon Glen item. Commissioner Fraser volunteered to attend. Community Development Director Anderson requested that a Commissioner volunteer to serve on the ad-hoc committee regarding Community Development Department operations. Commissioner Collins volunteered to serve on the committee.

DISCUSSION ITEM

**1. RESOLUTION DESIGNATING DIRECTOR OR COMMUNITY DEVELOPMENT
 AS ACTING BODY FOR LARGE FAMILY DAY CARE HOME APPLICATIONS
 WHEN NO HEARING IS REQUESTED**

Community Development Director informed the Commission that there is a provision in State law that if no one requests a hearing on this type of application, the application must be decided without a hearing. This draft resolution designates the Director of Community Development to hear and decide those applications where no hearing has been requested. He informed the Commission that per state law, a 100 foot noticing distance is required, but that the Town typically sends notices to a

300 foot area for a Conditional Use Permit application. The Commission directed that the resolution be modified to require the Town's standard 300 foot notification area.

Chair Kunzweiler asked what distinguishes a "large" family day care home from a "small" one. Community Development Anderson replied that State law defines a small family day care home as up to eight children, a large family day care as nine to fourteen children, and a use of fifteen children or above is defined as a day care center.

M/S, Collins/Fraser (passed 4-0) to approve the resolution as modified.

MINUTES

2. Planning Commission Minutes –Meeting of January 25, 2006

Amend the following:

Page 4, paragraph 3, lines 1-2, Change to "the selling price is per square foot for homes in excess of 4500 square feet in Tiburon"

Page 4, paragraph 6, line 1: Insert "mitigation" after "removal"

Page 5, paragraph 3, line 1: Change to "commented that the mitigation plan presents"

Page 5, paragraph 4, line 6: Change to "footage for any crawl space created be prohibited from being changed to habitable space"

Page 6, paragraph 2, line 2: Insert "under a Table N designation" after would be permitted

Page 6, paragraph 4, line 1-2: Change to "open space and parks and recreation designation on the property."

Page 6, paragraph 5, line 2: Change "is" to "was"

M/S Collins/Fraser (passed 4-0) to approve the minutes as amended.

PUBLIC HEARING

3. 700 TIBURON BOULEVARD: AMENDMENT TO A PREVIOUSLY-APPROVED CONDITIONAL USE PERMIT TO EXPAND AN EXISTING PRIVATE RECREATIONAL FACILITY; BELVEDERE TENNIS CLUB, OWNER; BRADANINI & WINGES, ARCHITECT; ASSESSOR PARCEL NO. 055-201-36

Commissioner Collins recused himself from the item.

Planning Manager Watrous presented the Staff report.

Commissioner Kunzweiler reiterated that the purpose of the meeting is to review the application for consistency with the Town of Tiburon General Plan and Zoning Ordinance. He noted that the architectural and design features of the project would be handled in a separate meeting held by the Design Review Board.

Commissioner Fraser commented that as the project is being presented, it feels like a brand new project. He asked what differentiates a new project from a modification. He also questioned why "previously approved" information is relevant. Planning Manager Watrous replied that the previous Use Permit is still a valid permit until it is superseded by a subsequent approval and that if the club

decided to withdraw the current application, they still have a valid Use Permit. He explained that much of the issue pertains to specific uses they are proposing. He said the changes have more to do with where the uses are going to be distributed on the property and that the focus of this application is the changes to what was approved in 2004.

Richard Konecky, President of the Belvedere Tennis Club, thanked Staff for their thoroughness in preparing the club's application. He requested that the report be corrected to reflect that the new clubhouse would be 200 square feet smaller than the one that is currently approved. He said that upon receiving bids for the plans approved in 2004, it became evident that it would be more cost efficient to perform the modifications being proposed than to renovate the old structures. He said that the revised project would have fewer visual and acoustic impacts than the previously approved plans. He mentioned that the club representatives continue to meet with neighbors on Palmer Avenue and Hawthorne Drive and thanked them for their time and comments. He said that the club has been a good neighbor for the past fifty years and that they intend to maintain their status as a small, intimate tennis club.

Jerry Wings, project architect, spoke to the overall concept of the new building. He reiterated that after receiving bids for the proposed renovation, it became obvious that a new building could be built for the same price. He said that the building shape has been designed to increase the usable lawn and patio areas around the pool. He said that the building form creates a sight and sound barrier and gets rid of some of the unsightly unlandscaped areas. He added that a sloping roof will replace the existing flat roof and that elevation of the new roof peak is one foot below that of the existing roof. He said that neighbors' views were considered throughout the design process and that he hoped that those views will be improved as a result of the proposed changes. He said that the second story was eliminated because they felt that the costs to maintain the space did not warrant the expense to recreate it. He explained that as a result of meeting with the neighbors on Palmer Court, the ten-foot, double-walled sound attenuating fence and other sound mitigation features would improve the club's acoustical environment and reduce its impacts. He said that the shape of the new building will visually and acoustically mask the HVAC equipment and that the current proposal offers a better building and larger use of the area that blends with the Tiburon peninsula environment.

In response to questions, Mr. Wings stated that at the top of the roof, the height of the exercise center would be thirty feet above sea level and the height of the main building would be 33.55 feet above sea level.

Jim Bradanini, project landscape architect, explained that the club is proposing to move closer to the existing parking lot to gain pool space. He said that the pool will be enlarged from 20 by 50 feet to 30 by 60 feet to get better use of the pool, but that it will not be used for competitive purposes. He said that a portion of the fence would be relocated and that a fair amount of vegetation on the west side of the building would be retained. He said that consideration was given to the views and sight lines of surrounding homes when designing the fence in order to provide adequate visual and acoustical screening of the pool and spa areas. He said that vegetation will be planted to reinforce the fence line and to soften its appearance.

Commissioner Fraser asked how the neighbors at 8 and 9 Palmer Court feel about the proposal. Mr. Bradanini replied that the owner of 9 Palmer Court seems satisfied with the proposed fence but that he was not sure of 8 Palmer Court's opinion on the proposal. He said that the club feels that the structure will mitigate sound generated from the spa.

Charles Salter, project sound consultant, said that the 2004 analysis was based on how the existing fence could be improved to reduce sound for the existing homeowner. He said that he proposed in the 2004 report that an airtight fence would adequately reduce sound. He added that the Town's sensitivity to fence height was also taken into consideration when preparing the 2004 report. He said that the new owners of 9 Palmer Court have been consulted with respect to mitigating sound with a taller, more soundproof fence. He said that the fence is the major factor in controlling environmental noise.

The public hearing was opened.

Alex Mast said that he supports the project based on the changes made in the current proposal. He said that he still has concerns with glare and noise generated from the pool area, party events and the machinery shed. He felt that the 18-month review period is a good idea. He noted that he has met with an architect to discuss adding a second story to his home and requested that any changes made today not impact his plans for the future.

John Hermansky, representative for Amy and Frank van Ligten, requested that the Commission give consideration to the van Ligtens' concern that the new fitness studio will block their views of the water and Sausalito.

Clyde Colombo, Tiburon resident, said that the location of the new building would block 20 percent of his bay view. He stated that the gabled roof design would also impair his views.

Alice Cannistraci, Tiburon resident, said that her window faces the club's parking lot and that she has concerns with the parking lot and its lighting. She added that poorly maintained landscaping also impedes her views. She said that she does not see how the application would improve the property value for Hawthorne Drive residents. She also expressed concern with traffic and glare.

John Hermansky, Tiburon resident, said that he lives across from the club but that he does not see it, and therefore accepts the design of the building. He requested that a review of parking and traffic flow be performed in due time. He suggested that it will be necessary for the club to expand its parking capacity somewhere down the line and create a safe pedestrian path to the club. He said that he would count on valet parking to help the existing parking situation, but cautioned that the more efficient plan for the club may attract more people to the club over time.

Richard Syke, Tiburon resident, said that the wind carries the sound of tennis racquets and tennis balls to his home. He said that any increase in sound levels will affect the tranquility of the residents down-wind of the club.

Judy Bell said that she agreed to a sound wall that would break the line of sight from her bedroom window, not just a ten-foot sound wall. She said that the club is no longer a quiet tennis club but rather an entertainment facility and that loud music has been a problem in the past.

Matt Bell, Tiburon resident, played a recording to demonstrate the sound level from the club that is audible from his house. He requested that the club contain the noise that they generate.

Martha Auld, Tiburon resident, said that she agreed to a wall that would break the line of sight, whatever height that that may be. She said that the Town should set provisions regarding sound control rather than relying on Club policy.

Sam Ware, member of the Belvedere Tennis Club, said that it is his understanding that design issues would be handled by the Design Review Board, not the Planning Commission. Chair Kunzweiler clarified that the Commission would hear comments regarding design and forward those comments to the Design Review Board if they feel it is necessary. Mr. Weir said that the club has been a part of the Town for a long time and that it has a right to improve and grow with the Peninsula. He added that Palmer Court has been next to the tennis club for the last fifty or so years.

Bruce Auld, Tiburon resident, said that the relationship between the club and residents of Palmer Court had been adversarial for many years until Mr. Konecky began to represent the club, who has been very willing to work closely with the residents of Palmer Court. He thought that the sound limiting device is an excellent idea but that noise levels affecting the surrounding areas should be quantified and made a condition of approval.

Donna Klein, Tiburon resident, said that she had a very contentious experience with the club about twenty-five years ago with regards to lighting. She said that she is happy to see the relationship with the club improving but she is worried about how the club's improvements will affect its neighbors.

Chester Judah, Tiburon resident, expressed concern with the possibility of the club increasing the number of weddings it accommodates. He also expressed concern with the Town's lack of a noise ordinance in residential areas.

Mr. Konecky said that some noise associated with a tennis club should be expected. He added that while the club feels that it should accommodate their member's requests to hold weddings at the facility, the club is not in the wedding business.

Mary Hayden, general manager for the Belvedere Tennis Club, said that there are currently 303 members, including non-resident members. Mr. Konecky added that there are currently 165 proprietary members with limit of 200 members. He said that the club is happy with its current dynamic and does not want to increase its maximum membership. He added that the club would be happy with a waiting list of 200 people. In response to questions, Ms. Hayden said that there are approximately seventeen social events per year, and that those events can only be sponsored by members.

Commissioner Kunzweiler asked the club's representatives to respond to the anticipated growth for the number of social events over the next few years. Ms. Hayden replied that most social events have forty to fifty attendees and that the larger events such as the annual dinner, which occur once or twice a year, have between eighty to ninety attendees. She said that she does not anticipate any growth in the number or attendance of events and that most events end at approximately nine o'clock in the evening. She acknowledged that there were a few occurrences over the years when events got out of hand, but that she makes every effort to keep the club's events contained.

Commissioner Fraser asked if there is any functional benefit to the gabled roof design. Mr. Konecky said that it is his understanding that the gabled roof provides a less obstructed view of the bay. He said that it was the club's intention to design a building that suits their everyday needs. Mr. Wings

said that flat roofs are guaranteed leak problems and that the low-sloped roof would protect and enhance views.

Commissioner Fraser asked if the proposed changes would result in an increase in the number of social events. Mr. Konecky replied that he does not anticipate an increase in the number of social events. He noted that the demographic of the club's members is changing and that many of its new young members do not have the free time to attend the club's social events. He said that he would be willing to provide a phone number to the neighbors that can be used if they have complaints regarding noise.

Commissioner Kunzweiler asked Mr. Konecky to describe the functionality of the exercise center to address concerns about it being used as an event facility. Mr. Konecky replied that the approved plan had the fitness center located next to the locker room. He said that the revised plans call for a new location, but that the proposed size of the fitness center has only increased by approximately 100 square feet. He said that the center will be equipped with elliptical machines, treadmills, and related equipment as well as open floor space to work out and use light weights. He said that the door leading outside will be closed most of the time because the room will be air conditioned. He said it is primarily an exercise room and it is not intended to be used for event purposes. In response to questions, Mr. Wings said that the exercise room will have three French doors, two of which are required as a fire exit. He assured the Commission that the intention is not to keep those doors opened. Mr. Konecky added that Club is not interested in increasing the intensity or changing the nature of the club's outdoor seating area.

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

Commissioner Fraser said that it has been his observation that in the past twelve to twenty-four months, the Commission has seen a couple of applications for facilities that want to grow within their surrounding neighborhoods. He stated the Commission tries to strike a balance between the needs of commercial and residential environments. He acknowledged that with an increase in growth comes an increase in noise and usage, and that the concerns of the neighbors are valid. He said that he was not clear on what impact the club would have on views, but trusts that the Design Review Board will address that issue adequately. He requested that it be noted that the owners of 9 Palmer Court are considering adding a second story and that the application take that into consideration. He said that a preliminary limitation on the number of events should be set and reviewed at a later time when neighbors can provide input. He said he is supportive of the proposal but that he feels that conditions related to sound and line of sight mitigation should be included.

Commissioner Bird stated that she would like actual figures related to the club's events to use as a basis for what to expect in the future. She said that the neighborhood has grown up and the facility is badly in need of a remodel. She requested more information pertaining to how the club has been used as an entertainment facility in the last three years.

Commissioner Kunzweiler stated that the Belvedere Tennis Club is a resource for the community and that the Tiburon General Plan encourages recreational facilities in order to keep the community healthy and happy. He said that he is very supportive of a significant upgrade to the facility and noted that if it continues to age, it will decrease in value. He said that with respect to the sound issue, the sound generated from the tennis courts is a preexisting matter and therefore outside of the scope of this discussion. He said that the ten-foot sound wall will provide an improvement to the current conditions and noted that the Conditional Use Permit provides an opportunity to have a

formal venue to discuss with the neighbors how things have been working. He recommended approving the application with a six month review period to evaluate the social uses of the club. He agreed with Commissioner Bird's comments that factual data would help the Commission determine what type of use can be expected in the years to come. He noted that the club might find that the only way to pay for the renovation would be to rent the facility for events and that he would like data on what the club plans are as far as social events. He said that after having visited several homes on Hawthorne Drive, he felt confident that the gabled roofs are an improvement over the flat roof with the exception of one home that would be impacted by the roof of the exercise center. He requested that the Design Review Board evaluate the impacts of that home and consider lowering the roof a foot or two over the fitness center to mitigate the impact on the property.

It was the consensus of the Commission to continue the item until the club is able to provide historical information about the number and type of events held as well as the number of attendees, where music was played, the hours of the events, as well as other relevant data. Mr. Konecky agreed to provide the Commission with the requested data.

M/S Bird/Fraser (passed 3-0) to continue the item to the March 8, 2006 Planning Commission meeting.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

JOHN KUNZWEILER, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY