

# Town of Tiburon

## STAFF REPORT



AGENDA ITEM \_\_\_\_\_

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TO: **PLANNING COMMISSION**

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

SUBJECT: **CONDITIONAL USE PERMIT #10406;  
REQUEST TO EXPAND A PRIVATE RECREATIONAL FACILITY;  
1600 MAR WEST STREET; TIBURON PENINSULA CLUB, OWNER;  
NOVA PARTNERS, INC. APPLICANT;  
BRADANINI & WINGES, ARCHITECT;  
ASSESSOR'S PARCEL NOS. 58-171-17, 76 & 84, AND 58-240-21  
(CONTINUED FROM FEBRUARY 9, 2005)**

MEETING DATE: **FEBRUARY 23, 2005** REVIEWED BY: SA

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### SUMMARY

The project is the proposed renovation and expansion of an existing private recreational facility (the Tiburon Peninsula Club, or TPC) located at 1600 Mar West Street. This application was first reviewed at the February 9, 2005 Planning Commission meeting. At that time, the Commission took testimony from the applicants and interested members of the public. Possible concerns about the project centered on noise, parking and circulation, biology and drainage issues. The Planning Commission held preliminary deliberations upon the application and provided direction to Staff regarding a draft resolution to be prepared and considered at the next regular meeting of the Commission.

As reported at the February 9, 2005 Planning Commission hearing, consistent with the CEQA Guidelines, an Initial Study has been prepared to assess the environmental impacts of the TPC project. The Initial Study concludes that the project could potentially result in certain significant environmental effects; however, these effects can be reduced to a less than significant level or eliminated with the implementation of recommended mitigation measures previously agreed to by the applicant. The Commission was informed that the 30-day public review period on the Initial Study was to close on February 11. Consequently, no action was taken by the Planning Commission on the Initial Study or the project.

Since the February 9 hearing, the public review period for comment on the Initial Study has closed. The Town received a small number of additional comment letters on the Initial Study, which are attached to this staff report. The primary environmental issues addressed in the letters are as follows:

1. Existing noise and future noise generation were identified as concerns by several neighboring residents. As summarized in the Initial Study, project noise is projected to



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be within the noise limits that are set by the noise policies of the Tiburon General Plan. Therefore, in terms of environmental review, the project would not result in a significant noise impact that necessitates mitigation. However, many of the concerns regarding noise have been addressed as part of the review of project merits. Measures addressing noise concerns have been identified by Staff and are included as recommended conditions for use permit approval based on the Town's authority under zoning laws.

2. CalTrans submitted comments supporting the mitigation measure requiring payment of a traffic mitigation fee that will contribute to the future signalization of the Tiburon Boulevard/Mar West Street intersection.
3. The State Department of Fish and Game has commented that the project may be subject to the approval of a Streambed Alteration Agreement, as discussed in the Initial Study. However, as also noted in the Initial Study, the project would not directly impact a stream or channel. Therefore, it is unlikely that such a permit will be required.
4. Detailed comments and questions were submitted by the Marin Audubon Society. The letter notes: a) that the Initial Study appears to be based on a lack of analysis of the potential project impacts; and b) that a focused EIR should be prepared to assess biological resources and hydrology. The letter also notes that the review of biological resources is based on use of and information from a 10-year old EIR. This assumption is not correct. A detailed biological assessment of the site and the current project was completed by LSA Associates in 2004. This recent assessment was used in the preparation of the Initial Study. While this recent biological assessment was not included as an attachment to the Initial Study, it is clearly documented in the Initial Study and it is noted that the assessment can be reviewed at and is on file with the Town of Tiburon. LSA did review the site for potential special status species, concluding that the site did not support such species. Similarly, the EIR that had been prepared for TPC over 10 years ago included an assessment of biological resources, finding, at that time that the site did not support special status, rare or endangered species. Regarding hydrology, the Initial Study incorporates the drainage study that was prepared for the project, as well as confirmation of the study findings by the Town Engineer. Therefore, Staff believes that the issues of biological resources and hydrology are adequately assessed and mitigated in the Initial Study.

In summary, none of the comments on the Initial Study result in the need to: a) change or modify the Initial Study text; b) either require additional mitigation measures or revise the mitigation measures recommended in the document; or c) change the conclusions to adopt a Mitigated Negative Declaration. The document was prepared based on credible studies and reports, supported by the Town's independent review. No substantial evidence to support a fair argument that the project could result in a significant adverse impact on the environment has been received.

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### RECOMMENDATION

Staff recommends that the Planning Commission:

1. Re-open the public hearing to take public testimony focusing on new information and the draft resolution;
2. Close the public hearing;
3. Review and make desired changes to the draft resolution; and
4. Adopt the resolution.

### EXHIBITS

1. Draft resolution
2. Letter from Tiburon Peninsula Club, dated February 10, 2005
3. Letter from California Department of Fish and Game, dated January 18, 2005
4. Letter from Marin Audubon Society, dated February 9, 2005
5. Letter from William and Sylvia Jacob, dated February 9, 2005
6. Communications from Alice Fredericks, dated February 11, 2005
7. Submitted plans