

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

.....

TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **CONDITIONAL USE PERMIT #10401;
REQUEST TO EXPAND A PRIVATE RECREATIONAL FACILITY;
700 TIBURON BOULEVARD; BELVEDERE TENNIS CLUB, OWNER;
MARCY JONES, ARCHITECT, APPLICANT; ASSESSOR'S PARCEL NO.
55-201-36**

MEETING DATE: **MARCH 10, 2004** REVIEWED BY: SA

.....

PROJECT DATA

Address:	700 Tiburon Boulevard
Assessor's Parcel Number:	55-201-36
File Number:	10401
Lot Size:	147,669 square feet
General Plan:	Public/Quasi-Public
Zoning:	P (Public/Quasi-Public)
Current Use:	Private Recreational
Owner:	Belvedere Tennis Club
Applicant:	Marcy Jones, Architect
Date Complete:	February 4, 2004
Preliminary CEQA Determination:	February 20, 2004

PROJECT DESCRIPTION

The project is the proposed upgrade and expansion of an existing private recreational facility (the Belvedere Tennis Club) located at 700 Tiburon Boulevard. Most of the club facilities date to the late 1950's and early 1960's. The buildings are aging and deteriorating, and do not meet current codes or accessibility requirements. The following improvements are proposed for the facility:

- Demolition of the existing one-story office/bar/kitchen building;
- Construction of a one-story, 2,931 square foot addition surrounding the main two-story clubhouse. The addition would house locker rooms and restrooms; a kitchen; additional lounge area; a bar; foyer; office; and storage areas.
- Installation of a veranda facing the pool, along with new outdoor decks facing the tennis courts.



Town of Tiburon

STAFF REPORT

- Installation of a wading pool, enclosed children's play space and adult spa near the pool area.
- Conversion of the existing pool locker room building into an activity room and children's room.
- Reconfiguration of the parking lot to include two additional parking spaces, and paving and striping of the gravel parking area.
- Installation of minor exterior lighting, signage and landscaping improvements.

The project would increase the building floor area for the facility from 2,864 square feet to 4,899 square feet. Representatives of the Belvedere Tennis Club have indicated that no increase in membership is anticipated for the club as a result of this project.

This application was originally scheduled for review at the February 25, 2004 Planning Commission meeting. The applicants requested a continuance to the March 10, 2004 meeting in order to address issues raised in the Staff report.

EXISTING FACILITIES AND SURROUNDINGS

The subject property is a triangular shaped 3.4 acre parcel bordered by Tiburon Boulevard, the Tiburon Multi-Use Path and residential properties on Palmer Court. The entrance to the site is situated to the northwest of the intersection of Tiburon Boulevard and Rock Hill Drive.

A one- and two-story clubhouse building is situated in the northwest portion of the site, adjacent to a swimming pool and a separate locker room structure. Seven full tennis courts and one practice court are situated along the southern portion of the property, along with a small tennis pro office. A central paved parking area provides 28 parking spaces. An adjacent unpaved gravel area provides additional unmarked parking for the facility.

Single-family residential neighborhoods are situated directly adjacent to the site to the west on Palmer Court and across Tiburon Boulevard along Hawthorne Drive and Rock Hill Drive. The Town-owned property containing the Multi-Use Path runs along the southern boundary of the site, with the path itself raised above the elevation of the facility and separated by a landscaped berm.

PERMIT HISTORY

The following is an overview of the permit history for the Belvedere Tennis Club. The origins of this facility predate the incorporation of the Town of Tiburon.

6/11/57 Original use permit approved by Marin County. Plans show clubhouse and 5 tennis courts.



Town of Tiburon

STAFF REPORT

- 3/17/58 Parking layout approved under an Application for Architectural Supervision by Marin County, with 17 parking spaces deemed adequate for 3 tennis courts.
- 5/18/59 Club house, including restrooms and storage rooms, approved under an Application for Architectural Supervision by Marin County.
- 4/4/60 Office and storage space approved under an Application for Architectural Supervision by Marin County.
- 10/7/63 Two-story club house addition, swimming pool, dressing rooms and lights for one tennis court approved under an Application for Architectural Supervision by Marin County.
- 12/7/64 Tiburon Planning Commission recommends to City Council that too much light and glare exists from tennis court lights.
- 5/21/65 Belvedere Tennis Club and Hawthorne District Property Owners Association reach an agreement regarding tennis court lighting.
- 8/16/65 Tiburon Planning Commission approves a use permit (#16520) for expansion of tennis court facilities. Application proposes “construction of tennis courts – not to be lighted.”
- 9/13/65 Use permit “approved and confirmed” by City Council.
- 4/16/73 Board of Adjustments and Review approves a use permit (#17302) for 2 additional unlit tennis courts.
- 4/24/73 Design Review Board approves a Site Plan and Preliminary Parking Plan.
- 11/8/83 Staff approves minor exterior alterations (S.A. #506) “to paint club house and surrounding buildings.”
- 10/22/87 Board of Adjustments and Review approves a revised lighting plan.
- 1/6/88 Town Council upholds Board of Adjustments and Review decision on appeal, with added conditions of approval.
- 6/9/93 Planning Commission approves a use permit (#19304) to construct an 835 square foot exercise room and enclose 300 square feet of second floor deck area. This expansion is never constructed, and the use permit expired.

During review of the 1993 application, the applicant stated that the club had about 175 members, and a set of parking counts for the club was submitted. A staff report stated that “Section 5.08.04 of the Tiburon Zoning Ordinance does not specify a required number of parking spaces for this particular use, but allows the Planning Commission to determine an



Town of Tiburon

STAFF REPORT

appropriate number of spaces.” Resolution No. 93-13 approving the use permit included a condition of approval that requires that the “permittee shall delineate 44 paved parking spaces as shown on the approved plans.”

ANALYSIS

Expansion of Use

The applicant has indicated that the general intent of the proposed facility expansion is to provide additional space for the existing activities of the Belvedere Tennis Club. Most of the proposed building area would incorporate the same uses that are provided by the existing building (kitchen, bar, lounge, foyer, offices, etc.). The club has indicated that the areas of the new building would be used in the same manner as the existing facilities.

The installation of a wading pool and enclosed children’s play space and conversion of the existing pool locker room building into an activity room and children’s room would increase the club’s ability to serve its members’ children. The other notable new activity area would be the adult spa proposed to be installed near the pool area. It is difficult to determine whether these new activity areas would provide services only to existing members or would also make the facility more attractive to new members.

The original use permit issued by Marin County in 1957 and the subsequent amendments to the use permit approved by the Town of Tiburon in 1965, 1973 and 1993 have not included any limitations on the number of members for the Belvedere Tennis Club. The club currently has 235 “Proprietary” members, 20 “Associate” members, 20 “Intermediate” members, 25 “Social” members and 3 “Honorary Life” members, for a total membership of 303 members. This represents an increase in membership from 1993; during the review of a building expansion for the facility at that time, the club was described as having “175 active members and 20-30 inactive members.”

Parking and Circulation

The proposed project expansion would include the installation of two new handicapped parking spaces close to the clubhouse and pavement of the existing gravel parking area in the eastern portion of the site. The newly paved area would add 15 parking spaces, resulting in a total of 45 parking spaces on the site.

During the review of a building expansion for the facility in 1993, the Town required that a total of 44 parking spaces be provided for the facility. This number of parking spaces was required in part as a result of a parking study prepared by the applicant at that time. As the expansion approved at that time was never constructed, the gravel area was not paved and only 28 paved parking spaces have remained on the site.

The Tiburon Zoning Ordinance does not include specific parking requirements for private recreational facilities. Assembly areas are required to provide one parking space for every 40 square feet of floor area; retail uses are required to provide one parking space for every 250 square feet of floor area; office uses would be required to provide one parking space for every



Town of Tiburon

STAFF REPORT

300 square feet of floor area. Based on a rough examination of the proposed floor plan, the clubhouse area could be interpreted as approximately 2,100 square feet of assembly area, necessitating 52.5 parking spaces; additional parking spaces could be required for office and other uses on the site.

The confined nature of the subject property leaves little available area for additional parking beyond the 45 parking spaces proposed by this application. The location of the property adjacent to Tiburon Boulevard limits the availability of on-street parking if the parking demand for the club is not met by the on-site parking. However, Town Staff is not aware of any complaints about spillover parking from the club onto nearby streets, which is a strong indication that the parking provided on the site is adequate to meet the existing demands of the facility.

Staff is of the opinion that the 45 spaces will be adequate to meet the parking demand at the current membership levels of the club. It is recommended that the Planning Commission consider a cap on the membership until such time as the project may be completed and the parking adequacy in practice can be evaluated.

Noise and Glare

The northwest portion of the subject property, containing the clubhouse, swimming pool and most existing and proposed activity areas, is situated adjacent to two residences at 8 & 9 Palmer Court and across Tiburon Boulevard from residences along Hawthorne Drive. Occasional complaints have been received over the years from these residential areas regarding noise, light and glare emanating from the Belvedere Tennis Club. Much of the historical discussion has centered on glare from the lighted tennis courts on the site.

Several of the proposed improvements have the potential for generating unwanted noise that could be disruptive to the homes at 8 & 9 Palmer Court. The proposed children's activity areas, adult spa and veranda overlooking the swimming pool could create noise sources that could be noticeable from the adjacent residences. The existing fence and landscaping along the western side of the property may reduce this noise somewhat, but may not adequately address this potential noise generation. In particular, the nighttime noise that could be generated by the proposed spa could be noticeable to these nearby homes. Although the 40 foot setback from the shared property line proposed for the spa would be greater than the setbacks established by most residential spas in Tiburon, the activity levels associated with a spa for a recreational facility would likely result in more noticeable evening noise for the adjacent homes. Similarly, the poolside veranda could be used for outside evening social events during warmer months, generating additional noise. The expanded children's activity areas would be used only during daylight hours, with any noise from these areas mitigated by the daytime ambient noise levels around the site. It should also be noted that review of the proposed improvements by the Design Review Board would include analysis of measures to minimize noise, light and glare, including use of sound buffers and requirements that all new exterior lighting utilize downlight fixtures.

The Noise Element of the Tiburon General Plan indicates that the ambient noise levels associated with Tiburon Boulevard create a noise corridor of 60 to 65 dB (using the Community



Town of Tiburon

STAFF REPORT

Noise Equivalent, or CNEL, standards). This ambient noise effectively drowns out much of the noise generated by the Belvedere Tennis Club for the residential neighborhoods across Tiburon Boulevard, and helps to mask some of the daytime noise for the homes on Palmer Court.

Most of the lighting complaints about the Belvedere Tennis Club have resulted from the lighted tennis courts on the site. However, light and glare from the clubhouse and pool area also spreads to the adjacent homes along Palmer Court. Although any future lighting associated with the proposed improvements on the site would be required to utilize low wattage downlight fixtures, the Planning Commission should consider the potential for additional light pollution generated by the proposed improvements in the northwest portion of the site. No new tennis court lighting is proposed as part of this project.

Visual Impacts

The proposed building expansion would consist only of one-story design elements. Story poles erected to illustrate the extent of the proposed building area indicate that the additions would generally just project out from the lines of the existing building without covering substantial undeveloped portions of the property. Residences across Tiburon Boulevard from the site are situated generally at elevations higher than the subject property; views from these homes toward Richardson Bay are currently bounded by the existing vegetation on the site, fencing around the tennis courts and the limits of the existing clubhouse building. These factors, combined with the one-story design of the proposed building expansion, should eliminate any potential visual impacts caused by the proposed building improvements.

General Plan/Zoning Consistency

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding conditional use permits. Although the Parks & Recreation Element primarily addresses publicly-provided recreational uses, Goal PR-A of that element is “to provide sufficient land and facilities for a balanced system of parks and recreation in the Tiburon Planning Area.” The proposed expansion would enhance the ability of the Belvedere Tennis Club to provide an appropriate level of services and recreational activities to its members, the majority of whom reside on the Tiburon Peninsula. Policy LU-1 of the Land Use Element states that “the Town shall provide for sufficient diversity of land uses such that public, quasi-public, recreational and shopping facilities are conveniently located and available for each resident of the community.” The proposed expansion would also assist the Belvedere Tennis Club in maintaining this appropriate diversity of land uses.

Section 4.04.02 of the Tiburon Zoning Ordinance states that the purposes of the review of conditional use permit applications are to:

- (a) Determine whether the location proposed for the Conditional Use applied for is properly related to the development of the neighborhood as a whole;



Town of Tiburon

STAFF REPORT

- (b) Determine whether the location proposed for the particular Conditional Use applied for would be reasonably compatible with the types of uses normally permitted in the surrounding area;
- (c) Evaluate whether or not adequate facilities and services required for such use exist or can be provided;
- (d) Stipulate such conditions and requirements as would reasonably assure that the basic purposes of this Chapter and the objectives of the General Plan would be served; and
- (e) Determine whether the Town is adequately served by similar uses presently existing or recently approved by the Town.

Several of the issues addressed by these purposes are intended for the review of new land uses, and would not pertain to the expansion of an existing facility, such as that requested by the subject application. However, it is appropriate for the Planning Commission to determine if the improvements proposed by this application would be “properly related to the development of the neighborhood as a whole” and “reasonably compatible with the types of uses normally permitted in the surrounding area.” The Commission should also “evaluate whether or not adequate facilities and services required for such use exist or can be provided.” If the project is to be approved, the Commission may stipulate conditions of approval necessary to adequately address any potential impacts on surrounding properties.

Most of the proposed improvements would appear to complement the existing buildings and activities associated with the Belvedere Tennis Club, which has existed for over 40 years as a private recreational facility situated adjacent to residential neighborhoods. The building additions would provide more enclosed space for the ongoing activities of the club, and the parking improvements would enhance the existing parking arrangement for the facility.

The location of the proposed spa and poolside veranda near the adjacent residences at 8 & 9 Palmer Court may bring additional noise generators into a portion of the site that may not adequately buffer noise, light and glare impacts on these neighboring homes. Unless measures can be imposed to mitigate these potential impacts, these improvements may not be “properly related to the development of the neighborhood as a whole” and “reasonably compatible with” the surrounding residential land uses.

Although the proposed parking improvements would provide more structured parking for the club, there remains a possibility that the 45 spaces to be provided would be inadequate to meet the parking demand if more frequent and/or intensive use of the club by existing membership results from the upgrade and expansion. With the possible exception of parking, the site would appear to be adequately served by facilities and services needed to support a private recreational facility. The applicant has indicated that a Marin Municipal Water District (MMWD) water line currently extends beneath the center of the clubhouse building; the club is investigating methods of relocating this line, rather than constructing the proposed building expansions on top of this water line.

Town of Tiburon

STAFF REPORT



ENVIRONMENTAL REVIEW

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15301 (e) of the CEQA Guidelines. This exemption is available for additions to existing structures, provided that the addition will not result in an increase of more than 10,000 square feet if “the project is in an area where all public services and facilities are available to allow for maximum development permissible in the [Tiburon] General Plan, and [if] the area in which the project is located is not environmentally sensitive.” As the subject property is situated within a fully developed portion of Tiburon and adjacent to Tiburon Boulevard, Staff believes that this exemption would be appropriate. Potential parking, noise and light and glare impacts may be thoroughly reviewed and mitigated through conditions of approval on this use permit and subsequent Site Plan and Architectural Review permit without the need to prepare an Initial Study and Negative Declaration for the project.

CONCLUSION

The proposed expansion of the Belvedere Tennis Club is intended to address the needs of the current club members. The main building expansion would include additional space for uses and activities already associated with this facility. The proposed parking improvements would enhance the existing parking conditions on the site. The other minor exterior lighting, signage and landscaping improvements would add to the attractiveness of the site.

The proposed spa and poolside improvements could result in noise, light and glare impacts on the adjacent homes on Palmer Court. The Planning Commission may wish to either require installation of landscaping or structural measures to mitigate the potential impacts of the spa and poolside improvements, or require that these improvements be relocated or deleted.

The adequacy of the provided on-site parking to meet the needs of the club is uncertain. There does not appear to be any evidence that additional parking is needed on the site, and the number of parking spaces proposed appears to be the maximum that could be installed given the physical layout of the site. The Planning Commission may wish to consider the establishment of a limit on the number of club memberships to prevent the gradual expansion of club activities from resulting in a future parking problem. For example, a membership cap could be placed on the use permit, subject to modification provided that future studies show that parking is adequate.

The Belvedere Tennis Club plays an important role in providing recreational opportunities for the Tiburon Peninsula. If efforts can be made to mitigate any additional noise, light and glare impacts on its neighbors and the adequacy of on-site parking insured, then the proposed expansion would be consistent with its surroundings and help the club to be a compatible part of its neighborhood well into the future.

Town of Tiburon

STAFF REPORT



RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, deliberate upon the project merits, and adopt the draft resolution conditionally approving the project.

EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Minutes of the April 28, 1993 Planning Commission meeting
4. Minutes of the May 26, 1993 Planning Commission meeting
5. Use Permit approved by Main County Planning Commission, dated June 11, 1957
6. Planning Commission Resolution dated September 13, 1965
7. Board of Adjustments Resolution No. 178
8. Planning Commission Resolution No. 93-13
9. Letter from Belvedere Tennis Club, dated February 20, 2004
10. Letter from Hawthorne Terrace Homeowners Association, dated February 21, 2004
11. Letter from John Hermansky, dated February 20, 2004
12. Letter from Jerry Lauterwasser, dated February 24, 2004
13. Submitted plans