

# Town of Tiburon

## STAFF REPORT



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

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TO: **PLANNING COMMISSION**

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

SUBJECT: **CONDITIONAL USE PERMIT #10503;  
REQUEST TO MODIFY PREVIOUSLY APPROVED PLANS TO EXPAND  
A PRIVATE RECREATIONAL FACILITY; 700 TIBURON BOULEVARD;  
BELVEDERE TENNIS CLUB, OWNER; BRADANINI & WINGES,  
ARCHITECT; ASSESSOR'S PARCEL NO. 055-201-36**

MEETING DATE: **FEBRUARY 22, 2006** REVIEWED BY: SA

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### PROJECT DATA

Address:	700 Tiburon Boulevard
Assessor's Parcel Number:	055-201-36
File Number:	10503
Lot Size:	147,669 square feet
General Plan:	Public/Quasi-Public
Zoning:	P (Public/Quasi-Public)
Current Use:	Private Recreational
Owner:	Belvedere Tennis Club
Applicant:	Marcy Jones, Architect
Date Complete:	November 23, 2005
Preliminary CEQA Determination:	February 17, 2006

### PROJECT DESCRIPTION

The project is the proposed modifications to previously approved plans to upgrade and expand an existing private recreational facility (the Belvedere Tennis Club, or BTC) located at 700 Tiburon Boulevard. Most of the club facilities date to the late 1950's and early 1960's. A Conditional Use Permit (File No. 10401) was approved by the Planning Commission on March 10, 2004 for an extensive remodeling project. A copy of Planning Commission Resolution No. 2004-03 is attached as Exhibit 4.

Following more intensive examination of the physical condition of the existing facilities on the site, BTC is 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.



# Town of Tiburon

## STAFF REPORT

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- 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 Court.
- 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 increase the building floor area for the facility from the 4,899 square feet permitted under the 2004 use permit to a total of 5,450 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.

### **EXISTING FACILITIES AND SURROUNDINGS**

The subject property is a triangular shaped 3.4 acre parcel bordered by Tiburon Boulevard, the Tiburon Multi-Use Path and residential properties on Palmer Avenue. The entrance to the site is situated to the northwest of the intersection of Tiburon Boulevard and Rock Hill Drive.

A partially two-story clubhouse building is situated in the northwest portion of the site, adjacent to a swimming pool and a separate locker room structure. Seven full tennis courts and one practice court are situated along the southern portion of the property, along with a small tennis pro office. A central paved parking area provides 28 parking spaces. An adjacent unpaved gravel area provides approximately 10 additional unmarked parking for the facility.

Single-family residential neighborhoods are situated directly adjacent to the site to the west on Palmer Avenue and across Tiburon Boulevard along Hawthorne Drive and Rock Hill Drive. The Town-owned property containing the Multi-Use Path runs along the southern boundary of the site, with the path itself raised above the elevation of the facility and separated by a landscaped berm.

### **BACKGROUND**

As shown in the attached Permit Chronology for Belvedere Tennis Club (Exhibit 3), the origins of the BTC facility predate the incorporation of Tiburon in 1964. The original clubhouse, a two-story addition and the swimming pool were approved between 1959 and 1963. The Town of Tiburon has reviewed aspects of the tennis courts and facility lighting at several times since then.



# Town of Tiburon

## STAFF REPORT

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The use permit approved in 2004 for the upgrade and expansion of the BTC facilities proposed to make the following improvements:

- Demolition of the existing one-story office/bar/kitchen building;
- Construction of a one-story, 2,931 square foot addition surrounding the main two-story clubhouse. The addition would house locker rooms and restrooms; a kitchen; additional lounge area; a bar; foyer; office; and storage areas.
- Installation of a veranda facing the pool, along with new outdoor decks facing the tennis courts.
- Installation of a wading pool, enclosed children's play space and adult spa near the pool area.
- Conversion of the existing pool locker room building into an activity room and children's room.
- Reconfiguration of the parking lot to include two additional parking spaces, and paving and striping of the gravel parking area.
- Installation of minor exterior lighting, signage and landscaping improvements.

In reviewing the application, the Planning Commission determined that the proposed expansion was appropriate, would not result in any visual impacts on nearby residents and would have adequate parking. The Commission addressed potential noise concerns from several neighbors by limiting hours for social events and during which the spa and children's pool could be used. The Commission also directed the Design Review Board to "carefully evaluate potential noise and lighting impacts, and impose conditions of approval necessary to avoid unwanted noise, light and glare impacts on neighboring residential properties." The Design Review Board subsequently approved a Site Plan and Architectural Review application for the project which included a sound wall along the side of the site adjacent to the home at 9 Palmer Avenue.

### **ANALYSIS**

#### Expansion of Use

The applicant has indicated that the general intent of the proposed facility expansion is to provide additional space for the existing activities of the Belvedere Tennis Club. Most of the proposed building area would incorporate the same uses that are provided by the existing building (kitchen, bar, lounge, foyer, offices, etc.). The club has indicated that the areas of the new building would be used in the same manner as the existing facilities. The uses proposed by the subject application are identical to those approved under the 2004 use permit, with the exception that the previously approved children's pool has now been eliminated.



# Town of Tiburon

## STAFF REPORT

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The original use permit issued by Marin County in 1957 and the subsequent amendments to the use permit approved by the Town of Tiburon in 1965, 1973, 1993 and 2004 have not included any limitations on the number of members for the Belvedere Tennis Club. During the review of the use permit in 2004, BTC indicated that it had currently has 235 “Proprietary” members, 20 “Associate” members, 20 “Intermediate” members, 25 “Social” members and 3 “Honorary Life” members, for a total membership of 303 members. This represented an increase in membership from 1993; during the review of a building expansion for the facility at that time, the club was described as having “175 active members and 20-30 inactive members.” There has been no substantial increase in club membership since 2004.

### Parking and Circulation

Similar to the plans shown on the previous use permit, the proposed project expansion would include the installation of two new handicapped parking spaces close to the clubhouse and pavement of the existing gravel parking area in the eastern portion of the site. However, a more detailed analysis by the applicant of the previously approved parking layout revealed that several of the proposed parking spaces, including the two handicapped spaces, would be difficult to access. As a result, a revised parking layout is now proposed that would result in a total of 42 parking spaces on the site instead of the 45 spaces previously approved.

During the review of the previous use permit, it was noted that the Tiburon Zoning Ordinance does not include specific parking requirements for private recreational facilities. The Planning Commission determined that the 45 spaces would be adequate to meet the parking demand at the current membership levels of the club, but included requirements that valet parking be provided for all events for which the on-site parking capacity will be exceeded, and that the parking situation be further evaluated during a review of the permit 18 months after the project is completed.

As noted during the review of the previous use permit, the confined nature of the subject property leaves little available area for additional parking beyond the 42 parking spaces proposed by this application. The location of the property adjacent to Tiburon Boulevard limits the availability of on-street parking if the parking demand for the club is not met by the on-site parking. However, Town Staff is not aware of any complaints about spillover parking from the club onto nearby streets, which is a strong indication that the parking provided on the site is adequate to meet the existing demands of the facility.

Staff is of the opinion that the 42 parking spaces proposed to be provided as part of this application would still be sufficient to meet the day-to-day parking demands of the BTC. Parking demand that would exceed 42 spaces would occur infrequently and valet parking should continue to be required for such events when excess parking demand is anticipated.

### Noise

The northwest portion of the subject property, containing the clubhouse, swimming pool and most existing and proposed activity areas, is situated adjacent to two residences at 8 & 9



# Town of Tiburon

## STAFF REPORT

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Palmer Avenue and across Tiburon Boulevard from residences along Hawthorne Drive. Occasional complaints have been received over the years from these residential areas regarding noise emanating from the Belvedere Tennis Club. Traffic on Tiburon Boulevard creates an ambient noise corridor which effectively drowns out much of the noise generated by the Belvedere Tennis Club for nearby residences across Tiburon Boulevard, and helps to mask some of the daytime noise for the homes on Palmer Avenue.

Several of the proposed improvements have the potential for generating unwanted noise that could be disruptive to the homes at 8 & 9 Palmer Avenue. The proposed project would include the following changes to noise-generating uses associated with the BTC facilities:

- The spa would be moved from the previously approved location southwest of the swimming pool to a location north of the pool. The spa would be moved from the approved location closer to the home at 8 Palmer Avenue to a location closer to the residence at 9 Palmer Avenue.
- The pool equipment would be moved from its present location adjacent to the locker room building to a new structure located north of the spa in the northern corner of the site near Tiburon Boulevard and the home at 9 Palmer Avenue.
- The edge of the enlarged swimming pool would be five feet (5') closer to the side property line and ten feet (10') closer to the front property line.
- A fitness center is now proposed, to be located adjacent to the clubhouse area. The fitness center would have an exterior door facing toward the homes on Palmer Avenue, but would have no operable windows.
- The children's pool would be eliminated.
- The clubhouse and outdoor veranda would be situated in approximately the same locations. A portion of the outdoor seating area would be situated further to the south than indicated on the previously approved plans.

As noted above, in 2004 the Planning Commission addressed potential noise concerns by limiting hours for social events and during which the spa and children's pool could be used and directed the Design Review Board to evaluate potential noise impacts on neighboring residential properties; the Board subsequently approved plans which included a sound wall along the side of the site adjacent to the home at 9 Palmer Avenue.

Representatives of BTC have met on several occasions with the residents of 8 & 9 Palmer Avenue to discuss the proposed project changes and possible measures that would mitigate



# Town of Tiburon

## STAFF REPORT

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noise concerns. An acoustics report (Exhibit 7) was prepared by Charles M. Salter Associates to evaluate the present noise conditions at BTC and to recommend specific acoustical design elements for the project. As a result, the sound wall previously required along the side property line would be increased in height and length. The previous fence design called for a 6 foot tall wooden fence between the swimming pool and the home at 9 Palmer Avenue; the revised plans would involve construction of a 10 foot tall wooden fence (parts of which would sit atop a retaining wall which would be up to 4.5 feet in height) which would extend along both the west and south sides of the swimming pool and lawn area. The proposed fence design would require a Variance for excess fence height, as the maximum height for fences within required setbacks is 6 feet; the Variance would be reviewed by the Design Review Board along with the Site Plan and Architectural Review application for the revised project as a whole.

The acoustics report recommends several other design elements for the project. The pool equipment enclosure is recommended to be engineered to make noise from the equipment inaudible to the residents at 9 Palmer Avenue. Sound absorbing ceiling treatments are recommended for the new clubhouse. The report also recommends installation of an “electronic sound-limiting system” which would keep noise from amplified music from exceeding a pre-set threshold.

The enlarged swimming pool, new fitness center and modified outdoor seating area should result in minimal changes to the noise characteristics of the club; the proposed sound wall would also address any additional noise from these uses. The extended sound wall and relocated spa should reduce noise exposure for the adjacent home at 8 Palmer Avenue. The elimination of the children’s pool would remove a potential noise generator from the site. It is recommended that the Planning Commission maintain the time limits for the spa and social events, and also require a review of the use permit to evaluate post-construction noise conditions.

### Visual Impacts

The previously approved building expansion consisted only of one-story design elements that were to be added around the existing two-story portion of the clubhouse building. In 2004, the Planning Commission and Design Review Board determined that those additions did not result in substantial view impacts on the residences across Tiburon Boulevard from the site, which are situated generally at elevations higher than the subject property; views from these homes toward Richardson Bay are currently bounded by the existing vegetation on the site, fencing around the tennis courts and the limits of the existing clubhouse building.

The current proposal calls for the demolition of the entire clubhouse structure and construction of a new building housing the clubhouse, locker rooms and fitness center. Although the proposed building would still only be a one-story structure, the roofline would be substantially taller than the one-story elements approved in 2004. The ridgeline of the proposed building would be about one foot (1’) below the roof height of the existing two-story clubhouse building; a raised cupola above the roof would extend about one foot (1’) above the height of the existing ridgetop skylight. Although the visual profile of the proposed building would be somewhat lower



# Town of Tiburon

## STAFF REPORT

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and wider than that of the existing two-story structure, the tallest portion of the building would be longer than the two-story portion of the existing clubhouse.

The story poles erected for the project indicate that the proposed building would slightly intrude into the Richardson Bay water views from the rear of the homes at 682 & 684 Hawthorne Drive, but would not interfere with views of Sausalito and the Golden Gate Bridge from these properties. The residence at 686 Hawthorne Drive has a direct view of the proposed building; from this property, the silhouette of the proposed structure would be smaller than that of the existing two-story portion of the clubhouse, resulting in increased water views for this home. The views from other residences along Hawthorne Drive would not be significantly affected, as the proposed building would be backdropped by existing vegetation. The proposed building would not impact any water views for the homes at 8 & 9 Palmer Avenue, which are situated to the side of the BTC buildings. The Planning Commission is encouraged to view the story poles for the proposed building from nearby vantage points on Palmer Avenue and across Tiburon Boulevard to evaluate any potential view impacts determine for homes in the vicinity.

If approved by the Planning Commission, this project would then be reviewed by the Design Review Board as part of a subsequent Site Plan and Architectural Review application. The Design Review Board would also evaluate potential view impacts that could be caused by the project design. In addition, the Board would evaluate whether the project would result in other visual impacts on neighboring homes. One particular aspect of the proposed design that is likely to be scrutinized by the Board is the proposed standing seam aluminum roofing material, which would be different from the composition shingle roofing approved in 2004. The Board is often concerned with potential for sunlight reflection from metal roofing; the west-facing views of numerous homes on the other side of Tiburon Boulevard across the BTC site could be affected by late afternoon sunlight reflections from a large metal roof.

### General Plan/Zoning Consistency

The proposed project has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding conditional use permits. Although the Parks & Recreation Element primarily addresses publicly-provided recreational uses, Goal PR-A of that element is “to provide sufficient land and facilities for a balanced system of parks and recreation opportunities that serve all ages.” The proposed expansion would enhance the ability of the Belvedere Tennis Club to provide an appropriate level of services and recreational activities to its members, the majority of whom reside on the Tiburon Peninsula.

Goal LU-A of the Land Use Element is “to provide an orderly balance of public and private land uses within convenient and compatible locations throughout the community.” Policy LU-1 of the Land Use Element states that “the Town shall provide for sufficient diversity of land uses such that public, quasi-public, recreational and shopping facilities are conveniently located and available for each resident of the community.” The proposed expansion would help maintain this appropriate diversity of land uses in Tiburon; if the potential noise and glare issues are resolved, the BTC facility would continue to be part of the “orderly balance of public and private land uses.”



# Town of Tiburon

## STAFF REPORT

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Section 4.04.02 of the Tiburon Zoning Ordinance states that the purposes of the review of conditional use permit applications are to:

- (a) Determine whether the location proposed for the Conditional Use applied for is properly related to the development of the neighborhood as a whole;
- (b) Determine whether the location proposed for the particular Conditional Use applied for would be reasonably compatible with the types of uses normally permitted in the surrounding area;
- (c) Evaluate whether or not adequate facilities and services required for such use exist or can be provided;
- (d) Stipulate such conditions and requirements as would reasonably assure that the basic purposes of this Chapter and the objectives of the General Plan would be served; and
- (e) Determine whether the Town is adequately served by similar uses presently existing or recently approved by the Town.

During its review of the previous use permit, the Planning Commission determined that the expansion of the BTC would be “properly related to the development of the neighborhood as a whole” and “reasonably compatible with the types of uses normally permitted in the surrounding area.” The modifications proposed as part of the subject application would not change that determination as long as the conditions of approval of the 2004 use permit are carried over to this application, along with requirements to comply with the improvements recommended by the acoustics study. The recommended design elements intended to address potential noise impacts would allow the operation of the club to continue to be compatible with neighboring residences.

### **ENVIRONMENTAL REVIEW**

Staff has made a preliminary determination that the subject application is categorically exempt from the requirements of CEQA per Section 15301 (e) of the CEQA Guidelines. This exemption is available for additions to existing structures, provided that the addition will not result in an increase of more than 10,000 square feet if “the project is in an area where all public services and facilities are available to allow for maximum development permissible in the [Tiburon] General Plan, and [if] the area in which the project is located is not environmentally sensitive.” As the subject property is situated within a fully developed portion of Tiburon and adjacent to Tiburon Boulevard, the Planning Commission found the 2004 use permit to be categorically exempt; Staff believes that this exemption would be appropriate for the current application as well.



# Town of Tiburon

## STAFF REPORT

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### CONCLUSION

The proposed expansion of the Belvedere Tennis Club is intended to address the needs of the current club members. The previous approval in 2004 determined that the expansion would be consistent with the uses and activities already associated with this facility, and would not result in unwanted visual, parking or noise impacts on nearby residences. The revised building design and parking layout would not appear to create substantial additional visual or parking impacts for the surrounding area.

The changes proposed as part of the subject application have the potential to create an increase in noise impacts for the adjacent homes on Palmer Court. The design elements recommended by the acoustics study should adequately offset any noise impacts that would be caused by the proposed project modifications.

The Belvedere Tennis Club plays an important role in providing recreational opportunities for the Tiburon Peninsula. With the inclusion of design elements to mitigate any additional noise impacts on its neighbors, the proposed modification to the club expansion would be consistent with its surroundings and help the Belvedere Tennis Club to be a compatible part of its neighborhood well into the future.

### RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, deliberate upon the project merits, and adopt the draft resolution conditionally approving the project.

### EXHIBITS

1. Application form and supplemental materials
2. Draft resolution
3. Permit Chronology for Belvedere Tennis Club
4. Planning Commission Resolution No. 2004-03
5. Planning Commission Staff report dated March 10, 2004
6. Minutes of the March 10, 2004 Planning Commission meeting
7. Acoustics report prepared by Charles M. Salter Associates, dated February 1, 2006
8. Letter from Alex and Allison Mast, dated August 22, 2005
9. Letter from Douglas McVickar, dated August 28, 2005
10. Letter from David Johnson, dated August 29, 2005
11. Letter from Martha Auld, dated October 12, 2005
12. Letter from David Johnson, dated November 1, 2005
13. Letter from Tom and Olivia Kress, dated November 7, 2005
14. Letter from John Hermansky, dated February 7, 2006
15. Letter from Judy Bell, dated February 14, 2006
16. Letter from Matthew Bell, dated February 14, 2006
17. Letter from the Bells, dated February 15, 2006
18. Plans approved by the Planning Commission on March 10, 2004
19. Submitted plans