

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

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

SUBJECT: **CONDITIONAL USE PERMIT #10504;
761 HILARY DRIVE; ST. HILARY CATHOLIC CHURCH AND SCHOOL;
CONDITIONAL USE PERMIT TO MODIFY THE CONDITIONS OF
APPROVAL FOR A PREVIOUSLY APPROVED USE PERMIT TO
EXPAND THE FACILITIES FOR AN EXISTING CHURCH AND SCHOOL;
ASSESSOR PARCEL NOS. 55-253-20 & 55-221-06**

MEETING DATE: **OCTOBER 26, 2005** REVIEWED BY: SA

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PROJECT DATA

Address:	761 Hilary Drive
Assessor Parcel Numbers:	55-253-20 & 55-221-06
File Number:	10504
General Plan:	Medium Low Density Residential
Zoning:	RO-1 (Single-Family Residential- Open)
Property Size:	7.27 Acres
Current Use:	Church (St. Hilary Church) and Private School
Owner:	Roman Catholic Archdiocese
Date Complete:	October 17, 2005

SUMMARY

On December 6, 2000, the Town Council adopted Resolution No. 3463 granting an appeal of the denial of a conditional use permit (File #19908) for the expansion of an existing church (St. Hilary Catholic Church) and school on property located at 761 Hilary Drive. The use permit approved the construction of a new gymnasium for use by the school and to operate the Tiburon Peninsula Catholic Youth Organization (CYO) athletic program, including basketball and volleyball practices and games, sponsored by St. Hilary. A single-story, 9,000 square foot classroom building was also approved, along with interior circulation changes and other site improvements. The gymnasium and classroom buildings have been completed and occupied for approximately one year.

St. Hilary Church is now requesting to modify or eliminate several conditions of approval of Resolution No. 3463. The request would increase the hours during which CYO basketball games would be played; eliminate a requirement for a 45 minute period between CYO games; and eliminate the requirement for a traffic monitor to be posted at the Hilary Drive entrance to the site on school days.



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PERMIT HISTORY

The conditional use permit application was filed on October 25, 1999. The Planning Commission held public hearings on May 10, 2000, June 28, 2000, and August 9, 2000. After hearing extensive testimony from supporters of and opponents to the project, the Commission felt that the proposed gymnasium would have resulted in unacceptable noise, light pollution and traffic impacts on the surrounding residential neighborhood. As a result, on September 13, 2000, the Commission adopted Resolution No. 2000-13 denying the application. The church appealed this decision to the Town Council.

The Town Council held public hearings on the appeal on November 9 & 14, 2000. A Council subcommittee also met with St. Hilary representatives and several neighboring property owners; these meetings centered both on issues and concerns associated with the project, but also with ongoing concerns regarding the interaction of the church and its members with the surrounding neighborhood. The subcommittee formulated a series of recommended conditions of approval intended to mitigate the potential impacts of the project on the residential properties in the vicinity of the church. On December 6, 2000, the Town Council adopted Resolution No. 3463 (Exhibit 1) granting the appeal and approving the use permit, incorporating a lengthy set of conditions of approval, including the requirement for subsequent review of the permit by the Planning Commission.

ANALYSIS

Following are the three conditions of approval contained within Town Council Resolution No. 3463 which are requested to be modified as part of this application:

Church and School Conditions

- 11. A school representative shall be posted for the primary purpose of controlling vehicular speed at the corner of Rock Hill Drive and Hilary Drive and another school representative shall be posted at the Hilary Drive entrance to the St. Hilary property on all school days from 7:30 a.m. to 8:10 a.m.*

This requirement was originally imposed in response to concerns raised by residents along Hilary Drive that there was a history of school traffic speeding along this street in a manner that was contrary to the predominantly quiet residential character of the surrounding neighborhood. A new driveway entrance to St. Hilary was established on Rock Hill Drive, and interior circulation patterns were changed to encourage school traffic to avoid using the Hilary Drive entrance. Another condition of approval (#8) required that Grade 6-8 school traffic only use the Rock Hill Drive entrance. Speed bumps have also been installed on the driveway on St. Hilary property past the Hilary Drive entrance to the site.

The school has instituted a program using parent volunteers to perform this duty in compliance with this monitoring requirement. Over time, more school parents have become accustomed to the new on-site circulation system and voluntarily use the Rock Hill Drive entrance. Accordingly, very little morning school traffic now uses the Hilary Drive entrance to the site. As



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a result, this application requests to eliminate the requirement to post a representative at the Hilary Drive entrance, but continue to post a representative at the corner of Rock Hill Drive and Hilary Drive. The condition of approval would be modified to read as follows:

11. *A school representative shall be posted for the primary purpose of controlling vehicular speed at the corner of Rock Hill Drive and Hilary Drive ~~and another school representative shall be posted at the Hilary Drive entrance to the St. Hilary property on all school days from 7:30 a.m. to 8:10 a.m.~~*

The Tiburon Police Department has reviewed this request and supports the proposed modification to this condition of approval. The Police Chief believes the traffic monitor is no longer necessary at the entrance to the property, noting that the installation of speed bumps on the St. Hilary property has also helped reduce the speed on Hilary Drive.

CYO Limitations

21. *The CYO use of the gymnasium shall be limited to September through March of each year. Hours of CYO use shall be limited to 8:00 a.m. to 7:30 p.m. on Mondays, Wednesdays and Fridays; 8:00 a.m. to 6:30 p.m. on Tuesdays and Thursdays; and 9:00 a.m. to 3:00 p.m. on Saturdays. CYO uses and all other athletic uses shall be prohibited on all Sundays.*
22. *CYO games shall be scheduled with at least 45 minutes between the end of one game and the beginning of the next game to avoid overlapping traffic and parking impacts.*

These requirements were originally imposed in response to concerns raised by neighboring residents that noise from people arriving and departing from CYO games would be disruptive to the surrounding neighborhood. Other noise mitigation measures were designed for the gymnasium to contain noise from the CYO games within the building. However, there were concerns about noise from CYO players and parents slamming car doors, talking outside their cars, dribbling basketballs in the parking lot, etc. A three foot (3') tall sound wall was required to be constructed at the edge of the parking lot to mitigate some of this noise. The time limits were established to place a cap on the hours during which neighboring residents would be exposed to such noise. The 45 minute break between games was intended to avoid an overlap of vehicles arriving for one game while cars for the previous game were departing, possibly resulting in a doubling of the potential parking lot-related noise in between games.

CYO games that have been played in the gymnasium have been in conformance with this requirement. However, church representatives have indicated that the requirement for a 45 minute period between games has proven to be difficult. This extended break between games results in a longer overall period for which referees must be hired, and local referees have been reluctant to work longer days with such periods of down time. As a result, relatively few CYO games have actually been played in the gymnasium.

St. Hilary representatives have indicated that the CYO officials and parents have been properly educated about the parking and noise limitations associated with this use. The Town of Tiburon



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has not received any complaints about noise from the parking lots related to basketball games or other athletic events at the gymnasium.

The conditions of approval would be modified to read as follows:

21. *The CYO use of the gymnasium shall be limited to September through March of each year. Hours of CYO use shall be limited to 8:00 a.m. to 7:30 p.m. on Mondays, Wednesdays and Fridays; 8:00 a.m. to ~~6:30~~ 7:30 p.m. on Tuesdays and Thursdays; and 9:00 a.m. to ~~3:00~~ 5:00 p.m. on Saturdays. CYO uses and all other athletic uses shall be prohibited on all Sundays.*
22. ~~CYO games shall be scheduled with at least 45 minutes between the end of one game and the beginning of the next game to avoid overlapping traffic and parking impacts.~~
[Deleted]

During the two reviews of the St. Hilary use permit conducted by the Planning Commission in 2005, members of the Commission have encouraged St. Hilary to utilize the gymnasium more fully, acknowledging the potential value of this facility to the Tiburon community as a whole. Neighboring residents have appeared to be generally supportive of such expanded use, but have raised concerns about the noise potential of increased usage. One of the neighbors directly below the parking lot has requested that the Town look into the possibility of constructing a taller sound wall if CYO activity is allowed to increase.

As noted above, the Town has received no complaints of noise from activities associated with the use of the gymnasium. The requested time increases would add one hour of basketball games on Tuesdays and Thursdays and two hours on Saturdays; these increases would not appear to have the potential to substantially increase the noise levels on the surrounding neighborhood. The elimination of the period between games could create some additional noise if a substantial overlap occurs with the vehicles associated with beginning and ending games.

The potential noise impacts associated with the proposed changes are difficult to quantify, and it would be problematical to determine the dimensions of an additional sound wall that would be needed to address these impacts without evidence of how the CYO activities would operate under the revised conditions. As St. Hilary has thus far conducted the activities associated with gymnasium without significant noise impacts, the Planning Commission should consider allowing the proposed modifications on a trial basis, with a review of the changes during the next review of the overall use permit in March 2006. A noise study with measurements taken on a day when CYO games are played under these revised conditions would allow the Commission to better determine what mitigation measures, if any, would be required to mitigate any noise impacts associated with this expanded use of the gymnasium.

PUBLIC COMMENT

As of the date of this report, the Town has received no letters regarding the proposed application.

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FUTURE ACTIONS REQUIRED

As the overall use permit for St. Hilary was approved by the Town Council under Resolution No. 3463, any modifications to this use permit made outside of the normal review of the permit must be approved by the Town Council. Any affirmative action by the Planning Commission on this project would be in the form of a recommendation to the Town Council. Should the Commission vote to deny the application for amendments, that decision would be final, unless appealed to the Town Council. Staff urges the Commission to recommend to the Town Council that in the future, the Commission be allowed to approve disapprove requests to modify the use permit as is the usual case with conditional use permits.

In order to accomplish this, it is recommended that the following change be made to Condition of approval No. 2 of the previously approved use permit:

- The subject permit shall be reviewed by the Planning Commission at a public hearing six (6) months after completion of the gymnasium. Additional reviews shall occur once every six (6) months for the next year thereafter, and annually after the first 18 months. During these reviews, or as part of subsequent conditional use permit applications, the Planning Commission shall have the authority to modify the restrictions of this permit to further restrict the uses on the site, including, but not limited to, the potential to prohibit CYO use of the gymnasium on weekends and/or weekday evenings; or have the ability to relax the restrictions contained within this resolution if the Commission determines that such modifications would be consistent with the spirit and intent of this resolution and would not result in additional impacts on the surrounding neighborhood. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.*

In addition, at the March 2006 review of the use permit, the Planning Commission may wish to modify the use permit to eliminate the conditions of approval that have been completed during the construction of the project.

RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, and adopt the attached resolution recommending to the Town Council approval of the modifications to Resolution No. 3463, including the change regarding future amendments.

EXHIBITS

- Town Council Resolution No. 3463
- Application and supplemental materials
- Draft resolution