

RECORDING REQUESTED  
RETURN TO:  
Tiburon Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Attn: Daniel M. Watrous

**RESOLUTION NO. 2004–(Draft)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A CONDITIONAL USE PERMIT TO OPERATE A PERSONAL FITNESS CENTER  
AT 1600 JUANITA LANE  
ASSESSOR PARCEL NO. 59-102-16

WHEREAS, the Planning Commission of the Town of Tiburon does resolve as follows:

Section 1. Findings.

A. The Planning Commission has received and considered an application to operate a personal fitness center (Curves) on property located at 1600 Juanita Lane (File #10405). The application consists of the following:

1. Application Form and supplemental materials received July 8, 2004
2. Floor Plan received July 8, 2004

The official record for this project is hereby incorporated and made part of this resolution. The record includes the Staff Reports, minutes, application materials, and all comments and materials received at the public hearing.

- B. The Planning Commission held a duly-noticed public hearing on July 28, 2004, and heard and considered testimony from interested persons.
- C. The Planning Commission has found that the project is exempt from the requirements of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines.
- D. The Planning Commission has found, based upon the application materials and analysis provided in the July 28, 2004 Staff Report, that the project, as conditioned, is consistent with the Tiburon General Plan and is in compliance with the Tiburon Zoning Ordinance and other applicable regulations.. The proposed use is specifically intended to serve local residents, with nearby facilities in Mill Valley and Larkspur intended to serve residents closer to those locations, and would therefore be consistent with Policy No. DT-1 of the Downtown Sub-Element of the Land Use Element, which states that “resident-serving land uses shall be encouraged throughout Downtown Tiburon.” Several small fitness centers located within the Point Tiburon Plaza and the Cove Shopping Center have been previously found to be consistent with the Neighborhood Commercial zoning district, which is virtually identical to the Village Commercial zone in which the subject property is located.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon hereby approves the Conditional Use Permit application (File # 10405), to operate a personal fitness center on property located at 1600 Juanita Lane, subject to the following conditions:

1. Use and operation of the fitness center, including ongoing provision of parking, shall be generally consistent with the project description set forth in the letter dated July 8, 2004, attached hereto as Exhibit "A". Any substantive modification to the use or operation, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this conditional use permit.
2. The applicant shall obtain all necessary permits from the Tiburon Building Division.
3. Sign permits shall be obtained pursuant to Chapter 16A of the Tiburon Municipal Code.
4. There shall be no outdoor activities, and any music or noise shall not be audible from the exterior of the business.
5. Hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m. Monday through Friday, and 7:30 a.m. to 1:30 p.m. on Saturdays. The use shall not be open on Sundays.
6. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.
7. This Conditional use permit approval shall become null and void if the approved use has not commenced within one (1) year of final approval.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on July 28, 2004, by the following vote:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:

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\_\_\_\_\_, CHAIRMAN  
TIBURON PLANNING COMMISSION

ATTEST:

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