

TOWN OF TIBURON

STAFF REPORT

ITEM NO. _____
MEETING DATE: 4/12/2006

To: PLANNING COMMISSION
From: SCOTT ANDERSON, DIRECTOR OF COMMUNITY DEVELOPMENT
Subject: EXTENSION OF CONDITIONAL USE PERMIT FOR TWO PAY PARKING
LOTS IN DOWNTOWN TIBURON
Date: APRIL 7, 2006

BACKGROUND

Address: 1525 and 1555 Tiburon Boulevard
AP No.: 58-171-91 (portion) and 58-171-88 (portion)
File No.: 19503-Extension
General Plan: NC (Neighborhood Commercial)
Zoning: NC (Neighborhood Commercial)
Property Size: N/A
Subdivision: N/A
Current Use: Fee parking lots
Owner: Laleh Zelinsky & Barbara Abrams
Applicant: same as above

PROPOSAL

The applicants are requesting a renewal of the existing conditional use permit to operate two (2) parking lots in the Downtown. The lots already exist and have been in continuous use for many years. It has been the policy of the Town over the years to issue annual or biennial extensions of the use permit, with the understanding that, eventually, all the lots will be paved and/or improved to permanent status or converted to another use.

ENVIRONMENTAL STATUS

The project is categorically exempt from CEQA under Section 15301 (Existing Facilities) of the CEQA Guidelines.

ANALYSIS

Because the parking lots are unimproved, and are not proposed to be improved at this time, a temporary use permit is the only kind which the Town of Tiburon will issue.

As part of the 2005 permit renewal, the Commission required that drawings for the lot's improvement be filed with the 2006 renewal application, with improvement to be completed by the end of 2007 (see **Exhibits 1 and 2**). Staff sent a reminder letter of these conditions in March 2006 (**Exhibit 3**).

As the Commission may be aware, plans for improvement of this lot have been delayed while the heirs of the late Edward Zelinsky divide the various land holdings of Main Street Properties. At this time, it is uncertain which relative of Mr. Zelinsky will or might gain sole ownership of the parking lots. It is possible that the two parking lots will be under differing ownership within the next several months. This general state of affairs is set forth in the letter from Laleh Zelinsky dated March 31, 2006 (**Exhibit 4**), requesting a one-year renewal until the ownership issue is resolved.

CONCLUSION

Staff believes that paving and improvement of the Tiburon Boulevard lot is not an immediate priority at this time, and given the uncertain status of future ownership of the property while Mr. Zelinsky's heirs split the properties in the estate. Staff believes that it would be reasonable for the use permit to be extended for one year and the conditions requiring plans and improvements to be extended for one year.

RECOMMENDATION

Staff recommends a one year extension of the temporary use permit for the two parking lots, with the conditions of the existing permit modified to reflect an additional year for plans and improvements. A draft resolution to this effect is attached as **Exhibit 5**. Condition No. 4 of the draft Resolution contains the parking lot improvement plan requirement.

Staff recommends that the Planning Commission, following a public hearing, adopt the resolution approving the conditional use permit extension for one year.

EXHIBITS

1. Resolution No. 2005-04 (2005 renewal).
2. Minutes of 2005 Planning Commission approval of the CUP renewal.
3. Letter from Town to Laleh Zelinsky dated March 27, 2006.
4. Letter from Laleh Zelinsky dated March 31, 2006.
5. Draft Resolution.

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