



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
November 14, 2007  
Agenda Item:

## STAFF REPORT

To: **Members of the Planning Commission**

From: **Community Development Department**

Subject: **1550 Tiburon Boulevard , Suite C (Boardwalk Shopping Center): File # 10704; Conditional Use Permit to Operate a Wellness Center; Belvedere Land Company, Owner; Mary Loveland, Applicant; Assessor's Parcel No: 060-082-57**

Reviewed By: \_\_\_\_\_

## PROJECT DATA

Address: 1550 Tiburon Boulevard  
Assessor's Parcel Number: 060-082-57  
File Number: 10704  
General Plan: NC (Neighborhood Commercial)  
Zoning: NC (Neighborhood Commercial)  
Current Use: Retail Sales  
Owner: Belvedere Land Company  
Applicant: Mary Loveland  
Date Complete: October 26, 2007

## PROJECT DESCRIPTION

The project is the proposed operation of a wellness center, to be located at 1550 Tiburon Boulevard, Suite C, in downtown Tiburon. The wellness center would be a new business in Tiburon. A retail store, Shore Birds, previously occupied this location. The site is within the Boardwalk Shopping Center and is currently unoccupied.

The wellness center would include a reception area with a retail element, a separate meeting area, 6 contract practitioner rooms, two offices, a storage room and bathroom. No showers or locker rooms would be installed.

The hours of operation for the wellness center would be 8AM to 8PM, 7 days a week. The practitioners would be contract employees that provide services on a part-time basis depending on clientele demand. Guest lectures and demonstrations would take place within the meeting area from time to time. Although there are 6 practitioner rooms, a maximum of 4 practitioners would be working during hours of operation.

## ANALYSIS

### Use Issues

The proposed use would be located within the one-story commercial building at 1550 Tiburon Boulevard, within the Boardwalk shopping center. An upper storage area exists within the tenant space but does not include any business area.

The wellness center would provide natural medicines using alternative modalities of healing to customers. Some of the services that the wellness center would provide include nutritional counseling, acupuncture, weight loss programs, vitamin and mineral supplementation, detoxification programs, therapeutic massage, psychotherapy and counseling. A similar wellness operation exists at 1640 Tiburon Boulevard.

The proposed wellness center would blend nicely with the surrounding businesses within the Boardwalk shopping center. A dentist office exists within the shopping center and is considered a similar use as the proposed wellness center for parking purposes.

### Parking Issues

The business location has a gross floor area of 1900 square feet. The previous retail store allocated 1,000 square feet of space to retail, which requires one parking space for each 250 square feet of sales area, for a total of four parking spaces. The proposed use would be similar to a medical clinic use for the purposes of calculating parking, with a requirement of one space for every 250 square feet of gross floor area, or a total of eight spaces. Therefore, the change in use would create a slight intensification of parking demand on the Boardwalk Shopping Center parking lot.

Clients and employees would park in the Boardwalk Shopping Center parking lot. Since the hours of operation for the wellness center are 8AM to 8PM, 7 days a week, the proposed use would add to the net parking demand during peak hours within the parking lot as most businesses within the shopping center operate at a similar time. However, staff is aware that the Boardwalk Shopping Center has excess parking capacity beyond that required for tenants, and concludes that the total number of spaces within the parking lot is more than adequate to handle the slight increase in parking demand generated by the proposed use.

### General Plan/Zoning Ordinance Consistency

Staff reviewed that application for consistency with the Tiburon General Plan and conformance with the Tiburon Zoning Ordinance. Policy DT-1 of the Downtown Element of the General Plan states that “the Town shall promote a well-maintained downtown area that serves the commercial, service, and passive recreation needs of the community.” The proposed use would aid in diversifying the Boardwalk Shopping Center and the overall downtown commercial business atmosphere. The proposed use appears to be consistent with the General Plan. Other medical uses (dentist and wellness center) have become an integral part of Downtown Tiburon and the community. The proposed use would primarily provide services to community residents. Staff

concludes that the project conforms to the purposes and special consideration provisions found in Sections 16-4.4.2 and 16-4.4.3 of the Town of Tiburon Municipal Code.

## **ENVIRONMENTAL DETERMINATION**

Staff preliminarily determined that the subject application is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 of the CEQA Guidelines.

## **PUBLIC COMMENT**

As of the date of this report, no letters have been received regarding the subject application.

## **RECOMMENDATION**

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

- Exhibits:
- 1. Application Form and Supplemental Materials**
  - 2. Draft Resolution**
  - 3. Submitted Plans**

Prepared By: **Scott Phillips, Assistant Planner**

RECORDING REQUESTED  
RETURN TO:  
Tiburon Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Attn: Scott Phillips

**RESOLUTION NO. 2007- DRAFT**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION  
OF A WELLNESS CENTER AT 1550 TIBURON BOULEVARD, SUITE C

ASSESSOR PARCEL NO 060-082-57

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 for the operation of a wellness center on property located at 1550 Tiburon Boulevard (File #10704). The application consists of the following:

1. Application Form and supplemental materials received October 10, 2007
2. Floor Plan received October 10, 2007

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 a duly-noticed public hearing on November 14, 2007, 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 15303 of the CEQA Guidelines.
- D. The Planning Commission has found, based upon the application materials and analysis provided in the November 14, 2007 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 to serve local residents, and would therefore be consistent with Policy No. DT-1 of the Downtown Element of the General Plan, which states that "the Town shall promote a well-maintained downtown area that serves the commercial, service, and passive recreation needs of the community." The customer base for this business would consist primarily of referrals from the local medical community and local residents.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Tiburon does hereby approve the Conditional Use Permit (File # 10704), to operate a wellness center at 1550 Tiburon Boulevard, subject to the following conditions of approval:

1. The use shall operate in substantial conformance with the project description as submitted by the applicant, attached here to as Exhibit "A" and incorporated heren. Any substantial modification, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.
2. The applicant shall obtain all necessary permits from the Tiburon Building Division.
3. The installation of any signs shall require a Sign Permit pursuant to Chapter 16A of the Tiburon Municipal Code.
4. There shall be no outdoor activities, and no music or noise shall be audible from the exterior of the business.
5. Hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m.
6. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.
7. This Conditional Use Permit approval shall become null and void if the approved use has not commenced within one (1) year of final approval.
8. 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 November 14, 2007, by the following vote:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:

ATTEST:

\_\_\_\_\_  
AL AGUIRRE, CHAIRMAN  
TIBURON PLANNING COMMISSION

DANIEL M. WATROUS, SECRETARY



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
November 14, 2007  
Agenda Item:

## STAFF REPORT

To: **Members of the Planning Commission**

From: **Associate Planner Tyler**

Subject: **10 Via Paraiso East: File No. 30706; Amendment to the Del Madera Precise Plan (PD#23) to Adjust a Building Envelope; Robert and Amanda Anderson, Owners; Schwartz and Associates, Applicant; Assessor Parcel No. 039-290-56**

Reviewed By: \_\_\_\_\_

## PROJECT DATA

Address: 10 Via Paraiso East  
Assessor's Parcel Number: 039-290-56  
File Number: 30706  
Lot Size: 36,972 square feet  
General Plan: Medium Density Residential  
Zoning: RPD (Del Madera Precise Plan, PD #23)  
Subdivision: Parcel "A" of 24 PM 52 (resub. of Del Madera Lots 18-22)  
Current Use: Single Family Residential  
Owners: Robert and Amanda Anderson  
Applicant: Schwartz and Associates  
Date Complete: October 26, 2007

## ENVIRONMENTAL REVIEW

Staff has preliminarily determined that the subject application is categorically exempt from the requirements of CEQA per Section 15301 of the CEQA Guidelines.

## PROJECT DESCRIPTION

The applicants propose adjusting the building envelope for 10 Via Paraiso East, a lot regulated by the Del Madera Precise Plan. The applicants desire to install a swimming pool and an outdoor stairway, in an area outside the existing building envelope. The property is currently developed with a single-family dwelling and is bordered by open space to the north, east, and west and on the south by a vacant lot in the Del Madera Subdivision.

The applicants propose to expand the building envelope on the northern side, by decreasing the size of the setback from the required minimum twenty feet (20') to eight feet (8'), to allow

construction of the proposed improvements. The application states that the applicants do not oppose reducing another portion of the envelope in order to result in no net change in overall building envelope area, although no specific area for reduction has been identified.

## **ANALYSIS**

### Project Design

The Del Madera Precise Plan was approved in 1981, and includes parcels along Gilmartin Drive and Via Paraiso East and West. The precise plan established building envelopes for each parcel, and states that “no building or structure (including roof overhangs, decks, trash enclosures and the like) shall be constructed or erected which does not comply with the Building Envelope and Lot Restrictions.” This restriction prohibits the extension of residential structures over three feet in height and fences over forty-two inches in height outside of the envelopes. Most lots within this subdivision, including the subject lot, have twenty foot (20’) side yard setbacks established by the building envelope, although some lots have smaller setbacks.

The house on the subject property is oriented at an inward angle, rather than running parallel to the side property lines. Open space is located both above and below the subject site. The angle of the property line and the existing twenty foot (20’) setback forces any structural improvements to be located toward the middle of the rear yard, away from the existing landscaped rear yard area.

In 1995, a landscape plan, including retaining walls and a swimming pool, was approved by the Design Review Board (DRB) at the request of a prior property owner. Apparently through a Town oversight, the retaining walls were approved by the DRB and constructed outside the building envelope, without the benefit a precise plan amendment to adjust the building envelope. The retaining walls appear to have been constructed in accordance with the DRB-approved plans; the approved pool was never installed.

The currently-proposed swimming pool would be located approximately ten (10) feet from the side property line and within the area surrounded by the existing retaining walls. The proposed stairway would extend to within eight (8) feet of the property line. The owners state that the stairway is needed to provide access between the rear yard and the existing garage and deck. The extension of the building envelope to within eight feet of the property line would allow the exterior stairway and a small corner of the proposed pool to be located within the building envelope.

The applicants propose to keep a 25 foot maximum height for the small portion of the envelope containing the desired stairway, and propose to limit to 15 feet all other structures placed within the expanded north side building envelope area. Adjustment of the building envelope would not likely impact nearby homes as open space is located around the site. The nearest dwellings are 9 Via Paraiso East, located uphill to the north; and 2 Via Parasio East, located downslope and to the west. The open space surrounding the property is visual in nature, with no public trails.

### Compliance with the Del Madera Precise Plan

The building envelopes established by the Del Madera Precise Plan were designed to allow adequate space between each parcel and between residences constructed on other lots. The subject home was built at an inward angle, not parallel with the property lines or the building envelope line. The practical area for rear yard improvements is therefore oddly angled with respect to these lines.

Given the horizontal and vertical distances between nearby homes and the subject site, the proposed adjustment of the building envelope would not appear to negatively impact adjacent land or improvements, although it could potentially bring improvements closer to the residences located at 2 Via Parasio East and 9 Via Paraiso East. Other properties within the Del Madera subdivision (e.g. 11 Via Paraiso West, 2 Via Paraiso East, 160 Gilmartin Drive) have requested and received approval for adjustments to building envelopes in the past for structural improvements, although each proposal is unique and must be assessed on a case-by-case basis.

Consistent with past practice, staff recommends that an equal area of building envelope be deleted so as to result in no net gain in envelope area as a result of the requested adjustment. Staff estimates a total gain of approximately 2,460 square feet of envelope area from reducing the northern side setback from 20 feet to 8 feet. Staff suggests that the applicant prepare a drawing showing where such a deletion could occur for review by the Commission. Staff estimates that if the 2,460 square feet were deleted from the lower portion of the envelope parallel to the western property line, it would shorten the envelope by approximately 30 feet, leaving about 50 feet between the proposed pool and the shortened rear setback line of the envelope. Exhibit 4 depicts one approximate “no net gain” option, for illustrative purposes. Alternate areas of the existing envelope could be considered for deletion.

### General Plan Consistency

The application has been reviewed for consistency with the Tiburon General Plan and with the requirements of the Tiburon Zoning Ordinance regarding precise plan amendments. Land Use Element Policy LU-5 states that “new development shall be in harmony with adjacent neighborhoods and open spaces.” Adjustment of the building envelope along the northern setback line would not be expected to substantively impact surrounding properties or the open space surrounding the site. The proposed swimming pool and outdoor stairway would be located within the existing landscaped area which already contains structural improvements, and would be subject to Site Plan & Architectural Review approval.

### **FUTURE ACTIONS REQUIRED**

Any affirmative action by the Planning Commission on this application would be in the form of a recommendation to the Town Council. Should the Commission vote to deny the project, that decision would be final, unless appealed to the Town Council. If the amendment to the precise plan is approved by the Town Council, subsequent Town permits would include Site Plan and Architectural Review approval and building permits for any proposed pool and/or stairway.

## **RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Hold a public hearing on this application:
2. Consider the draft resolution recommending approval to the Town Council of the amendment to the Del Madera Precise Plan adjusting the building envelope for the property located at 10 Via Paraiso East.

Exhibits:

1. **Application Form**
2. **Supplemental Application Materials**
3. **Draft Resolution**
4. **Sample “No Net Gain” Envelope**

Prepared By: Laurie Tyler, Associate Planner

**RESOLUTION NO. 2007-DRAFT**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
RECOMMENDING TO THE TOWN COUNCIL APPROVAL OF  
AN AMENDMENT TO THE DEL MADERA PRECISE PLAN (PD #23)  
TO ADJUST A BUILDING ENVELOPE ON PROPERTY LOCATED AT 10 VIA PARAISO EAST  
ASSESSOR PARCEL NO. 039-290-56

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

Section 1. Findings.

- A. The Town has received and considered an application filed by Robert and Amanda Anderson for an amendment to the Del Madera Precise Development Plan (PD #23) to adjust the building envelope at 10 Via Paraiso East. The application consists of the following:
  - 1. Application form and supplemental materials, dated October 19, 2007
  - 2. Site Plan and Building Envelope Plans, dated October 19, 2007
- B. The Planning Commission held a duly-noticed public hearing on November 14, 2007, and heard and considered testimony from interested persons.
- C. The Planning Commission finds 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 finds based upon application materials and analysis presented in the November 14, 2007 Staff Report, as well as visits to the site and testimony received from the applicant, that the project is consistent with the intent of the Del Madera Precise Plan. The adjusted building envelope would improve the ability to utilize the rear yard of the subject property without significant impacts on nearby property or improvements, while maintaining a sufficient buffer to the adjacent open space area.
- E. The Planning Commission finds the project to be consistent with the goals and policies of the Tiburon General Plan. Land Use Element Policy LU-5 states that "new development shall be in harmony with adjacent neighborhoods and open spaces." The proposed adjustment of the building envelope would not result in any substantial impacts on nearby residential properties, and would still provide an appropriate buffer between the envelope and the adjacent open space area.

Section 2. Approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the precise plan amendment adjusting the building envelope at 10 Via Paraiso East to the Town Council, subject to the following conditions:

- 1. The adjusted building envelope for the property at 10 Via Paraiso East shall be amended as reflected the drawing labeled \_\_\_\_\_, prepared by Schwartz and Associates, dated \_\_\_\_\_, 2007, attached hereto as Exhibit "A" and incorporated herein.

2. Any stairway that may be approved at the northern edge of the residence shall not exceed 25 feet in height. Any and all other structures within the expanded north side yard portion of the envelope, containing approximately 2,460 square feet, shall not exceed 15 feet in height.
3. This approval shall in no way alter other provisions of the Del Madera Precise Plan not specifically modified herein.

PASSED AND ADOPTED at a regular meeting of the Tiburon Planning Commission on November 14, 2007, by the following vote:

AYES:            COMMISSIONERS:

NOES:            COMMISSIONERS:

ABSENT:        COMMISSIONERS:

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AI AGUIRRE, CHAIRMAN  
Tiburon Planning Commission

ATTEST:

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DANIEL M. WATROUS, SECRETARY



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
November 14, 2007  
Agenda Item:

## **STAFF REPORT**

**To: Members of the Planning Commission**

**From: Community Development Department**

**Subject: 41 Main Street; Files #10105 & #10507; Review Of Conditional Use Permits Granted For the Construction of a New Building for Retail and Residential Purposes and to Operate a Restaurant (Ginza Sushi); Assessor Parcel Nos. 059-151-50, 51, 52 & 53**

### **SUMMARY**

On November 14, 2001, the Planning Commission adopted Resolution No. 2001-16 approving a conditional use permit to construct a 6,740 square foot mixed-use retail and residential building on this site. On May 22, 2002, the Planning Commission adopted Resolution No. 2002-05 amending the use permit and granting a parking variance. On December 8, 2005, the Planning Commission adopted Resolution No. 2005-20 approving a conditional use permit to operate a restaurant (Ginza Sushi) in this building. A condition of approval of both use permits required that the permits be reviewed by the Planning Commission after a period of time.

Condition of approval No. 10 of Resolution No. 2002-05 provides for review of the permit and reads as follows:

“This conditional use permit shall be reviewed by the Planning Commission in three (3) years, or no later than May 31, 2005, and shall be reviewed every three (3) years thereafter. During its reviews, the Commission shall verify compliance with the parking requirements of the conditional use permit and also assess any changes to the Zoning Ordinance or to the general parking conditions in Downtown Tiburon that would foster a more permanent and advantageous parking solution for the residential users of the property. This permit may be amended to reflect any such parking solution.”

The building contains three residential units and a ground floor commercial space occupied by a restaurant. As the building was not completed or occupied prior to May 31, 2005, Staff determined that it would be appropriate to postpone the review of the use permit. Condition of approval No. 9 of Resolution No. 2005-20 also requires a review of the use permit for the restaurant six (6) months after the business began operation. As the entire building is now complete and occupied, and the restaurant has been in operation for more than 6 months, a review of both use permits has been scheduled.

## ANALYSIS

### **Building Use Permit and Parking Variance Conditions**

As mentioned above, Resolution No. 2001-16 was modified by Resolution No. 2002-05. Many of the resulting conditions of approval of the amended use permit pertained to requirements to be completed during the construction of the project. The applicant obtained Site Plan and Architectural Review approval and all building permits required for construction of the building. The owner obtained approvals from the Bay Conservation and Development Commission (BCDC) and installed public waterfront access with easements granted to the Town.

The two remaining conditions of approval for the building use permit and parking variance are as follows:

5. *A total of six (6) parking spaces for the residential component of the project (3 dwelling units) shall be secured via one or more lease agreements, or shall otherwise comply with provisions of the Zoning Ordinance. A minimum 10-year term for all leases is required. Said lease(s) shall be reviewed and approved by the Planning Director and Town Attorney prior to issuance of a building permit. Said lease(s) shall contain a provision that any amendment, alteration, or termination of the lease(s) must be approved in writing by the Town of Tiburon. Parking spaces secured by lease agreements must be maintained at all times.*

*Status of Compliance:* The building owner has entered into separate 10-year leases for 5 parking spaces in the Point Tiburon parking lot and 3 parking spaces in the parking lot next to Town Hall (1525 Tiburon Boulevard). The leases were reviewed by Town staff and are attached as Exhibit 4.

10. *This conditional use permit shall be reviewed by the Planning Commission in three (3) years, or no later than May 31, 2005, and shall be reviewed every three (3) years thereafter. During its reviews, the Commission shall verify compliance with the parking requirements of the conditional use permit and also assess any changes to the Zoning Ordinance or to the general parking conditions in Downtown Tiburon that would foster a more permanent and advantageous parking solution for the residential users of the property. This permit may be amended to reflect any such parking solution.*

*Status of Compliance:* The parking leases noted above continue to be utilized by the building owner for the uses of the building. Since the adoption of Resolution No. 2002-05, there have been no changes to the Zoning Ordinance or to the general parking conditions in Downtown Tiburon that would foster a more permanent and advantageous parking solution for the residential users of the property. A follow-up CUP review would be held by May, 2010 in accordance with this condition.

## Restaurant Conditions

Several of the conditions of approval of Resolution No. 2005-20 pertained to requirements to be completed during the establishment of the restaurant use. The remaining conditions of approval for the restaurant use permit are as follows:

1. *This Conditional Use Permit approves the establishment of a maximum 48-seat restaurant, with on-site sale and serving of alcohol, at 41 Main Street. No off-sale of alcohol is approved herein. Any substantial modification of the approved use, including but not limited to expansion of floor area, or changes to the nature or operating conditions of the use, shall require an amendment to this Conditional Use permit or a new Use Permit.*

*Status of Compliance:* The restaurant contains a total of 42 seats and does not sell alcohol for consumption off the premises.

3. *The installation of any signs shall be reviewed by the Design Review Board via a Sign Permit pursuant to Chapter 16A of the Tiburon Municipal Code.*

*Status of Compliance:* A sign permit (File #50603) was approved by the Design Review Board on August 3, 2006 for the installation of a wall sign for the restaurant.

4. *There shall be no outdoor seating, and any music or noise shall not be audible from the exterior of the business.*

*Status of Compliance:* There is no outdoor seating for the restaurant. The Town has received no complaints regarding music or noise from this business.

5. *Kitchen venting shall remain on the east side of the building.*

*Status of Compliance:* The kitchen venting has been installed on the roof toward the east side of the building.

6. *All exterior trash, refuse and recycling containers shall be kept within the concealed trash enclosure compartment located in the southwest corner of the building.*

*Status of Compliance:* A concealed trash enclosure has been installed on the rear of the building.

7. *The applicant shall notify customers of the availability of free short-term parking in nearby parking lots, and shall plainly display a sign or signs to that effect near the entrance to the restaurant.*

*Status of Compliance:* The applicant informs customers of available nearby parking as required. A sign was not on display when staff recently visited the restaurant, but the applicant has indicated that such a sign will soon be posted.

Staff recommends that additional scheduled reviews of the restaurant CUP are unnecessary unless complaints are received or permit non-compliance is discovered.

## **PUBLIC COMMENT**

Staff has not received any public comments regarding the residential or restaurant uses of the building.

## **CONCLUSION**

The residential units and restaurant appear to be in substantial compliance with the requirements of their use permits. Staff has received no complaints regarding parking for these uses. Based on the information received to date, Staff does not recommend any modifications to the adopted conditions of approval for the use permits at this time.

## **RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Take public testimony on this item,
2. Close the public hearing,
3. Find that uses in substantial compliance with the use permits; and
4. Schedule another review of the building use permit (File #10105) for May, 2010

## **EXHIBITS**

1. Planning Commission Resolution No. 2001-16
2. Planning Commission Resolution No. 2002-05
3. Planning Commission Resolution No. 2005-20
4. Parking Leases and Agreement

Prepared by: **Daniel M. Watrous, Planning Manager**

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