



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

Action and Approved Minutes - Regular Meeting  
Tiburon Planning Commission  
November 10, 2010 – 7:30 PM

## ACTION MINUTES TIBURON PLANNING COMMISSION

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

Present: Vice Chair Corcoran, Commissioner Doyle, Commissioner Kunzweiler,  
Commissioner Tollini  
Absent: Chair Frymier

### ORAL COMMUNICATIONS    *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    *None*

Commission and Committee Reports  
Director's Report

### NEW BUSINESS

1. 1600 MAR WEST STREET: CONDITIONAL USE PERMIT TO MODIFY THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED USE PERMIT FOR A PRIVATE RECREATIONAL FACILITY; FILE #11003; Tiburon Peninsula Club, Owner and Applicant; Assessor's Parcel Nos. 058-171-17, 76 & 84, and 058-240-21. [DW] *CUP Not Amended; Issue to be Reviewed at Next CUP Review (3-0)*
2. LOCAL HAZARD MITIGATION PLAN UPDATE – PUBLIC HEARING ON DRAFT MITIGATION STRATEGIES. [LT] *Hearing Held and Comments Given*

MINUTES

3. PLANNING COMMISSION MINUTES – Regular Meeting of September 8, 2010  
Approved (4-0)

ADJOURNMENT At 8:10 PM

APPROVED PLANNING COMMISSION  
MINUTES NO. 1002  
November 10, 2010  
Regular Meeting  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

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

**Present:** Vice-Chair Corcoran, Commissioners Doyle, Kunzweiler, and Tollini  
**Absent:** Chair Frymier  
**Staff Present:** Planning Manager Watrous, Director of Community Development Anderson and Minutes Clerk Levison

**ORAL COMMUNICATIONS:** None

**COMMISSION AND STAFF BRIEFING:**

Community Development Director Anderson stated that the Commission's November 24<sup>th</sup> and December 22<sup>nd</sup> meetings will be cancelled due to the holidays. The Commission's December 8<sup>th</sup> meeting has one item scheduled at this time, a hearing on the installation of a second public bathroom building at Blackie's Pasture.

He anticipated the Alta Robles project Draft Environmental Impact Report and merits hearing would come forward in January. He said that the decision to revise and recirculate a portion of the Library project Environmental Impact Report was made that day, with those sections not likely to return to the Planning Commission before March.

**PUBLIC HEARING**

**2. LOCAL HAZARD MITIGATION PLAN UPDATE – PUBLIC HEARING ON DRAFT MITIGATION STRATEGIES**

Community Development Director Anderson presented the staff report, stating that the Federal Emergency Management Agency requires all local governments to adopt an approved Local

Hazard Mitigation Plan (LHMP), part of which involves adopting an annex to a much larger plan prepared by the Association of Bay Area Governments (ABAG). The Town is currently updating its LHMP annex as part of a larger regional effort led by ABAG and part of this process requires review of previous and new mitigation strategies as well as an opportunity for public comment.

Mr. Anderson stated that the Town Council held a public hearing when it first adopted the LHMP annex in 2005, but Staff believed it appropriate to have the Planning Commission fulfill the public hearing requirement for this update. He noted that other forms of public outreach, such as posting on the Town's website, are required for the LHMP process.

There were no public comments.

Commissioner Kunzweiler said that he found the document sufficient in its compliance and that the Town possesses strong strategies in all applicable areas.

Commissioner Doyle concurred and said that he trusted Staff's expertise and guidance regarding this plan.

Commissioner Tollini also concurred. She said that she had taken the Get Ready class and she found the document comprehensive and well thought out.

Vice-Chair Corcoran echoed their comments and stated that he also had great confidence in Town Staff.

### **MINUTES:**

#### **3. PLANNING COMMISSION MINUTES – Regular Meeting of September 8, 2010**

ACTION: It was M/S (Kunzweiler/Tollini) to approve the minutes of September 8, 2010. Motion carried: 4-0.
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### **PUBLIC HEARING**

#### **1. 1600 MAR WEST STREET: CONDITIONAL USE PERMIT TO MODIFY THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED USE PERMIT FOR A PRIVATE RECREATIONAL FACILITY; FILE #11003; Tiburon Peninsula Club, Owner and Applicant; Assessor's Parcel Nos. 058-171-17, 76 84, and 058-240-21**

Staff noted that Commissioner Doyle is a member of the Tiburon Peninsula Club (TPC). He recused himself and exited the meeting.

Planning Manager Watrous presented the staff report, stating the TPC is currently operating under a Conditional Use Permit (CUP) granted in 2005 and modified several times since. In September 2010, *The Ark* newspaper printed a letter from a residential neighbor to the TPC complaining about noise from an inflatable children's "jump house" operating there. Staff contacted TPC officials, learned that the club has been using the jump houses on a recurring

basis, and informed them that such a use was not permitted under the club's CUP. TPC subsequently filed for a CUP amendment to allow repeated use of the temporary play structures.

Mr. Watrous described TPC use of inflatable play structures in the past and the Commission's previous noise concerns. He recommended that the use permit be modified to address how the Commission would like these structures to be regulated.

Commissioner Kunzweiler questioned and confirmed with Mr. Watrous that actual decibel levels were not measured relative to this activity and that the Town's Noise Ordinance and policies within the General Plan are not directly applicable to something like this.

Dave Holscher, Vice President of the TPC Board of Governors, stated that Ms. Schwartz' letter was the first complaint the club received relative to the jump houses. He said that they immediately sought to identify the issue and feel that the gas-powered compressors used for the larger jump houses are the source of the objectionable noise. He said that TPC realized that using these generators was a mistake and the club is more than willing to refrain from using them in the future. He stated that the standard electric blowers used to power the jump houses create very little noise and he did not foresee any issue associated with their continued use.

Mr. Holscher stated that the club is in the process of installing additional electrical outlets to ensure there is no need to rely upon the gas-powered generators. He said that they are also looking into "quiet boxes," which are typically used to reduce the noise from the power source when jump houses are used indoors. He said that Ms. Schwartz felt that quiet compressors would resolve her concerns. He said the club would like to self-police the issue and refrain from any CUP amendment.

Commissioner Kunzweiler asked how frequently the club used the jump houses. Mr. Holscher said that they are used at many special events and birthday celebrations, though he could not say how often that is.

Vice-Chair Corcoran asked if the complaints seemed limited to use of the larger gas-generated jump houses. Mr. Holscher could not confirm this, but noted that the jump houses have been used at the club for many years and Ms. Schwartz' complaint was the first they had received.

Commissioner Tollini asked if any consideration was given to moving the location closer towards Mar West Street. Mr. Holscher said that the current location seemed to be a natural extension of the children's playground.

Vice-Chair Corcoran opened the public hearing.

John Minni said that his concern was with the public notice, which sounded like the use of the jump houses would be increased over its current levels. He confirmed with the applicant that there was no request to operate the jump houses in a different location or on a larger scale.

Michael Parker said he owns and/or manages several properties on Harbor Oak Drive and on one occasion last spring he observed that while the jump house noise was essentially nonexistent at TPC, the noise was amplified significantly in one of the apartments above the site. He asked that

Staff or the Commission visit the apartment and experience the noise themselves before making any decisions.

Elaine Harmony said that she lives immediately above the TPC and within sight of the jump houses. She said that the noise in her apartment is loud all day on both weekends and holidays. She said that she has no wish to infringe upon the club's right to do business, but she also did not wish to sacrifice the quiet enjoyment of her home any further. She thought that she might be comfortable with limiting the jump houses to several times per year and invited anyone interested to experience the noise from her home.

Commissioner Tollini asked Ms. Harmony if her issue was the compressor noise specifically, or also noise generated by the jump house activities. Ms. Harmony said both. Commissioner Tollini asked if the sound would be more acceptable if the jump houses were moved elsewhere on the property. Ms. Harmony could not say, stating that the topography amplifies sounds coming from the site.

George Drake said that the neighborhood is a very loud one to live in above a natural amphitheater and it feels as though he is present at every game of basketball, tennis match and birthday party held there. He said that this is not an appropriate location for jump houses and he doubted that relocating the jump houses elsewhere on the site would be an improvement.

Suzanne Drake said that it would be useful for residents to know when the jump houses and other loud activities were scheduled. She felt that this knowledge, along with reduced frequency, could make the impacts manageable.

Peter Winkler, TPC President, emphasized that the larger gas-powered generator appeared to be the issue. He said that the club has been hosting events with jump houses for at least 25 years and this is the first complaint that they had received. He felt that it would be inappropriate to regulate jump houses as part of their CUP and that there were not sufficient reasons to do so. He stressed that the use of the gas-powered generators was clearly a bad idea, and the club will enhance its electrical capabilities and institute regulations to see that they are no longer needed or allowed.

Mr. Winkler said Mr. Parker noted that the club has been responsive to his concerns, just as they responded to Ms. Schwartz. He asked that the club be allowed to continue to use jump houses and to work with Town Staff and neighbors to further investigate any noise issues. He proposed that the Commission accept the club's offer to prohibit the use of gas-generated compressors, make no other change to the CUP, and then see if there is need for further mitigation.

Vice-Chair Corcoran questioned and confirmed with Mr. Winkler that the electrical improvements will serve only to eliminate the need for gas generators, and would not improve upon the electric compressors in any way. Mr. Winkler added that they are also pursuing the use of sound boxes and considering reorientation of the jump houses to address the issue.

Vice-Chair Corcoran closed the public hearing.

Commissioner Tollini asked if a CUP amendment is required to allow, or simply regulate, jump

houses. Mr. Watrous said that the Zoning Ordinance does not specify either way. He said that there are many parts of the TPC's normal activities that are not spelled out in the CUP. He stated that the Commission could choose to not amend the CUP and allow the club to carry on, but Staff feels that as a specific noise generating use, there should be some guiding language as to how the jump houses are used on the property.

Vice-Chair Corcoran questioned and confirmed with Mr. Watrous that the next CUP review is some time next spring, and that the issue could be discussed again at that time.

Commissioner Kunzweiler shared concerns with the overall process. He said that the Town tends to use CUPs far beyond their intended time frame and that a CUP should not be used as a vehicle to cure operational problems. He stated that an operational issue to do with noise has been raised here and should be dealt with as it would be with any other enterprise in the community. He noted that the acoustical issues in the surrounding neighborhood are well known, but he found TPC to be very responsible in attempting to solve neighborhood issues and they are taking steps to address this concern.

Commissioner Tollini said she could go either way regarding amending the CUP, but would feel comfortable allowing the club time to resolve the issue on its own. She commended TPC for confronting the problem directly and urged any neighbors with concerns to communicate with the club and attempt to resolve their issues before it reaches this level. She hoped that the use of only electric powered blowers and limiting the use of jump houses to special occasions would eliminate the issue, but said that she would not object to amending the CUP during the next review if the problem continues.

Vice-Chair Corcoran said that TPC had done a good job of reaching out to neighbors over the last year, and had done the same this evening. He concurred with Commissioner Kunzweiler that the use under the current use permit should not be micromanaged, but as long as issues continue to arise while a CUP is active, he felt that it was appropriate to address the issue through a CUP amendment. He appreciated the club's efforts relative to electrical improvements and the quiet box and said that he would prefer to see that requirement included in the CUP, but he could support waiting until spring. He said that he appreciated the neighbors' general noise concerns.

Commissioner Kunzweiler read from the original resolution and said that the Commission can amend the CUP for failure to comply with the Town's adopted regulations, but the Town has no adopted regulations having to do with these specific noise issues at the club. He said that the Commission needed to be clear that CUPs are not enforcement vehicles and that they have a purpose and a life span. He said that he would be open to examining the issue when the CUP comes back for review, but also felt that the CUP needs to be phased out.

Mr. Watrous clarified that the next CUP review would be in May or June.

Commissioner Tollini asked that if and when the Town's Noise Ordinance is revisited, this type of issue or use be reflected.

**ACTION:** It was M/S (Frymier/Kunzweiler) that the Commission accepts the TPC's proposal to 1) eliminate the use of gas generated compressors, 2) improve its electrical capabilities, 3) install quiet boxes around electric jump house blowers, and 4) work with Town Staff and neighbors to accurately identify the issues and possible mitigation measures, and 5) to direct Staff to reinvestigate the issue at the next regularly scheduled CUP review, with no modifications to the CUP at this time. Motion carried: 3-0.

**ADJOURNMENT:**

The Planning Commission adjourned the meeting at 8:25 p.m.

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JOHN CORCORAN, VICE-CHAIR  
TIBURON PLANNING COMMISSION

ATTEST:

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DANIEL WATROUS, SECRETARY