



**TOWN OF TIBURON
PLANNING COMMISSION
1505 Tiburon Boulevard
Tiburon, CA 94920
Action and Approved Minutes
Regular Meeting
August 22, 2007 – 7:30 PM**

ACTION MINUTES

CALL TO ORDER AND ROLL CALL

Chairman Aguirre, Vice Chairman O'Donnell, Commissioner Collins, Commissioner Fraser, Commissioner Kunzweiler **All Commissioners Present**

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes.

There Were None

COMMISSION AND STAFF BRIEFING

Staff Update
Commission Information Items

PUBLIC HEARING

1. 3 JUANITA LANE: PROPOSAL TO LEGALIZE EXISTING OPERATION OF A MASSAGE THERAPY STUDIO; Main Street Properties, Owner; Judy Drewek and Jennifer Rockwell, Applicants; Assessor's Parcel Number 059-101-12
Approved 5-0
2. 1501 TIBURON BOULEVARD: CONDITIONAL USE PERMIT TO INSTALL A TEMPORARY OFFICE TRAILER; Belvedere-Tiburon Library, Owners and Applicants; Assessor's Parcel Nos. 058-171-93 and 94 (**APPLICATION WITHDRAWN**)

MINUTES

3. PLANNING COMMISSION MINUTES – Regular Meeting of August 8, 2007 **Approved**
As Amended 4-0-1 (O'Donnell Abstained)

ADJOURNMENT 7:55 PM

**APPROVED MINUTES NO. 951
PLANNING COMMISSION
August 22, 2007
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Chair Fraser called the meeting to order at 7:30 P.M.

Present: Chairman Aguirre, Vice-Chairman O'Donnell, Commissioners Collins, Fraser and Kunzweiler

Absent: None

Staff Present: Planning Manager Watrous and Associate Planner Tyler

ORAL COMMUNICATIONS

None

COMMISSION AND STAFF BRIEFING

Staff Update – Planning Manager Watrous reminded the Commission of future agenda and noted that a hearing would be held for the Streamlining Ordinance for the Library Expansion Project on September 12, 2007.

PUBLIC HEARING

4. 3 JUANITA LANE: PROPOSAL TO LEGALIZE EXISTING OPERATION OF A MASSAGE THERAPY STUDIO; Main Street Properties, Owner; Judy Drewek and Jennifer Rockwell, Applicants; Assessor's Parcel Number 059-101-12

Associate Planner Tyler summarized the staff report, stating that the project is a legalization of the existing operation of a massage therapy studio. She stated that the previous use of the location had been a small health care office. She stated that the use includes two private massage rooms, a bathroom and reception area, and the hours of operation are by appointment only Monday through Friday, 8 a.m. to 7 p.m. and Saturday's 9 a.m. to 4 p.m. She said the applicant worked as a previous massage therapist at Fitness in Tiburon and with the recent change in ownership of the gym, wanted to open her own independent massage therapy studio. She discussed parking regulations and said the Commission should evaluate whether parking is adequate for the proposed use.

Judy Drewek, applicant, said she had leased space at Fitness in Tiburon since 1995, and she wants to continue taking care of her clientele at the new location. In reply to a question of Commissioner Collins, Ms. Drewek said the Bay Club purchased Fitness in Tiburon and required everyone to be an employee of

the Bay Club, which meant that her customers also would have had to become members of the club in order for her to continue with them.

Commissioner Collins inquired as to what percentage of the applicant's clients were local residents. Ms. Drewek replied that approximately 90% of her clients were Tiburon/Belvedere residents, and that the business was presently based on referrals, with only two therapists at any one time.

Commissioner Aguirre asked where clients would park, and Ms. Drewek said most clients are able to park on the street, and, as local residents, are familiar with where to park in the vicinity.

Vice-Chair O'Donnell asked if the business could validate for the Main Street Parking Lot. Ms. Drewek replied that they often paid for their clients' parking in nearby pay parking lots.

The Chair opened the public hearing.

Georgia Kirchmaier, Manager of the Belvedere/Tiburon Chamber of Commerce, stated that the Chamber supports the request.

The Chair closed the public hearing.

Commissioner Fraser stated that he was satisfied with the staff report and supported the request.

Vice-Chair O'Donnell felt that this was a nice new business and supported the request.

Commissioner Collins stated that this is a good use that has been in the area for years and is a continuing community asset.

There was discussion by the Commission about what would happen if a different type of massage therapy business moved into the location and whether language should be included in the resolution requiring that much of the business for this use be done by referral. Planning Manager Watrous stated that a conditional use permit would not be required unless the overall use of the property is changed. It was the consensus of the Commission that a reference to the referral nature of the business be included in Section D of the resolution.

Commissioner Collins recommended that the resolution be amended to include language that the use has been in Downtown Tiburon and is simply moving to a new location, primarily serves local residents and the business is primarily based on referrals.

<p>ACTION: M/S (Fraser/O'Donnell) to adopt the draft resolution conditionally approving the project, as amended to include language that the use has been in Downtown Tiburon and is simply moving to a new location, primarily serves local residents and the business is primarily based on referrals. Vote: 5-0.</p>

5. **1501 TIBURON BOULEVARD: CONDITIONAL USE PERMIT TO INSTALL A TEMPORARY OFFICE TRAILER; Belvedere-Tiburon Library, Owners and Applicants; Assessor's Parcel Nos. 058-171-93 and 94 (APPLICATION WITHDRAWN).**

Planning Manager Watrous noted the Commission did not need to hear the matter, as the Librarian has indicated they would create additional office space within the existing building.

MINUTES

6. **PLANNING COMMISSION MINUTES – Regular Meeting of August 8, 2007**

Commissioner Kunzweiler had the following amendments to the minutes of August 8, 2007:

- Page 2, 2nd paragraph, change “14 single family dwelling units” to “13 single family dwelling units”.
- Page 2, 3rd paragraph, first sentence, change “being done” to “*will be done.*”
- Page 6, fifth line from the bottom, change “were” to “*are* not shoulders present on the roadway of Paradise Drive ~~near~~ *at* that intersection.”
- Page 6, second line from the bottom, delete “in general.”

Commissioner Collins had the following amendments to the minutes of August 8, 2007:

- Page 3, Commissioner Collins, change “CC&R’s ~~of~~ *or* other means.”
- Page 6, second paragraph, second sentence, add to the end of the sentence “...throughout the document *to link to other referred to sections or statements in the document.*”
- Page 6, second paragraph, last sentence, changed to read “He asked ~~to see that the Planning Commission be presented with~~ a mockup of the EIR for evaluating the document format ahead of ~~time~~ *receiving the completed EIR*, and all the other Commissioners agreed that this would be useful.

Chair Aguirre had the following amendment to the minutes of August 8, 2007:

- Page 8, second paragraph, last line of the section; “...open space *and* the importance of...”

ACTION: It was M/S (Collins/Kunzweiler) to approve the Planning Commission Minutes of August 8, 2007, as amended. Vote: 4-0-1 (O’Donnell abstained).

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

AL AGUIRRE, CHAIRMAN

ATTEST:

DANIEL M. WATROUS, SECRETARY