

RESOLUTION NO. 2006-DRAFT

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
EXTENDING A CONDITIONAL USE PERMIT TO OPERATE TWO (2) PUBLIC
PARKING LOTS IN DOWNTOWN TIBURON
ASSESSOR PARCEL NOS. 58-171-91 (portion) and 58-171-88 (portion)**

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

Section 1. Findings.

- A. On May 24, 1995, the Planning Commission adopted Resolution No. 95-11 approving the operation of three (3) public parking lots in Downtown Tiburon. This permit was renewed in 1996 through adoption of Resolution No. 96-07, renewed in 1997 through adoption of Resolution No. 97-07, and renewed in 1998 through adoption of Resolution No. 98-11. In late 1998, one of the three lots was paved and improved to Town standards. In 1999, the Town extended the permit for the two remaining unimproved lots for two (2) years through adoption of Resolution No. 99-18. In 2001, the Town extended the conditional use permit for another two years by adoption of Resolution 2001-06; in 2003, the use permit was extended by Resolution 2003-04, and in 2005 the permit was extended by Resolution No. 2005-04.
- B. The Planning Commission has received an application from Main Street Properties requesting another extension of the conditional use permit to operate the two remaining public parking lots on unimproved sites in Downtown Tiburon as shown on attached Exhibit A; specifically:
 - 1. 1525 Tiburon Boulevard (APN 58-171-91; adjacent to and west of the Washington Mutual Bank building at 1535 Tiburon Boulevard).
 - 2. Currently unpaved portions of 1555 Tiburon Boulevard (APN 58-171-88; area adjacent to and west of the Bell Market building at 1599 Tiburon Boulevard).
- C. The Planning Commission held a duly noticed public hearing on April 12, 2006 and has heard and considered any testimony from interested persons.
- D. The Planning Commission has found that the project is consistent with the Tiburon General Plan and is in compliance with the Tiburon Zoning Ordinance and other applicable regulations.
- E. The Planning Commission has determined that continued use of these areas for parking would be beneficial to the Downtown area and would not be detrimental to the public health, safety, or welfare.

- F. The Planning Commission finds that because the lots are unimproved (and are not proposed to be improved as part of this application), that only a temporary use permit can be issued at this time. Applications for permanent parking lots would need to be filed separately with appropriate plans and specifications.
- G. The Planning Commission has found that the project is categorically exempt from the requirements of CEQA per section 15301 of the CEQA Guidelines.

Section 2. Approval.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon hereby approves a one (1) year extension of the Conditional Use Permit application (File #19503) subject to the following conditions:

1. The two lots shall be maintained in a neat and clean condition satisfactory to the Community Development Director.
2. Any proposed interim improvement (lighting, signage, etc.) to the parking lots shall be reviewed by the Community Development Director and may be referred to appropriate Town Boards and/or Commissions for consideration.
3. In issuing this temporary permit, the Town's action shall not be construed as a waiver of the right of the Town to apply any reasonable or necessary conditions to an application for permanent parking lots.
4. In conjunction with filing for any future use permit extensions of this permit, permittee shall submit for review and approval by the Town of Tiburon an application and plans, acceptable to the Director of Community Development and the Director of Public Works, for the conversion of the Tiburon Boulevard parking lot into a permanent paved parking lot, with the understanding that such improvement work shall be completed by the end of 2008.
5. Permittee shall keep posted at all times signs prohibiting the idling of buses in the Tiburon Boulevard parking lot at 1525 Tiburon Boulevard, and shall be responsible for ongoing enforcement of this restriction.
6. This permit shall be extended one year and shall expire on May 8, 2007, unless an application for extension has been granted. Should the use permit expire, the public parking use shall cease until such time as permits are secured.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon on _____, 2006 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JOHN KUNZWEILER, CHAIRMAN
TIBURON PLANNING COMMISSION

ATTEST:

DANIEL M. WATROUS, SECRETARY

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