

STAFF REPORT
Planning Commission
November 6, 2008
Item #7

File: 2195-42-53-08P-08A
Boulder Ridge Golf Course (Rocke Garcia)

Status report regarding the proposed Major Modification of an Use Permit and Architectural and Site Approval to construct a Reception Facility at Boulder Ridge Golf Course.

Owner(s): Boulder Ridge Golf Course (Rocke Garcia)
Property Address: 1000 Old Quarry Road, San Jose, CA

Gen. Plan Designation: Hillsides
Current Zoning: HS-d1 (design review)
Property Size: 200+ acres
Present Land Use: Golf Course
Supervisory District: One
Urban Service Area: None
Williamson Act: No

Prepared by: Rob Eastwood

Approved by: Michael M. Lopez

PROJECT / PROPOSAL DESCRIPTION

Status Report regarding proposed Major modification of an existing Use Permit and Architectural and Site Approval to allow construction and operation of a Reception facility at Boulder Ridge Golf Course.

At the September 4th, 2008 Planning Commission Hearing, the Planning Commission considered a proposed major modification to the existing Use Permit and Architectural and Site Approval at Boulder Ridge Golf Course for a proposed Reception facility.

Due to incomplete compliance with conditions of approval under the existing Use Permit for the Golf Course and questions regarding potentially significant noise impacts, consideration of the Use Permit Modification was continued for 60 days to the November 6th, 2008 Planning Commission Hearing. This continuance would allow time for the applicant to demonstrate compliance with existing Use Permit conditions and further evaluation of potential noise impacts, considering the need to prepare an Environmental Impact Report (EIR).

This staff report provides an update on the project regarding the status of these issues.

RECOMMENDED ACTIONS

1. Actions concerning the Project Proposal

It is recommended that the Planning Commission:

- a. Accept the status report regarding the proposed Modification of the Use Permit and Architectural and Site Approval and compliance with the existing use permit conditions for the Golf Course.
- b. Continue the proposed Major Modification of the Use Permit and Architectural and Site Approval to a Date Uncertain to allow processing of modifications proposed by the applicant.

REASONS FOR RECOMMENDATION

1. Reasons for Recommended Actions Concerning Proposal

At the September 4, 2008 Planning Commission Hearing, the Planning Commission considered a proposed Major Modification of a Use Permit and Architectural and Site Approval to allow a Reception Facility at Boulder Ridge Golf Course.

Staff Presentation on the proposed Major Modification disclosed that complete compliance with the existing Use Permit Conditions of Approval for the Golf Course could not be verified and recommended continuance of final action on the project. Submitted written correspondence and oral testimony from the public raised several

questions regarding the proposal. This included the applicability of previous findings and conditions adopted by the Board of Supervisors regarding further development on the Golf Course and potential noise impacts from the proposed Reception facility.

Discussion of these issues included the potential requirement to prepare an Environmental Impact Report (EIR) for the proposed project modification.

After accepting public testimony, the Planning Commission continued the item for 60 days to the November 6, 2008 Hearing. In continuing the item, the Planning Commission expressed an intent to continue acceptance of public testimony and requested that staff provide an update on monitoring and compliance with existing conditions of approval for the Golf Course. The Planning Commission also requested receipt of documents (Resolutions and Settlement Agreements) regarding original approval of the Golf Course, the minutes from the September 4 Planning Commission Hearing, and requested that all neighbors included on the mailing list receive notice of the November hearing.

Status of Proposed Major Modification of the Use Permit and Architectural and Site Approval.

Following the September 4, 2008 Hearing, staff met several times with the applicant to discuss the project and options for processing the application. During a meeting on October 14, 2008, the applicant indicated that he would modify the proposed Reception Facility to be enclosed within a permanent building. The Reception Facility considered at the September hearing entailed the construction of a temporary tent at the proposed site and the Planning Commission received substantial written correspondence and oral testimony concerning noise impacts from the Reception facility. The proposed modification from a tent to a permanent building would likely provide much greater noise attenuation for reception events.

The Planning Office has not yet received a formal submittal of revised plans for processing, as the applicant is currently discussing the proposed modification with several County agencies, including the Fire Marshal. In order to process the proposed modification, the applicant will be required to submit revised plans for the Reception facility and the project will be evaluated by the Planning Office and other County departments as a Modification of the existing proposal.

Staff will also require that the modified Reception Building be reviewed by a County retained noise consultant to determine if the revised project will cause significant noise impacts. During the September Planning Commission Hearing, the possible need to prepare an Environmental Impact Report (EIR) for the project to address potentially significant noise impacts was discussed. However, if staff determines that the proposed modified Reception Facility will not create any significant noise impacts (or other significant environmental impacts), staff will instead prepare and circulate a revised Mitigated Negative Declaration.

It is unknown at this time when the revised project will be heard before the Planning Commission. However, in order to account for processing and CEQA timelines, the

earliest that this proposed modified Reception Facility would be heard before the Planning Commission would be at the February 2009 Hearing.

Compliance with Existing Use Permit Conditions of Approval

Within the staff report for the September 4, 2008 hearing on the proposed Reception Facility, staff disclosed that the golf course was not in complete compliance with the existing conditions of approval for the facility. The areas of incomplete compliance included (a) submittal of a golf course operational plan regarding pesticide application, (b) submittal of an overall Landscape Plan showing screening and tree replacement, (c) submittal of reports regarding nitrogen application, and (d) submittal of reports regarding composting and recycling.

Since the September hearing, Planning staff has met with the applicant and other County agencies several times regarding these incomplete items. As shown within the attached Condition and Mitigation Compliance Report (Exhibit A), Staff has received updated reports and documentation from the applicant and other sources demonstrating that the Golf Course has complied with the outstanding items described above. As such, staff has concluded that the Golf Course currently is operating in compliance with the conditions of approval issued to the project.

Recently, staff has received complaints regarding unburied irrigation pipes that are visible from below the property. Although conditions of approval (Condition 82 of Exhibit A) for the Golf Course reference placing irrigation lines in trenches, there is no specific requirement to bury irrigation pipes as a visual mitigation. However, staff is currently working with the applicant to address this issue.

Distribution of Additional Materials & Public Notification

In continuing the item to the November 2008 Hearing, the Planning Commission requested receipt of original Resolutions and related legal documents (Settlement Agreement) concerning original approval of the golf course. The Planning Commission also requested the minutes from the September 2008 Hearing. Both the original resolution approving the golf course, subsequent settlement agreement ending lawsuits on the golf course are attached (Exhibit B). Minutes from the September Planning Commission Hearing regarding Boulder Ridge Golf Course are also included (Exhibit C).

In providing public noticing for this status report for the November Hearing, the Planning Office notified all members of the public which were included on the previous mailing list and also sent electronic notices (via email) to additional members of the public identified during the September hearing.

BACKGROUND

In August, 2007, the owner submitted an application for an Architectural and Site Approval Small Project Exemption to construct the proposed Reception Tent facility at a different location on the Golf Course from the Clubhouse. This application was subsequently revised to become an application for Architectural and Site Approval, and was heard at four subsequent hearings before the Architectural and Site Approval Committee, in December 2007, January, February, and March 2008. Substantial public comments were received as oral testimony or in written communication during this period. In further evaluating the proposed Reception facility, staff determined that the proposal would require modification of the Existing Use Permit for the Golf Course, as the project entailed a substantial change to the Use Permit site plan. On July 16, 2008, a Mitigated Negative Declaration was published for the proposed Reception Tent. Shortly thereafter, the applicant notified Planning Staff of intended changes in the project description, including hours of operation and occupancy. A revised Mitigated Negative Declaration was published on August 8, 2008 with closure of the public comment period on August 29, 2008.

The proposed Major Modification of the Use Permit and Architectural and Site Approval for the reception facility was heard at the September 4, 2008 Planning Commission Hearing. The Planning Commission continued the item 60 days to further evaluate compliance by the Golf Course with existing conditions of approval and the need to further evaluation noise impacts from the proposed facility.

Staff Presentation on the proposed Major Modification disclosed that complete compliance with the existing Use Permit Conditions of Approval for the Golf Course could not be verified and recommended continuance of final action on the project. Submitted written correspondence and oral testimony from the public raised questions regarding the proposal, including previous findings and conditions adopted by the Board of Supervisors regarding further development on the Golf Course and potential noise impacts from the proposed Reception facility. Discussion of these issues included the potential requirement to prepare an Environmental Impact Report (EIR) for the proposed project.

The Planning Commission continued the item for 60 days to the November 6, 2008 Planning Commission Hearing. In continuing the item, the Planning Commission expressed an intent to continue to accept public testimony and requested that staff provide an update on the compliance with existing conditions of approval. The Planning Commission also requested receipt of documents (Resolutions and Settlement Agreements) regarding original approval of the Golf Course, the minutes from the September 4 Planning Commission Hearing, and requested that all neighbors included on the mailing list receive notice of the November hearing.

Reception Facility Project Description (from September 2008 Staff Report)

The proposed project entails modification of an existing Use Permit to allow construction and operation of a Reception facility at Boulder Ridge Golf Course. Proposed improvements will consist of a 3,200 square foot tent (pavilion), an 850 square foot storage / restroom building, a “wedding” gazebo and arbor, an outdoor terrace and turf area, a 120 foot long fence, and ancillary pedestrian and access improvements. The proposed reception area is approximately 28,000 square feet in size and is located approximately 800 feet south of the existing Clubhouse at the Golf Course. The area has been graded as a flat pad and was previously used for a tent and modular buildings associated with golf course maintenance and membership sales. Only minor grading necessary to accomplish the proposed improvements (less than 150 cubic yards) will occur and no improvements to the existing access road leading to the site will be required.

The proposed reception facility will house reception events which were originally intended to occur within the existing Clubhouse at the Golf Course. As evaluated within the 1993 Supplemental EIR prepared for the Golf Course (The Golf Club @ Boulder Ridge Final Supplemental EIR, February 1993), the Clubhouse was intended to be approximately 22,000 square feet in size and contain a dining / banquet room with 224 seats in addition to a private dining room and cocktail lounge. The Clubhouse which was constructed is less than 19,000 square feet in size and does not contain the large dining / banquet room. This use is now proposed to be located within this new Reception facility at a different location on the Golf Course. The maximum occupancy of the tent (pavilion) is 224 persons.

The proposed reception facility is proposed to operate between 7am and 2am daily, consistent with hours of operation for the Clubhouse. Events are expected to have amplified music such as a live band or DJ. However, any music, amplified music or amplified broadcasting (microphone / PA system) shall be limited to the hours of 7am to 10pm, consistent with the daytime period established under the County Noise Ordinance. The facility is proposed to be used for a variety of reception events, such as weddings or corporate events.

EXHIBITS

Exhibit A – Condition and Mitigation Compliance Report

Exhibit B – Resolution by County Board of Supervisors Approving the Golf Course (November 1, 1994) and Settlement Agreement between the Board of Supervisors, Garcia Development Company, and the Coalition to Save Open Space.

Exhibit C – Minutes from the September 4th Planning Commission

Exhibit D – Additional Public Comments received following the September 4, 2008 Hearing.

Exhibit E – Public Notification (via email) of November Hearing