



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
March 11, 2009
Agenda Item: 1

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: 1600 Mar West Street (Tiburon Peninsula Club); File # 10808; Review of a Condition of Approval of a Conditional Use Permit Allowing Extended Hours of Operation for Occasional Special Events for the Tiburon Peninsula Club; Assessor's Parcel Nos. 058-171-17, 76 & 84, and 058-240-21 (Continued from January 28, 2009)

Reviewed By: _____

SUMMARY

On January 28, 2009, the Planning Commission conducted a review of a condition of approval for the conditional use permit for the Tiburon Peninsula Club (TPC) property located at 1600 Mar West Street. During this review, TPC officials presented a request to further modify this condition of approval to 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.

ANALYSIS

Condition of approval No. 5 of the conditional use permit limiting the TPC hours of operation currently reads as follows:

“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. The Tiburon Town Manager may grant up to three (3) exceptions to these requirements each calendar year, for hours no later than 11:00 p.m., by approving a Special Event Permit. TPC shall notify neighboring property owners and residents within 300 feet of the TPC property by mail at least fourteen (14) days in advance of events authorized by such exceptions. Exceptions shall be granted for official TPC events only. This condition of approval shall be reviewed within six (6) months of the date of approval of Resolution No. 2008-14.”

TPC has submitted a memo (**Exhibit 1**) requesting the following changes to this condition of approval:

1. All functions would be club-sponsored or member-sponsored events only. *Staff response:* Condition of approval No. 6 of the TPC conditional use permit (found in Resolution No. 2005-02) states that “club facilities shall not be rented out, leased, or offered for use by non-members.” However, Condition No. 5 currently allows for exceptions to the hours for social events for “official TPC events only.” The proposed change would allow for the possibility of additional social events that would be member-sponsored, such as parties or wedding receptions, rather than official club events.
2. Eight (8) outdoor events would be allowed per year, lasting until 11:00 p.m. Friday and Saturday nights and until 10:00 p.m. Sunday through Thursday nights. *Staff response:* The current condition of approval states that the Town Manager may approve up to 3 special event permits for indoor or outdoor events that would not comply with the time limits specified in this condition. This request would allow up to 8 outdoor events beyond the proscribed time limits. Such events held on Sundays through Thursdays would end at 10:00 p.m., instead of 11:00 p.m. as currently allowed. Although TPC has previously indicated that they would like to eliminate the requirement that special events be approved by the Town Manager, TPC has not requested such a change at this time.
3. Neighbors within 300 feet of TPC would be notified in advance of any outdoor events. *Staff response:* This requirement is already included in the TPC conditional use permit (Condition No. 5 of Resolution No. 2005-02), which states that “TPC shall notify neighboring property owners and residents within 300 feet of the TPC property by mail at least fourteen (14) days in advance of events authorized by such exceptions.”
4. Signs would be posted on TPC property encouraging members and guests to be courteous of neighbors when exiting the club following events that end after 9:00 p.m. *Staff response:* Staff believes that this requirement is appropriate. Staff would coordinate the text and location for the proposed signs with TPC representatives.
5. No outside amplified music would be played at any TPC event. *Staff response:* Outside amplified music has been the primary source of neighbor complaints from previous TPC events. This requested change would substantially reduce the potential for noise disruption from TPC events to the surrounding neighbors. Staff believes that this straightforward ban would be preferable to other potential modified conditions of approval limiting disruptive noise from TPC that would likely be difficult to quantify and enforce. The Planning Commission may wish to consider whether the term “music” should be replaced with the more general term “sound” to address the possibility of other amplified sound that could be disruptive to neighbors.
6. An event hotline would be set up with a defined person in charge for neighbors to call regarding noise from outdoor events. The name and phone number of the

contact person would be included on notices mailed to neighbors. *Staff response:* Staff believes that this requirement is appropriate and should be included in the requirements for neighbor notification.

Staff believes that the requested changes to the condition of approval would address many of the concerns raised by neighbors regarding events held at TPC. Prohibiting outdoor amplified music at all TPC events would eliminate the most potentially disruptive source of noise at these events. For indoor events, Staff recommends that the doors and windows must be closed whenever amplified music is played, in a manner similar to the casino event held by TPC on November 15, 2008 that generated no noise complaints from neighbors.

Without amplified music, the additional outdoor events requested would have less potential to disrupt the nighttime peace and quiet for surrounding neighbors. This prohibition would also reduce the potential for excessive noise from member-sponsored events. Staff recommends that the Town Manager continue to approve these requests by approving a Special Event Permit for each outdoor event, but if the Planning Commission feels that the lack of amplified music substantially lessens the possibility of problems at these events, this requirement may be eliminated.

The requirements for additional signage and contact information can be easily incorporated into the condition of approval. As noted above, the TPC conditional use permit already requires written notification of all neighbors within 300 feet. Staff recommends that the Planning Commission conduct a review of these modified conditions of approval sometime early in 2010.

If the Planning Commission feels that these requested changes are appropriate, the draft resolution (**Exhibit 2**) should be adopted to change Condition of approval No. 5 of the TOC conditional use permit to read as follows:

“5. The following limits shall be placed on social events:

- a. 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.
- b. Outdoor amplified music shall not be played at any social events. Amplified music for indoor social events shall only occur when all exterior doors are closed.
- c. The Tiburon Town Manager may grant up to eight (8) exceptions to these requirements each calendar year, for hours no later than 11:00 p.m. on Fridays and Saturdays and no later than 10:00 p.m. on Sundays through Thursdays, by approving a Special Event Permit. Exceptions shall be granted for official TPC-sponsored or member-sponsored events only.
- d. TPC shall notify neighboring property owners and residents within 300 feet of the TPC property by mail at least fourteen (14) days in advance of events authorized by such exceptions. These notices shall include the name and phone number of a contact person in charge for neighbors to call regarding noise from outdoor events.

- e. Signs shall be posted on TPC property encouraging members and guests to be courteous of neighbors when exiting the club following events that end after 9:00 p.m.
- f. This condition of approval shall be reviewed by the Planning Commission at a public hearing in January, 2010.”

RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on this item, close the public hearing, and adopt the draft resolution modifying Condition of approval No. 5 for this use permit.

EXHIBITS

1. Memo from David Jerry Pang dated February 25, 2009
2. Draft resolution
3. Planning Commission Resolution No. 2008-14
4. Planning Commission Resolution No. 2005-02
5. Planning Commission Staff report dated January 28, 2009
6. Letter From Dave Albert, dated January 29, 2009
7. Letter from Maureen Meikle, dated January 29, 2009

Prepared By: Daniel M. Watrous, Planning Manager

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