



Staff Report

Date: February 9, 2017
To: Mayor Kathleen Hoertkorn and Council Members
From: Heidi Scoble, Planning Manager
Subject: Lagunitas Country Club Use Permit Amendment and Triennial Review; Application No. 1997

Recommendation

Town Council approval of Resolution 1984 approving a Use Permit Amendment to allow modifications to the Lagunitas Country Club's subject to the conditions of approval contained in Exhibit B of the Resolution.

Project Background and Discussion

On January 12, 2017, the Town Council moved to approve a Use Permit Amendments to allow for nine amplified music events and a modification to the 1997 existing condition of approval regarding leaf blowing day and times. The 1997 condition of approval allowed the following:

"No blower use shall be permitted on Sundays. Blowers may be used for tournaments held on 10 Saturdays each year. Blowers may be used up to 3 days per week. No blower use shall be permitted prior to 9 a.m. Only electric leaf blowers shall be allowed and shall be the quietest model available."

The condition of approval allows for a total of 166 leaf blowing days a year and that the leaf blowing can only commence at 9:00AM.

At the meeting, there was a brief discussion to modify the leaf blowing condition to be consistent with the Town's regulations as follows:

"It is unlawful for any person within the town limits to engage in the use of power-driven machinery or equipment for yardwork activity before eight a.m. or after five p.m., Monday through Friday of each week and not at any time on Saturday, Sunday, or other holidays listed in Section 9.20.060; except that:

The use of power-driven machinery or equipment operated solely by the owner of the property for yardwork is allowed on Saturdays between the hours of nine-thirty a.m. and four p.m. Power

mowers only may be used by gardeners working on Saturdays between the hours of nine-thirty a.m. and four p.m.”

The concern of staff's is that the modification to the existing condition of approval would have added 146 additional days of leaf blowing for a total of 312 leaf blowing days and that the leaf could commence an hour earlier on the week days.

Staff expressed these concerns to the Lagunitas Country Club and the Club has voluntarily agreed to reverting back to the original 1997 condition of approval in the spirit of being a good neighbor. As such, the attached resolution has been amended to include the original 1997 condition of approval (see Condition j).

Attachment
Resolution 1984

TOWN OF ROSS

RESOLUTION NO. 1984

A RESOLUTION OF THE TOWN OF ROSS APPROVING AN AMENDMENT TO THE USE PERMIT FOR THE LAGUNITAS COUNTRY CLUB AT 205 LAGUNITAS ROAD, APNS 073-211-40 AND 073-221-01

WHEREAS, the Lagunitas Country Club has submitted an application to amend the existing Use Permit and to conduct the triennial review as required by the Use Permit (herein referred to as “The Project”) at 205 Lagunitas Road, APNS 073-211-40 and 073-211-01; and

WHEREAS, an Initial Study and Negative Declaration was prepared for the project and the project is found not have a significant effect of the environment; and

WHEREAS, a 20-day public review period was provided for the Negative Declaration to allow local agencies, interested persons, and other members of the public to review and comment on the adoption of the Negative Declaration; and

WHEREAS, on December 10, 2015, January 12, 2017, and February 9, 2017, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby approved with the following actions:

1. Adopt a Negative Declaration;
2. Upon consideration of the record as a whole, there is no evidence before it that the Project has a potential for any new adverse effect on wildlife resources, or the habitat upon which the wildlife depends. No threatened, endangered, or protected animals, and no habitat necessary to sustain such animals have been found on the project site. Further, no endangered, threatened or special status plant species on the Project site were identified by the Initial Study. Therefore, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code;
3. Approve the Use Permit Amendment, subject to the project finding in Exhibit “A” and subject to the conditions of approval set forth in Exhibit “B”; and
4. Approve the triennial review as required by the current Use Permit.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 9th day of February 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Katie Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT "A"
FINDINGS
205 LAGUNITAS ROAD
APN 073-211-40 AND 073-221-01

A. Finding

- I. In accordance with Ross Municipal Code Section 18.44.030, a Use Permit is approved based on the following finding:**

The establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

As supported by the staff report dated January 12, 2017, the Initial Study/Negative Declaration prepared in compliance with the California Environmental Quality Act, the noise assessment prepared by Illingworth & Rodkin, Inc. on October 25, 2016, and the conditions of approval, and the public testimony heard at the duly noticed public hearing held on January 12, 2017, the Town Council finds that the Use Permit Amendment is consistent with the above finding.

The Use Permit Amendment revises the conditions of approval on the Lagunitas Country Club, allowing the Club to host up to 14 live indoor amplified music events per year, with windows and doors closed, subject to additional limitations, including limitations on the hours in which amplified music may be played and notice to the neighbors. The Initial Study/Negative Declaration and the noise assessment found that the project would result in a less-than-significant impact on the environment because the project was found not to result in a substantial temporary, periodic, or permanent noise level increase at existing noise-sensitive land uses in the project vicinity. With doors and windows closed, the predicted noise levels fall at or below the range of ambient noise levels. Additionally, conditions of approval are imposed on the project to require a 10-day courtesy notice to property owners within 500 feet of the Club, an on-site manager to address complaints from neighbors during an event, and an annual review for the first two years to determine whether the events are operating in conformance with the project. The limited number of events, the predicted noise levels, the restrictions on the hours for events, and the notice provided to neighbors will prevent any detrimental impacts to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood. The project will have any detrimental impacts on public welfare and will not be injurious to any property or improvements in the neighborhood.

Furthermore, the Town Council will review the Use Permit every three years to ensure compliance with the conditions of approval and review any impacts to the surrounding neighborhood. If the Council determines that the conditions of approval have been violated or the Club is being operated in a manner that creates a public nuisance, the Council would have the ability to modify or revoke the Use Permit at any time. Therefore, the project is found to be in conformance with the required finding in Section 18.44.030 of the Ross Municipal Code.

EXHIBIT "B"
CONDITIONS OF APPROVAL
205 LAGUNITAS ROAD
APN 073-211-40 AND 073-221-01

1. This approval authorizes an amendment to the Use Permit for the Lagunitas Country Club at subject to the following:
 - a. This Use Permit shall permit the operation of an existing recreational club. Existing facilities include a clubhouse, six tennis courts, three platform tennis courts, a swimming pool and snack bar, two storage buildings and two locker rooms. Permitted club activities include indoor and outdoor barbecues and social and athletic events and activities.
 - b. Club membership shall not exceed 160 senior family memberships and 75 sustaining memberships (members over age 65).
 - c. Member events shall be permitted to have live indoor amplified music. The maximum number of live indoor amplified music events shall be 9 per year. During all live amplified music events, doors and windows shall be kept closed. Outdoor live non-amplified music shall be allowed three (3) times per year. All music for these events shall end no later than 10:45PM.
 - d. Non-member indoor and outdoor amplified or non-amplified events are prohibited unless sponsored by a member.
 - e. An on-site manager shall be available to address any on-going neighborhood complaints during all scheduled events. The on-site manager's phone number shall be shown on the homepage of the Club's website. This condition will allow neighbors to contact the Club during the event to address and remedy the complaint.
 - f. The Club shall send out a courtesy notice to property owners within 500 feet of the project site 10-days prior to a scheduled event. The courtesy notice would describe the date and time of the amplified music event as well the phone number of the on-site manager's name and phone number.
 - g. All member related outdoor parties shall end no later than 10:30PM. Parties with outdoor dining, followed by indoor dancing, may continue indoors and end no later than 10:45PM.
 - h. Other indoor parties with closed windows for noise control shall end no later than 10:45PM.

i. The Club shall require facility users to refrain from “unsportsmanlike” behavior, such as swearing, unnecessary shouting, etc., while using outdoor areas proximate to surrounding public areas. Signs shall be posted at the tennis courts, pool and clubhouse to advise club users of the rules of conduct.

j. No blower use shall be permitted on Sundays. Blowers may be used for tournaments held on 10 Saturdays each year. Blowers may be used up to 3 days per week. No blower use shall be permitted prior to 9 a.m. Only electric leaf blowers shall be allowed and shall be the quietest model available.

k. All exterior lighting shall meet code requirements. Exterior lighting shall not create glare, hazard or annoyance to adjacent property owners. All lighting, including paddle court lighting, shall be shielded and directed downward. Parking lot lights shall be low and deflected downward.

l. Outdoor activities shall not commence prior to 7:30AM.

m. An on-site manager shall be available to address any on-going neighborhood complaints during the events. The on-site manager’s phone number shall be shown on the homepage of the Club’s website. This condition will allow neighbors to contact the Club during the event to address and remedy the complaint.

n. The Club shall send out a courtesy notice to property owners within 500 feet of the project site 10-day prior to a scheduled event. The courtesy notice would describe the date and time of the amplified music event as well the phone number of the on-site manager’s name and phone number.

o. The Town Council shall review the amended Use Permit annually for the first two years. The first review shall occur in February 2018. The Town Council would then determine the appropriate length of review after the second annual review. Furthermore, at any time, the Town Council may revoke and modify the Use Permit for non-compliance with the conditions of approval.

2. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend

the action with its attorneys with all attorneys fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.