



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Action and Approved Minutes - Regular Meeting
Tiburon Planning Commission
March 11, 2009 – 7:30 PM

ACTION MINUTES

TIBURON PLANNING COMMISSION

CALL TO ORDER AND ROLL CALL *At 7:30 PM*

Present : Vice Chairman Kunzweiler, Commissioner Corcoran, Commissioner Frymier
Absent: Chairman O'Donnell, Commissioner Fraser,

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. Testimony regarding matters not on the agenda will not be considered part of the administrative record.

COMMISSION AND STAFF BRIEFING

Commission and Committee Reports
Director's Report

PUBLIC HEARING

1. 1600 MAR WEST STREET: REVIEW OF A CONDITION OF APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING EXTENDED HOURS OF OPERATION OF OCCASIONAL SPECIAL EVENTS FOR THE TIBURON PENINSULA CLUB; FILE #10808; Southern Marin Recreation Center, Inc., Owner; Assessor's Parcel Nos. 058-171-17, 76 & 84, and 058-240-21 [DW] **Continued from January 28, 2009** *Approved 3-0*

MINUTES

2. PLANNING COMMISSION MINUTES – Regular Meeting of January 28, 2009 *Approved 3-0*

ADJOURNMENT **At 8:20 PM**

PLANNING COMMISSION
APPROVED MINUTES NO. 977
March 11, 2009
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

Vice Chair Kunzweiler called the meeting to order at 7:30 p.m.

Present: Vice-Chair Kunzweiler, Commissioners Frymier, and Corcoran

Absent: Chair O'Donnell

Staff Present: Planning Manager Watrous and Minutes Clerk Levison

ORAL COMMUNICATIONS: None

COMMISSION AND STAFF BRIEFING:

Planning Manager Watrous stated that there were no items scheduled for the March 25, 2009 Planning Commission meeting, which will likely be cancelled. He stated that a hearing on the Parente Vista Precise Development Plan and EIR addendum is expected to be scheduled for April.

PUBLIC HEARING:

1. 1600 MAR WEST STREET: REVIEW OF A CONDITION OF APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING EXTENDED HOURS OF OPERATION OF OCCASIONAL SPECIAL EVENTS FOR THE TIBURON PENINSULA CLUB; FILE #10808

Planning Manager Watrous provided the staff report, explaining that at the January 28, 2009 Planning Commission hearing on the conditional use permit for the Tiburon Peninsula Club (TPC), TPC officials presented a request to further modify the limitations on special events for the club. The Commission requested that TPC provide more specific information concerning this request and continued the hearing to allow club representatives time to finalize their request.

Mr. Watrous reviewed the amendments requested by the TPC, stating that staff feels these would address the bulk of concerns raised by neighbors regarding TPC events. He recommended that all doors and windows must be closed whenever amplified music is played for indoor events.

Commissioner Corcoran asked if Condition 5, which prohibits outdoor amplified music, applies to all events or only to the granted special events.

Peter Winkler, TPC President, said that what was most apparent at the last hearing is that the TPC has a very poor history of working with its neighbors. He said that since that meeting, Jerry Pang, the TPC general manager, has taken the time to speak with everyone who attended the last hearing to discuss the club's current programs, neighbors' concerns, and what changes could be made to address those. Mr. Winkler stated that the introduction of the event hotline gives those who would potentially be most affected a direct recourse and addresses the single greatest problem expressed with respects to the TPC.

Commissioner Frymier asked Mr. Winkler to outline the hotline process. Mr. Winkler said that Austin Whittaker, event chef and coordinator, would be the principal contact as he is present at nearly all events. In the event that he is not, an alternate would be designated.

Mr. Winkler confirmed that the TPC has offered to eliminate amplified music from all outdoor events and asked the Planning Commission to recognize the magnitude of this concession. He noted that there was some concern over keeping the doors and windows on the main clubhouse closed during events, but he explained that the room is air conditioned so this should not present a problem on even the warmest of nights. He explained that all TPC events are member-driven in one way or another, so there is little distinction between club-sponsored events and member-sponsored events.

Vice-Chair Kunzweiler explained that "official TPC events" was originally designed to differentiate between a member's wedding and events that involve the full club like a swim club party. Mr. Winkler replied that TPC is a members' club that provides and service to the community and they do not want to limit members' activities.

David Holscher clarified that the TPC will no longer use outdoor amplified music but will in certain instances, such as at swim meets and tennis matches, use amplified sound. He added that the hotline number will be published on notification letters sent to neighbors.

Commissioner Frymier asked for an outline of the hotline process on the night of an event. Mr. Holscher explained that Austin Whittaker, or his substitute, would be equipped with the hotline phone at all times. In the event that a neighbor reported an issue, Mr. Whitaker would eliminate the problem whether that would be turning down the music, relocating a light, or asking members to modify their behavior.

Commissioner Corcoran asked if any discussion was given to the amplified sound used during morning swim classes. Mr. Holscher explained that the swim coach whose voice they received complaints on is no longer with the club and the new coach is much quieter. He added that with the opening of the Redwood and Tam pools, the size of the swim classes has decreased considerably. Planning Manager Watrous advised that issues concerning the club's ongoing operations are not a part of this hearing.

Vice-Chair Kunzweiler noted that there has been some discussion about neighbors who live close enough to the TPC to be bothered but beyond the 300 foot notification range and asked how this distance is determined.

Mr. Holschner could not confirm, but believed that the property line was simply moved out 300 feet and all addresses falling within that would require notification. Planning Manager Watrous explained that the distance is usually measured from the exterior boundaries of the site.

Commissioner Corcoran asked if the TPC has any objections to the additional condition that doors and windows remained closed during indoor events. Mr. Holscher expressed concern over the difficulties keeping all doors closed at all times, as they are unable to promise that someone will not accidentally leave a door open upon entering or exiting the building. Planning Manager Watrous noted that the Commission had dealt with a similar condition with the Kol Shofar project and the Town required that the large folding doors be kept closed during events, but did not prohibit use of other doors for entrance or egress. Commissioner Corcoran suggested that the proposed condition could specify that doors and windows not be propped open.

The public hearing was opened.

Richard Grey, Harbor Hill Homeowners Association President, said that the proposed conditions seem to adequately address most of the complaints the HOA Board has received in regards to the TPC, as nighttime noise has been the main issue. He noted that most members' properties are situated more than 300 feet away from TPC, as are all of the homes on Corinthian Court. He asked to be added to the mailing list for TPC event notices.

Commissioner Corcoran asked his opinion on some of the other proposed conditions of approval. Mr. Grey said that he has not heard any comments from members surrounding any of the other proposals and added that as long as the doors and windows are closed and noise kept to minimum, he did not care how many events are held at the TPC

Larry Smith, 90 Lyford Drive Homeowners Association President, congratulated the TPC for taking the initiative to eliminate amplified music, thus removing an exceptional issue and placing them in a better position to negotiate. He agreed that amplified sound can be just as disruptive as amplified music and asked the Commission to consider changing the wording to include sound. He also agreed with Mr. Grey that the current notification borders of 300 feet are inadequate and suggested adding the language "plus property owners bordering open space above and behind the TPC."

Planning Manager Watrous asked Mr. Smith to clarify how far uphill he would propose extending the notification. Mr. Smith explained that his personal experiences only extend to the last house on Vistazo West where the noise is particularly noticeable. He added that the hotline is a wise public relations move and saluted the TPC for putting this together.

Maureen Meickle confirmed that a member would be present at all events. She concurred with Mr. Smith's suggestions and said that with those, she can support the TPC's request. She asked if the Del Mar Middle School graduation event would be held indoors and would there be amplified sound.

Mr. Holscher supported expansion of the notification area and agreed to work out the specifics with staff. He said that it was the TPC's intent all along to eliminate amplified sound at outdoor social events, as distinguished from club events like swim meets and tennis matches.

Commissioner Corcoran asked how they would manage the Del Mar graduation without the use of any amplification. Mr. Holscher explained that they are hosting the indoor graduation party, not the ceremony.

The public hearing was closed.

Commissioner Frymier confirmed that the recommendation was to retain Town Manager approval of each special event on an individual basis. Mr. Watrous explained that staff would like the opportunity to see how the events operated under the new conditions of approval.

Commissioner Frymier said that her overall impressions were very positive and that the supportive comments by neighbors who previously opposed the club's activities speak to the efforts the TPC has made. She supported increasing the notification boundaries and specifying that the ban on outdoor amplified sound applies to social events only. She advised the Commission to focus on the purpose of the club and how to help it succeed within the community, fearing that micromanagement through conditions of approval could hamper the heart of the club's activities. She apologized for not forwarding Austin Whittaker's letter to staff in a timely manner and asked that it be given more weight than late mail normally would.

Commissioner Corcoran thanked TPC representatives for their efforts and major changes. He concurred with Commissioner Frymier that the club serves a great purpose in the community, expressed overall support, and seconded support for changing "music" to "sound." He suggested a lesser increase in the allowed number of special events, perhaps to five or six per year. He acknowledged that the Town Manager would have the discretion to veto any requests should problems occur, but pointed out that the last few approved events were not well received by neighbors. He suggested that the Town website post notices asking anyone who would like to be added to the club's notification list to submit their address.

Mr. Watrous agreed and also suggested using the Town newsletter to solicit those requests. He advised that a quantified notification perimeter typically works best and proposed increasing that distance to 500 feet.

Vice-Chair Kunzweiler expressed appreciation for the progress made thus far. He said that in light of the TPC's substantial efforts, his inclination would be to eliminate the Town Manager approval requirement, agree to an annual maximum of eight special events, and shorten the review period from one year to six months with a specific review on this clause.

Commissioner Corcoran said that he would prefer to maintain the Town Manager approval requirement but could support a maximum of eight events and a six month review period, after which they could consider eliminating the Town Manager's role in this. He said that there were significant concerns raised at the last hearing and this would at least allow another layer of oversight until staff has the opportunity to see what impact these changes have.

Vice-Chair Kunzweiler asked if it would be possible to visually estimate which homes would be affected by sound from the TPC. He worried that 500 feet is as arbitrary a number as 300 feet and stressed that he would like to be as proactive as possible on this issue.

Mr. Watrous suggested revising the condition to read, “a distance to be determined by Town staff.” Commissioner Corcoran proposed adding “not less than 500 feet” to that.

Vice-Chair Kunzweiler noted that the entire Condition 5 would be subject to review. Mr. Watrous suggested specifying a review to occur in the month of October, rather than a literal six months, to allow the opportunity to review the full scope of summer events.

Mr. Watrous reviewed the proposed revisions to the conditions of approval:

- 5.b. would be changed to read, “Outdoor amplified sound shall not be used at any social events. Exterior doors and windows shall not be propped open when amplified sound is used for indoor social events.”
- 5.d. would be changed to read, “TPC shall notify neighboring property owners and residents within a radius designated by Town staff but no less than 500 feet of the TPC property...”
- 5.f. would be changed to read, “This condition of approval shall be reviewed by the Planning Commission at a public hearing in October, 2009.”

ACTION: It was M/S (Corcoran/Frymier) to adopt the resolution, as modified. Vote: 3-0.
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MINUTES:

2. PLANNING COMMISSION MINUTES – Regular meeting of January 28, 2009.

ACTION: It was M/S (Corcoran/Frymier) to approve the minutes of the January 28, 2009 meeting, as drafted. Vote: 3-0.
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ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:20 p.m.