



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
March 26,  
2008  
Agenda Item: **1**

**STAFF REPORT**

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **NOTICE OF CONTINUANCE**  
**File #30801; Request to Amend the 7 & 9 Wilkins Court Precise Plan (PD #19) to Modify a Building Envelope and Create a Landscape Envelope; 7 Wilkins Court; Quentin Keith Hills, Owner; Ruschmeyer & Associates, Applicants; Assessor's Parcel No. 039-070-32**

Staff recommends that this item be continued for the following reason(s):

- No story poles have been erected/no certification received
- Additional information required. (continued to April 9, 2008)
- Item not properly advertised
- The applicant has requested a continuance to:
- Other:

Prepared by: **Scott Phillips, Assistant Planner**



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Planning Commission Meeting  
March 26, 2008  
Agenda Item:

## **STAFF REPORT**

**To: Members of the Planning Commission**

**From: Community Development Department**

**Subject: Conditional Use Permit #10406; Review of Conditional Use Permit Granted to Expand a Private Recreational Facility (Tiburon Peninsula Club); 1600 Mar West Street; Parcel Nos. 058-171-17, 76 & 84, and 058-240-21**

### **SUMMARY**

On February 23, 2005, the Planning Commission adopted Resolution No. 2005-02 approving a conditional use permit (File #10404) for the expansion of a private recreational facility (Tiburon Peninsula Club, or TPC) on property located at 1600 Mar West Street. The use permit approved the following improvements on the site:

- Demolition of the existing 3,600 square foot clubhouse facility and construction of a new 6,000 square foot, single-story clubhouse, which would include a large meeting/event room, administrative offices, youth space and a pro shop.
- Construction of a one-story, 4,200 square foot addition to the existing fitness center, increasing its size to 6,600 square feet. The expanded structure would provide additional fitness equipment space, private studio space for yoga and aerobic activities, and floor exercise space.
- Adding two additional swim lanes to the existing main swimming pool.
- Installation of a small outdoor spa near the existing southern swimming pool and relocation of the existing children's pool.
- Construction of two unlighted tennis courts on the south side of Mar West Street, adjacent to the existing tennis courts.
- Removal of the existing basketball and volleyball courts construction of a new basketball court adjacent to the fitness center, and relocation and reduction in size of the children's playground.

- Removal of most of the existing parking spaces on the north side of Mar West Street and creation of a new formalized 194-space parking area on the south side of Mar West Street, with overflow parking for 84 additional more cars.
- Installation of miscellaneous landscaping, site screening, ADA compliance and pedestrian traffic control improvements on the site.

On September 28, 2005, the Planning Commission adopted Resolution No. 2005-15 to modify the use permit to also allow the demolition of an existing 3,000 square foot locker room building and replacement with a new 4,600 square foot locker room building at the same location.

Condition of approval No. 3 of Resolution No. 2005-02 provides for review of the permit and reads as follows:

“The subject permit shall be reviewed by the Planning Commission at a public hearing approximately one (1) year after occupancy of the clubhouse building to assess conformance with conditions of approval and evaluate noise, light and glare, biology, parking, traffic and pedestrian safety issues. During this review, the Planning Commission shall have the authority to add, delete, or modify the conditions of this permit.”

## ANALYSIS

Following are the conditions of approval contained within Planning Commission Resolution No. 2005-02 and the status of compliance for each:

1. *The use shall be in substantial conformance with the following documents as approved herein:*
  1. *Land Use Plan dated October 1, 2004, attached as Exhibit A*
  2. *Floor plans dated September 21, 2004, attached as Exhibit B*
  3. *Project description dated October 14, 2004, attached as Exhibit C*
  4. *Existing and Proposed Usages and Activities table, dated February 24, 2005, attached as Exhibit D.*

*Any substantive intensification of use, as determined within the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.*

*Status:* The construction of the clubhouse, fitness center, locker room, swimming pools, parking areas and associated improvements complied with these plans.

2. *The conditional use permit approval shall incorporate all of the mitigation measures required in the Mitigation Monitoring Program attached as Exhibit E.*

*Status:* Most of the mitigation measures included in the adopted Mitigation Monitoring Program (attached as Exhibit 3) pertain to construction-related issues and were implemented during the construction of the club facilities. There are only two measures that involve post-construction requirements. Mitigation Measure 2b, requiring installation of a grate around the tennis court and ongoing efforts to ensure that tennis balls do not enter Railroad Marsh, is addressed under Conditions of Approval Nos. 14 & 15. Mitigation Measure Traffic-3, requiring implementation of a parking management plan, is addressed under Condition of Approval No. 7.

3. *The subject permit shall be reviewed by the Planning Commission at a public hearing approximately one (1) year after occupancy of the clubhouse building to assess conformance with conditions of approval and evaluate noise, light and glare, biology, parking, traffic and pedestrian safety issues. During this review, the Planning Commission shall have the authority to add, delete, or modify the conditions of this permit.*

*Status:* The clubhouse has been occupied for approximately one year, prompting this review of the use permit. The Town has received no complaints regarding noise emanating from TPC since the installation of the new sound systems associated with the expansion project. Similarly, there have been no complaints regarding light and glare from new lighting fixtures or regarding vegetation or landscaping on the site.

The new parking area on the south side of Mar West Street has been the source of parking problems and numerous complaints from TPC members to the club management. The gravel surface of this lot has created dusty conditions during dry weather and been very muddy during wet weather. Members wishing to avoid these conditions have often opted to park on Mar West Street, usually to the east of the club, resulting in complaints from nearby residents about the number of cars parked along this section of the roadway. The approved parking plans include an overflow parking lot to the southeast of the new parking lot. As of the date of this report, the overflow lot has not been adequately improved and is unsuitable for parking use.

During the review of the conditional use permit and Site Plan and Architectural Review applications for this project, TPC indicated that the new parking arrangement was intended to funnel all pedestrian traffic through the main entrance of the club and the clubhouse. During the occupancy review at the end of project construction, the Tiburon Fire Protection District instructed TPC to leave the gate in front of the fitness center open at all times for emergency access. Staff and TPC management believe that this open gate has encouraged some TPC members using the fitness center to either park on Mar West Street (closer to the fitness center gate) or cross the street east of the crosswalk.

Condition of Approval No. 7 of the use permit adopted a “Special Event Parking Management Plan” (Exhibit 4) to be utilized for all major special events held at the club. TPC held a tennis tournament on September 7-9, 2007 that generated complaints about overflow parking in the area. As noted in a memo from the Tiburon Police Department (Exhibit 13), on September 9, 2007, both sides of Mar West Street in the vicinity of the club were “clogged up with illegally parked vehicles” and over 50 parking citations were issued.

TPC officials have indicated that they intend to improve the main parking lot with a better decomposed granite surface to encourage more members to park in this lot. Town staff has directed TPC to compact the soil in the overflow parking lot and make any other improvements necessary to make this area usable for parking. Restricting on-street parking to Mar West Street residents has been discussed but has not yet been recommended by the Town's Traffic Safety Committee. Staff believes that these improvements should be implemented, but will not necessarily eliminate regular on-street parking by TPC members or address overflow parking during special events.

The Planning Commission should give direction regarding possible solutions to these parking and traffic safety concerns.

4. *Total membership for the Tiburon Peninsula Club use shall not exceed 650 regular members and 125 senior members. Any increase in membership of any nature shall require approval of an amendment to the subject use permit following a public hearing before the Planning Commission.*

*Status:* TPC currently has 650 regular members and 125 senior members. TPC officials have met with Town staff to discuss the possibility of increasing their allowed membership levels to raise funds to pay for both the completed expansion and future improvements to the parking lots and other portions of the site. Staff recommended that this request be processed through a subsequent application to amend the subject conditional use permit, which was filed on March 18. The public hearing for this amendment will be scheduled following the current use permit review. The ability of TPC to achieve and maintain compliance with its current use permit will be a factor in the review of any further expansion applications.

5. *Indoor social events and use of meeting rooms shall be permitted only until 9:00 p.m. on any day. Outdoor social events shall be permitted only until 8:00 p.m. on any day. Amplified music at events on the subject property shall not be played before 8:00 a.m. on weekdays and 9:00 a.m. on weekends, and not after 6:00 p.m. on weekday evenings or past 8:00 p.m. on weekend evenings.*

*Status:* TPC has indicated that they have complied with the limitations for hours for events and use of the meeting rooms. Staff has received no complaints about hours of operation for the club.

6. *Club facilities shall not be rented out, leased, or offered for use by non-members.*

*Status:* TPC has indicated that club facilities have not been rented out, leased, or offered for use by non-members. Staff has received no information to the contrary.

7. *The Tiburon Peninsula Club Special Event Parking Management Plan is adopted as part of this use permit, and shall be utilized for all major special events held at the club where it is reasonably foreseeable that spillover parking would result. This plan is intended to ensure that spillover parking does not impact neighboring properties.*

*Status:* As noted above, the tennis tournament held last September resulted in excessive spillover parking that created safety hazards and impacted neighboring properties. This appears to be an area where compliance with the sue permit needs serious improvement.

8. *All construction shall comply with the hours permitted in Section 13-6 of the Tiburon Municipal Code. At the time of construction, the contractor shall post a notice at the site identifying a "Noise Disturbance Coordinator (NDC)" with a telephone number that neighboring residents may call regarding complaints. The NDC shall be available during all construction hours and shall respond to all complaints, as necessary.*

*Status:* Project construction complied with the hours permitted by the Municipal Code. The Town received no noise-related complaints during construction of the project.

9. *Prior to the issuance of grading or building permits for project construction the project developer shall submit and receive approval for a Site Plan and Architectural Review application. In addition to standard application materials, this application shall include:*
  - a. *A noise attenuation plan which includes specific noise attenuation measures to be taken during construction of this project; attenuation measures for other amplified sound systems on the property (i.e., loudspeakers, bullhorns, etc.); and methods of increasing awareness of noise issues for club members.*

*Status:* A noise attenuation plan was prepared and reviewed by the Design Review Board on June 16, 2005 as part of the Site Plan and Architectural Review application for this project. TPC has implemented the requirements of this plan for amplified sound systems on the property and the Town has not received any complaints regarding excessive noise from the site.

- b. *A detailed lighting plan, with exterior lighting of the building, landscaped and parking areas shielded to prevent glare, to direct lighting downwards, and to reduce visibility from nearby residences and light pollution to the Old St. Hilary's Open Space Preserve. The lighting plan shall also be reviewed by County of Marin Department of Parks and Open Space staff.*

*Status:* The Site Plan and Architectural Review application included the detailed lighting plan. The Town has not received any complaints regarding light and glare from the site.

- c. *A site plan that avoids, to the extent feasible, the removal of native trees and construction within the drip line of native trees, along with a tree replacement plan in the case that avoidance of native trees is not feasible.*

*Status:* The landscaping plan reviewed by the Design Review Board as part of the Site Plan and Architectural Review application for this project minimized the removal of trees on the site, limited to areas around the new buildings. TPC has discussed the possibility

of removing a number of unhealthy non-native trees around the perimeter of the site, which would require approval of a Tree Permit.

- d. *A parking lot plan that includes enhanced landscaping planters and appropriate parking space delineation. Larger, mature trees and native species are encouraged to be planted wherever possible. Only non-invasive plant species are to be planted anywhere on the site as part of this project.*

*Status:* Enhanced planters providing separation between spaces within the modified parking areas were installed pursuant to the landscaping plan reviewed as part of the Site Plan and Architectural Review application for this project. New landscaping has been concentrated in the main planter near Mar West Street, with little additional landscaping through most of the parking lot. No invasive plant species have been planted.

- e. *Design provisions to ensure that the overflow parking lot will be aesthetically consistent with the new unpaved parking lot.*

*Status:* During review of the Site Plan and Architectural Review application for this project, the overflow parking lot was required to have the same surface as the new unpaved parking lot. As noted above, the overflow lot has not yet been improved and is unsuitable for parking use. Town staff has directed TPC to compact the soil in this area and make any other improvements necessary to make this overflow lot usable, but as of the date of this report, no progress had been demonstrated toward completion of this requirement.

10. *The applicant shall offer a public access easement to the Town of Tiburon for purposes of a pedestrian trail across the subject property that will connect Judge Field to Teather Park, prior to issuance of the building permit for the project.*

*Status:* The required public access easement has been offered to and accepted by the Town.

11. *In addition to the improvements shown on the Land Use Plan, curb, gutter and sidewalk shall be installed along the south side of Mar West Street all the way to the western property line.*

*Status:* Curb, gutter and sidewalk have been installed along the south side of Mar West Street all the way to the western property line.

12. *Lighting in the parking lots established south of Mar West Street shall be lit by bollard light fixtures or other similar fixtures approved by Planning Division Staff. Pole-mounted lighting fixtures are strongly discouraged, but, if found to be necessary for public safety, shall be minimized.*

*Status:* The parking lot is currently lit only by three pole-mounted fixtures that were approved by the Design Review Board during the review of the Site Plan and Architectural Review application for this project. TPC has indicated a desire to increase

the lighting in the parking lot by installing additional bollard light fixtures, which would be reviewed through a separate Design Review process.

13. *The new tennis courts and sports courts shall not be lit for nighttime use. Hours of use for the sports courts shall be limited to 8:00 a.m. to dusk.*

*Status:* The new tennis courts are not lit for nighttime use and have been used in compliance with this time limitation.

14. *A grate shall be installed and maintained at all times above the cement-lined ditch that is located adjacent to the Judge Field tennis courts to keep tennis balls out of the ditch.*

*Status:* The grate was installed above the cement-lined ditch located adjacent to the Judge Field tennis courts. A recent inspection of the site by Planning staff indicated that the grate is being maintained in generally good condition, although a portion of the grate near the southeastern corner of the tennis courts has become bent and needs to be realigned.

15. *The applicant shall implement an ongoing program to retrieve and remove tennis balls from around the tennis courts before they can enter Railroad Marsh. This program shall be submitted in writing with the Site Plan and Architectural Review application and approved by the Town.*

*Status:* A recent inspection of the site by Planning staff indicated that fewer tennis balls appear to be left around the tennis courts, with the few balls found in areas far from the drainage channels leading to the Railroad Marsh.

16. *Rocks, soil and debris that have collected on the southern fringe of Judge Field near Railroad Marsh shall be removed to the satisfaction of the Director of Community Development, and this portion of the property shall be continuously maintained in a clean and orderly condition.*

*Status:* The rocks, soil and debris that collected on the southern fringe of Judge Field near Railroad Marsh were removed. Recently, a pile of rocks has been added along the southwest perimeter of the parking lot, which is inconsistent with the intent of this requirement.

17. *Dilapidated fencing along the southern property line in the vicinity of the Railroad Marsh shall be removed. The applicant shall cause a survey of the entire southern property boundary (from Mar West Street to Mar West Street) to be completed, and shall install bollards or other marking devices (type, size and spacing to be determined by Planning Division Staff) along the southern property line to appropriately delineate the boundary between the subject property and Town property.*

*Status:* The dilapidated fencing has been removed and bollards have been installed in conformance with this requirement.

18. *The applicant shall obtain all necessary permits from the Town Building Division for the proposed addition.*

*Status:* All necessary permits from the Town Building Division were obtained for the proposed addition.

19. *The applicant shall meet all requirements of the Tiburon Fire Protection District, Sanitary District No. 5, and all other applicable agencies. Any Fire District requirements for establishment of defensible space around new structures shall be evaluated for effect on the Old St. Hilary's Open Space Preserve.*

*Status:* The project met all requirements of the Tiburon Fire Protection District and other agencies during construction of the project. As noted above, the Fire District has required TPC to keep the gate open near the fitness center, which has encouraged additional member parking on Mar West Street. The requirement to keep the gate open was not foreseen at the time of project approval and appears to have resulted in adverse parking impacts.

20. *Demolition of the clubhouse building shall comply with Regulation 11, Rule 2 requirements of the Bay Area Air Quality Management District regarding asbestos removal. A letter to this effect shall be submitted prior to foundation inspection by the Building Division.*

*Status:* Demolition of the clubhouse building complied with the BAAQMD requirements for asbestos removal.

21. *The Town Engineer shall review and approve all proposed improvements within the Mar West Street right-of-way. An encroachment permit shall be secured before any work begins within the Mar West Street public right-of-way.*

*Status:* The Town Engineer reviewed and approved all improvements within the Mar West Street right-of-way and issued an encroachment permit on July 28, 2006 (Exhibit 14) before work began within the Mar West Street public right-of-way. The encroachment permit included a condition of approval requiring installation of yellow flashing beacons at the crosswalk leading from the parking lot to the clubhouse. This has since been modified by the Public Works Director to instead require installation of standard "pedestrian crossing" signs, which have not yet been installed. The Public Works Director also required removal of red curb painting along Mar West Street that was done by TPC without Town approval and installation of standard "no parking" signs instead.

22. *The Tiburon Fire Protection District and Tiburon Police Department shall review and approve all crosswalk and circulation improvements to insure appropriate emergency access and pedestrian safety. Approved plans shall be reviewed and approved by the Planning Commission prior to installation.*

*Status:* The Tiburon Fire Protection District and Tiburon Police Department reviewed and approved all crosswalk and circulation improvements to insure appropriate

emergency access and pedestrian safety. The Planning Commission reviewed the crosswalk and circulation improvements on August 9, 2006. As noted above, several modifications have been made to the approved crosswalk design since that time.

23. *Construction of any fence along the east side of the property shall be coordinated with the County of Marin Department of Parks and Open Space staff to ensure that the fence does not encroach onto the adjacent Old St. Hilary's Open Space Preserve or affect sensitive habitat. If a fence does not already exist, a permanent fence shall be constructed between the subject property and the Preserve to prevent inadvertent damage to sensitive resources.*

*Status:* As of the date of this report, the required fence on the border of the site with the Old St. Hilary's Open Space Preserve has not been installed. Planning Division staff has inspected this portion of the site with TPC officials and believes that the fence is not necessary, as vegetation and the sloping hillside leading up to the shared property line have historically discouraged encroachment of activities onto the adjacent open space and any inadvertent damage to sensitive resources. TPC has indicated that they intend to meet with County Open Space District officials to request that this requirement, which was suggested by the District during the original use permit process, be eliminated. The Planning Commission also has the authority to eliminate this condition of approval during a future review of the conditional use permit if proper notice is given of such possible modification to the use permit.

24. *The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.*

*Status:* As noted above, staff has recommended several possible modifications to the use permit, including a requirements for modified parking restrictions on Mar West Street and possible elimination of the requirement for a fence bordering open space property. Based on the number of parking issues remaining and several unmet conditions of approval, the Commission may wish to consider future reviews of this use permit. The Commission is encouraged to provide direction on additional or modified conditions of approval that would further address the parking and traffic safety concerns noted above. Staff recommends that the hearing on the current use permit review be continued to allow TPC to better address these concerns. The notice for the continued hearing would specifically mention the possibility of modification to the conditions of approval for the use permit.

## **PUBLIC COMMENT**

As of the date of this report, no letters have been received regarding the review of the TPC use permit. As noted above, the Town has received a number of complaints regarding ongoing and special event parking along Mar West Street.

## **CONCLUSION**

The Tiburon Peninsula Club appears to be in substantial compliance with most of the conditions of approval of its use permit. However, the parking situation at the club is not functioning properly or adequately on a day-to-day basis or during special events. Efforts to improve the

condition of the parking lot surface and finish the overflow parking lot should help this situation, and the Planning Commission should consider requirements to restrict parking on Mar West Street to nearby residents. TPC also needs to do a better job of implementing its Special Event Parking Management Plan or face limitations on the number of events that may be held in the future. TPC needs to make good faith efforts to address these compliance issues, particularly if it wishes to secure Town approval to increase their membership levels.

## **RECOMMENDATION**

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, and continue the hearing for approximately 60 days to allow TPC to better address the parking and traffic safety issues noted above and comply with the conditions of approval of this use permit. At that time, the Commission may consider any modifications should be made to the adopted conditions of approval for this use permit.

## **EXHIBITS**

1. Planning Commission Resolution No. 2005-02
2. Planning Commission Resolution No. 2005-15
3. Adopted Mitigation Monitoring Program
4. Tiburon Peninsula Club Special Event Parking Management Plan
5. Planning Commission Staff report dated February 9, 2005
6. Planning Commission Staff report dated February 23, 2005
7. Planning Commission Staff report dated September 28, 2005
8. Planning Commission Staff report dated August 9, 2006
9. Minutes of the February 9, 2005 Planning Commission meeting
10. Minutes of the February 23, 2005 Planning Commission meeting
11. Minutes of the September 28, 2005 Planning Commission meeting
12. Minutes of the August 9, 2006 Planning Commission meeting
13. Memo from Tiburon Police Department, dated September 16, 2007
14. Encroachment Permit issued July 28, 2006 and attachments

Prepared by: **Daniel M. Watrous, Planning Manager**

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