



# Town of Tiburon SUPPLEMENTAL STAFF REPORT

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TO: **PLANNING COMMISSIONERS**

FROM: **KRISTIN KRASNOVE, ASSOCIATE PLANNER**

SUBJECT: **1626 TIBURON BOULEVARD: REVISED DRAFT RESOLUTION FOR  
PILATES STUDIO; FILE #10501**

DATE: **AUGUST 22, 2005**

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**Staff is proposing several revisions to the draft resolution for the Pilates Studio Conditional Use Permit application to be reviewed at the August 24<sup>th</sup> Planning Commission meeting.**

**The two primary changes are as follows:**

**1) In order to better ensure that the parking requirements remain in compliance for the business, and to reflect the letter from Main Street Properties (attached), condition of approval #7 is now proposed to read as follows:**

“The property owner shall provide five (5) parking spaces for this use; two (2) on-site and three (3) in the nearby Beach Road parking lot (AP 58-171-86). The spaces in the Beach Road parking lot shall be validated by Main Street Properties and its successors, and signs shall be posted on the facility indicating that parking validation for clients is available. The five (5) required parking spaces shall continue to be maintained at all times. Loss of any required parking space without acceptable replacement shall be grounds for revocation of this Conditional Use Permit and possible eviction of the tenant.”

**2) Condition of approval #9 is proposed to be added (new standard language), as follows:**

“If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.”

Several additional minor changes to the Resolution are also shown in underline/strike-through format on the attached revised draft document.

1. Revised draft Resolution.
2. Letter from Main Street Properties regarding parking.



# Town of Tiburon

## MEMORANDUM

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RECORDING REQUESTED  
RETURN TO:  
Tiburon Planning ~~Department~~ Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Attn: Kristin Krasnove

### RESOLUTION NO. 2005-DRAFT

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A CONDITIONAL USE PERMIT TO OPERATE A PERSONAL FITNESS CENTER  
(PILATES STUDIO) AT 1626 TIBURON BOULEVARD

### ASSESSOR PARCEL NO. 59-101-03

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 (Pilates Studio) on property located at 1626 Tiburon Boulevard (File #10501). The application consists of the following:
1. Application Form and supplemental materials received August 4, 2005
  2. Floor Plan received August 4, 2005
  3. Parking commitment letter dated August 19, 2005 from Main Street Properties.

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 duly-noticed public hearings on August 24, 2005, 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 August 24, 2005 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



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## MEMORANDUM

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to serve local residents, 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 Downtown Tiburon, Point Tiburon Plaza and the Cove Shopping Center have been previously found to be consistent with the Village Commercial zoning district in which the subject property is located, and also in the Neighborhood Commercial zoning district.~~

### 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 #10501) to operate a personal fitness center ~~on property located~~ at 1626 Tiburon Boulevard, subject to the following conditions:

1. The applicant shall obtain all necessary permits from the Tiburon Building Division.
2. The installation of any signs shall ~~require be reviewed by the Design Review Board via~~ a Sign Permit pursuant to Chapter 16A of the Tiburon Municipal Code Zoning Ordinance.
3. There shall be no outdoor activities, and ~~no any~~ music or noise shall ~~not~~ be audible from the exterior of the business.
4. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8 a.m. to 12:00 p.m. on Saturdays. The use shall not ~~operate be open~~ on Sundays.
5. The Town reserves the right to amend or revoke this Conditional Use Permit for ~~just~~ cause, in accordance with adopted regulations of the Town.
6. The Planning Commission shall review this use permit six (6) months after the business begins operation, primarily, but not exclusively, to evaluate adequacy of parking for the use.
7. The property owner shall provide five (5) parking spaces for this use; two (2) on-site and three (3) in the nearby Beach Road parking lot (AP 58-171-86). The spaces in the Beach Road parking lot shall be validated by Main Street Properties and its successors, and signs shall be posted on the facility indicating that parking validation for clients is available. The five (5) required parking spaces shall continue to be maintained at all times. Loss of any required parking space without acceptable replacement shall be grounds for revocation of this Conditional Use Permit and possible eviction of the tenant.



# Town of Tiburon MEMORANDUM

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- 8. This Conditional use permit approval shall become null and void if the approved use has not commenced within one (1) year of final approval.
  - 9. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.

PASSED AND ADOPTED at a regular meeting of the Planning Commission on August 24, 2005, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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JOHN KUNZWEILER, CHAIRMAN  
TIBURON PLANNING COMMISSION

ATTEST:

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DANIEL M. WATROUS, SECRETARY

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