

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **DANIEL M. WATROUS, PLANNING MANAGER**

SUBJECT: **CONDITIONAL USE PERMIT #10403: REQUEST TO INCREASE THE DURATION OF SEASONAL USE FOR A RESTAURANT AWNING STRUCTURE; 5 MAIN STREET (GUAYMAS RESTAURANT); ED ZELINSKY, OWNER; SPECTRUM RESTAURANT GROUP, APPLICANT; ASSESSOR'S PARCEL NO. 55-151-41 (TO BE CONTINUED TO JANUARY 26, 2005)**

MEETING DATE: **NOVEMBER 10, 2004** REVIEWED BY: SA

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SUMMARY

Guaymas Restaurant is requesting an increase in the seasonal duration of use of a rooftop awning structure. The Town of Tiburon has previously required that the awning be erected only from November 1 to December 31 of each year (61 days), with five weeks (35 days) of additional time allowed for inclement weather. The applicant originally requested permission to keep the awning up from October to June (240 days) each year, and has since modified the request to the time period between November 15 and April 15 each year.

This application was first reviewed at the March 10, 2004 Planning Commission meeting. At that time, the Commission raised concerns about the temporary nature of the rooftop awning structure, and requested that the applicant consider more permanent design solutions to meet the rooftop deck needs of the restaurant. The application was continued to the May 26, 2004 meeting to allow the applicant to address these concerns. The applicant subsequently requested a further continuance to the July 28 and October 13 meetings.

At the October 13 meeting, the applicant indicated that the owners of the restaurant had previously investigated the possibility of installing a more permanent rooftop structure several years ago, but had rejected this option as too expensive to construct. The Planning Commission determined that the applicant had not sufficiently addressed the concerns raised at the previous meeting. The application was again continued to allow the applicant time to respond to these issues in a more thorough manner. The applicant was also encouraged to contact the current Point Tiburon Homeowners Association president and Pt. Tiburon residents and neighbors to discuss possible solutions to their noise concerns.

Since that meeting, the applicant has investigated different soundproofing options for the awning and rooftop area and has met with residents of the Point Tiburon Bayside complex, including a representative of the Homeowners Association. Staff has also spoken to a representative of Spectrum Foods (the owners of Guaymas), who indicated that his company was not sufficiently prepared to commit to a potentially expensive design solution at this time; instead, a request has been made to continue the hearing once again to allow the company



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adequate time to determine whether the alternatives under investigation would be financially feasible. The applicant has requested that the hearing be continued to the January 26, 2005 Planning Commission meeting.

RECOMMENDATION

Staff recommends that the Planning Commission continue this application to the January 26, 2005 meeting.