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requesting to modify its renovation plan. The following changes would be made to the previously approved plans:

- The existing clubhouse building would be demolished and replaced with a new building that would house the clubhouse, a new fitness center, locker rooms, office, kitchen bar and lounge area.
- The swimming pool would be expanded from 25 feet wide and 50 feet long to 30 feet wide and 60 feet long, increasing in overall size from 1,250 square feet to 1,800 square feet.
- The new spa would be moved from its previously approved location south of the swimming pool to a location to the north of the swimming pool, closer to the home at 9 Palmer Avenue.
- The previously approved 80 square foot children's pool would be eliminated.
- The parking lot design would be modified, reducing the number of proposed parking spaces from 45 to 42.

The current BTC facility has a floor area of 2,864 square feet. The subject application would decrease the building floor area for the facility from the 4,899 square feet permitted under the 2004 use permit to a total of 4,699 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.

A combination wall and fence is proposed to be constructed between the pool and lawn area of the site and the homes at 8 & 9 Palmer Avenue to help mitigate noise from club activities. This sound fence and wall would have a maximum height of 14 feet, 6 inches. As the maximum height for fences and walls within required setbacks is 6 feet, a variance is requested for excess wall and fence height.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. Light brown colored wood shingle siding with a variety of medium toned accent colors would be used for the buildings. A bronze colored metal standing seam roof is proposed for the buildings.

REVIEW BY THE PLANNING COMMISSION

The Planning Commission approved an application for a conditional use permit (File #10401) for the original version of this project on March 10, 2004. On February 22 and March 8, 2006, the Commission reviewed the modified plans for this project (File # 10503). At that time, the Commission determined that the scope of the project and the general location of improvements



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on the site appeared to be appropriate. The Commission determined that the proposed sound wall and fencing appropriately addressed the noise concerns for the neighboring homes along Palmer Court, but recognized that the Design Review Board would need to approve a variance for this overheight fence. Concerns were also raised about the height of the roofline above the fitness center; this issue was also left to the Design Review Board to resolve. On March 8, the Commission adopted Resolution No. 2006-07 approving the modified use permit.

REVIEW BY THE DESIGN REVIEW BOARD

The Design Review Board reviewed the previous application for this project on April 15, 2004. At that time, the Board determined that the project was generally compatible with the surrounding neighborhood and would not result in any view impacts for nearby residences. The Board required additional improvements to the soundproofing fences facing Palmer Avenue consistent with the recommendations of the acoustical study prepared for the project. The Board also required the installation of additional safety barriers behind the children's wading pool and modifications to the skylight materials to reduce their reflectivity.

ANALYSIS

Design Issues

The subject property is situated adjacent to a residential neighborhood along Palmer Avenue, and across Tiburon Boulevard from residences of the Hawthorne Terrace subdivision. Extensive trees and mature vegetation is situated around the site to provide a visual buffer for the neighboring homes.

Most of the proposed building improvements would not be visible from nearby homes, or would not result in visual impacts on residences in the vicinity. The modified clubhouse design would generally result in a reduction in building mass compared to the existing building, and would generally be below the line of sight of nearby homes.

The proposed fitness center would have a peaked roofline lower than that of the clubhouse, but 5 to 6 feet above the ridgeline of the other portions of the building. As noted above, concerns were raised during the Planning Commission hearings regarding potential view impacts that could be caused by this increased roofline.

The fitness center roofline would intrude into the views from several homes across Tiburon Boulevard from the BTC site. These potential impacts are summarized as follows:

- 682 Hawthorne Drive The fitness center roofline would block the center portion of a slot view of Richardson Bay from the living room of this house. Existing views of Sausalito, the Golden Gate Bridge and San Francisco would be unaffected.



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- 684 Hawthorne Drive The fitness center would have little impact on the more expansive water views from the living room of this residence and the adjacent deck. However, the center would block a more substantial portion of the water view from a patio area on the north side of the lot.
- 686 Hawthorne Drive The fitness center would intrude into a small portion of the water view from the living room that is currently obstructed by a willow tree on the BTC property (it is unclear whether this tree would be removed as part of the proposed project). The fitness center would not interfere with more expansive views of Richardson Bay, the Golden Gate Bridge and Sausalito.

Several other homes along Hawthorne Drive have views of the proposed BTC buildings, but would not suffer substantial view impairment. The views of the BTC buildings from these other homes are either backdropped by mature trees or are in line with the existing buildings on the site, resulting in negligible change to their existing views.

It appears that lowering the height of the fitness center roofline by several feet would substantially lessen the potential view impacts for several homes along Hawthorne Drive. The Design Review Board is encouraged to visit the homes listed above to better evaluate these potential view impacts.

Most of the other modifications to the proposed plans are minor in scale and consistent with the overall design previously approved by the Design Review Board. The wading pool has been eliminated, which removes the need for the previous condition of approval regarding enhanced safety measures separating this area from Tiburon Boulevard. The Board should carefully consider the proposed standing seam metal roofing to determine if this material will cause reflectivity problems for nearby residences.

Noise Issues

During the review of the most recent conditional use permit for this project, much of the discussion before the Planning commission centered on the adequacy of noise mitigation for the homes at 8 & 9 Palmer Avenue. As part of the revised project, BTC commissioned additional acoustical studies which have recommended a more extensive sound wall and fence than was approved as part of the previous Site Plan and Architectural Review application. The previous plans included a 6 foot tall wooden fence along the side property line that would have provided noise mitigation primarily to the home at 9 Palmer Avenue. The proposed fence would have a maximum height of 10 feet, and at points would sit atop a retaining wall of up to 4 feet, 6 inches in height. The fence would be much taller than the previous sound barrier and its L-shaped alignment would also provide noise mitigation for the residence at 8 Palmer Avenue.

At the Planning Commission hearings, the owners of the home at 9 Palmer Avenue indicated that the wall and fence, along with other design measures related to the pool equipment and club hours of operation, sufficiently addressed their noise concerns for the project. The owners of 8 Palmer Avenue continued to raise concerns regarding potential noise impacts from the club, although the noise-generating spa would be moved further away from their house. A



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review of the Planning files for this house have also revealed that the primary living areas of the home are oriented away from BTC; only a secondary upstairs bedroom, originally approved as a study, has substantial windows facing the club. Ultimately, the Planning Commission determined that the sound wall and fence and other design measures would adequately address any potential noise impacts associated with the proposed project.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the R-1 zone, with the exception previously noted for a variance for excess wall and fence height.

In order to grant the requested variance, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

- 1. *Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The Belvedere Tennis Club is situated adjacent to several homes along Palmer Avenue. The proximity of a private recreational facility so close to single-family homes creates the inherent potential for conflicts over noise associated with the normal activities of the club. This arrangement of land uses is a special circumstance that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

- 2. *The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in or near single-family residential zones have been granted variances for excess wall or fence height when a 6 foot tall fence would be inadequate to provide appropriate privacy screening or noise protection for neighboring residences.

- 3. *The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The strict application of the 6 foot requirement for a fence on this property would create a practical difficulty for BTC in providing appropriate noise mitigation for the adjacent homes on Palmer Avenue.

- 4. *The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

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The proposed wall and fence would not create any view impacts for other homes in the vicinity, but would address noise concerns for two adjacent residences.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

As of the date of this report, two letters have been received regarding the proposed project from residents along Hawthorne Drive raising concerns about potential view impacts that would be caused by the height of the project.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds the design to be acceptable and in conformance with the Town's Design Guidelines, Staff recommends that the attached conditions of approval be applied.

ATTACHMENTS:

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board Staff Report dated April 15, 2004
4. Minutes of the April 15, 2004 Design Review Board meeting
5. Planning Commission Staff Report dated February 22, 2006
6. Planning Commission Staff Report dated March 8, 2006
7. Minutes of the February 22, 2006 Planning Commission meeting
8. Minutes of the March 8, 2006 Planning Commission meeting
9. Planning Commission Resolution No. 2006-07
10. Letter from Clyde Columbo, dated March 23, 2006
11. Letter from John Hermansky, dated March 31, 2006
12. Submitted plans

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CONDITIONS OF APPROVAL

700 TIBURON BOULEVARD

FILE #20612

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on April 14, 2006, or as amended by these conditions of approval. Any modifications to the plans of April 14, 2006, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All skylights shall be bronzed or tinted and no lights shall be placed in the wells. Skylight materials shall be designed to reduce the reflectivity of the fixtures.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. Prior to the issuance of building permits, the applicant shall submit verification from a licensed landscape architect that the proposed landscape plan conforms to M.M.W.D. landscape regulations, as required by Town Council Ordinance.
8. Prior to the issuance of final building inspection approval, all landscaping and irrigation shall be installed in accordance with approved plans. The installation of plantings and irrigation shall be verified by a Planning Division field inspection prior to the issuance of occupancy permits.
9. Prior to underfloor inspection, a certified survey of the structure foundation will be

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required. Required documents shall include graphic documentation locating the building on a site plan and including specific dimensions from property lines and other reference points as appropriate, and elevations relative to sea level of the foundation walls and slabs. No inspections will be provided until the survey results have been verified.

10. The project shall comply with all requirements of the Tiburon Fire Protection District.
11. The project shall comply with all requirements of the Marin Municipal Water District.
12. The applicants shall obtain any and all necessary sewer permits from the Richardson Bay Sanitary District.
13. All requirements of the Town Engineer shall be met.
14. All conditions of approval of Planning Commission Resolution No. 2006-07 shall be met at all times.
15. Soundproofing materials shall be installed for the wall and fence facing the adjacent properties on Palmer Avenue consistent with the recommendations contained within the acoustical study prepared for this project.