

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); ABRAMS & ZELINSKY, OWNERS; SPECTRUM RESTAURANT GROUP, APPLICANT; ASSESSOR'S PARCEL NO. 59-151-41**

MEETING DATE: **FEBRUARY 9, 2005** 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 day of the last Planning Commission meeting, the new restaurant manager indicated that they were no longer interested in seeking a time extension, and asked that the application "be taken off the calendar." Staff was unable to confirm before the meeting that the applicant wished to withdraw the application or simply continue the request. At Staff's recommendation, the Commission continued the hearing to the February 9, 2005 meeting to allow time for the applicant's desires to be clarified.

On January 31, 2005, Staff spoke to the restaurant manager, who confirmed that the application was to be withdrawn. Staff asked that this request be put in writing. On February 3, Staff was informed that the manager was no longer employed by Guaymas. Repeated phone calls to the representative of the restaurant's parent company requesting a withdrawal letter have not been answered.

This request has been under the review by the Planning Commission for almost a year. On March 10, 2004, the Commission first reviewed this request, and continued the hearing to the May 26 meeting, with the applicant requested to consider more permanent design solutions to meet the rooftop deck needs of the restaurant. The applicant subsequently requested continuances to the July 28 and October 13 meetings. On October 13, 2004, 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 continued the hearing again to the November 10 meeting to allow the applicant time to respond to these issues in a more thorough manner. The applicant asked for another continuance, to the January 26, 2005 meeting. The applicant subsequently indicated that alternative design solutions to the current awning will not be considered by the restaurant owners, who were unwilling to spend additional funds on a more permanent improvement to the restaurant

Based on this information, it is Staff's opinion that the applicant wishes to withdraw the application. The applicant's repeated requests for continuances, unwillingness to explore

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design options requested by the Planning Commission, and the most recent verbal conversations with both the manager of the restaurant and the representative of the parent company indicate that the applicant is no longer interested in doing what is necessary to extend the time period for the awning structure. If a letter is received confirming this decision, it will be passed along to the Commission.

RECOMMENDATION

Unless a letter of withdrawal has been received by meeting time, direct Staff to prepare a resolution denying the application for consideration at the next meeting on February 23, 2005.