



# Town of Tiburon STAFF REPORT

AGENDA ITEM \_\_\_\_\_

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**TO: PLANNING COMMISSION**  
**FROM: SCOTT ANDERSON, DIRECTOR OF COMMUNITY DEVELOPMENT**  
**SUBJECT: 41 MAIN STREET: TENTATIVE SUBDIVISION MAP FOR CONDOMINIUMIZATION OF A COMMERCIAL/RESIDENTIAL BUILDING; FILE #60404**

**MEETING DATE: JANUARY 12, 2005** **REVIEWED BY: \_\_\_\_\_**

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## PROJECT DATA:

**OWNER: DORIS CACERES TRUST**  
**APPLICANT: SAME**  
**ADDRESS: 41 MAIN STREET**  
**ASSESSOR PARCEL NUMBER: 059-151-04**  
**FILE NUMBER: 60404**  
**ZONING: VC (VILLAGE COMMERCIAL)**  
**GENERAL PLAN: VC (VILLAGE COMMERCIAL)**  
**FLOOD ZONE: C**  
**DATE COMPLETE: DECEMBER 9, 2004**  
**CEQA EXEMPTION: JANUARY 8, 2005**  
**PERMIT STREAMLINING ACT DEADLINE: FEBRUARY 27, 2005**

## PROPOSAL

The applicant is proposing to convert a three-story building containing ground floor retail space and three dwelling units above into a condominium form of ownership. On December 8, 2004, the Planning Commission approved a conditional use permit for the condominium conversion. This Tentative Map application for a minor subdivision (four or fewer parcels) is the final discretionary permit required from the Town.

The subject building was approved in 2001 and construction of the building is nearly complete. The retail space has a floor area of 1,335 square feet and also contains a bathroom, mechanical room, and a foyer for the upstairs units. The second story contains two separate dwelling units; one unit has two bedrooms, two bathrooms, and a floor area of 1,178 square feet; the other unit contains one bedroom and one bathroom and has a floor area of 821 square feet. The third level contains a separate dwelling unit with two bedrooms, two bathrooms, and a total floor area of 1,817 square feet. All three units include decks facing the bay to the rear, and the upper unit also has a deck facing Main Street to the front. The tentative map application would create air space divisions for the retail space and each of the three dwelling units. No physical alterations to the existing building are proposed as part of this application.

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### ANALYSIS

#### General Plan Consistency and Zoning Ordinance Conformance

The project has been reviewed previously during the initial approval phase in 2001 and the condominium conversion approval phase in 2004 and has been found to be consistent with the goals and objectives of the Tiburon General Plan. Similarly, the project conforms to the provisions of the Tiburon Zoning Ordinance.

#### Subdivision Ordinance Compliance

Chapter 14 of the Tiburon Municipal Code (Subdivision Ordinance) requires that the Planning Commission make the following findings in approving a Tentative Map for a Minor Subdivision:

- a. Plan Consistency. As stated above, the proposed map is consistent with the goals and objectives of the Tiburon General Plan and would, on balance, further the goals and objectives of the General Plan.
- b. Design or Improvement. The design of the proposed subdivision is consistent with General Plan policies regarding subdivision of existing lots.
- c. Type of Development. The site is physically suitable for the type of development proposed.
- d. Density of Development. The density of development is suitable for surrounding area and provides housing units for the Downtown area.
- e. Fish or Wildlife. The subject property is situated within an area that is generally developed and the structure is already constructed. There will be no impacts on fish or wildlife from the subdivision application approval.
- f. Public Health. The design of the proposed subdivision has no characteristics that would cause significant public health problems.
- g. Access. The access to the proposed lots would utilize Main Street, with parking leases secured for off-site parking in nearby parking lots as approved by the conditional use permit.
- h. Dedications. A public access easement along the side and rear of the property is being offered for dedication and will provide valuable public access to the waterfront views afforded along Main Street.
- i. Discharge of Waste. The project will be served by the public sewer system.

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- j. Regional Housing Needs. The project is consistent with the Town's Housing Element goals.

### Environmental Status

Staff has made a preliminary determination that the project is categorically exempt from CEQA under Section 15315 (Minor Land Divisions) of the CEQA Guidelines.

### **RECOMMENDATION**

Staff recommends that the Planning Commission take testimony on this item, close the public hearing, deliberate upon the project merits, and adopt the draft resolution conditionally approving the tentative subdivision map.

### **EXHIBITS**

1. Draft Resolution.
2. Application form received 11/1/2004.
3. Tentative map drawing received 11/1/2004.