

Town of Tiburon

STAFF REPORT



AGENDA ITEM _____

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TO: **PLANNING COMMISSION**

FROM: **SCOTT ANDERSON, DIRECTOR OF COMMUNITY DEVELOPMENT**

SUBJECT: **642 TIBURON BOULEVARD; FILE #10601; REQUEST FOR TIME EXTENSION OF AN APPROVED CONDITIONAL USE PERMIT TO OPERATE A LARGE FAMILY DAY CARE HOME IN AN R-1 ZONE; MARIN COUNTY ASSESSOR PARCEL NO. 055-171-25**

MEETING DATE: **MAY 9, 2007** _____

REPORT DATE: **MAY 3, 2007**

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PROJECT DATA

Address:	642 Tiburon Boulevard
Assessor's Parcel Number:	055-171-25
File Number:	10601
Lot Size:	12,550 square feet
General Plan:	MH (Medium High Density Residential)
Zoning:	R-1 (Single Family Residential)
Current Use:	Single Family Residential/Small Family Day Care Home
Owner:	Lars Bergholdt Sorensen
Applicant:	same
CEQA Determination:	Statutorily Exempt

PROJECT DESCRIPTION

On April 26, 2006, the Planning Commission adopted Resolution No. 2006-13 (**Exhibit 1**) conditionally approving a use permit to operate a large family day care home at 642 Tiburon Boulevard. The applicant is requesting a time extension of the approval in order to complete work necessary to commence operation of the large family day care use. The application for time extension is attached as **Exhibit 2**.

ANALYSIS

The applicant is actively proceeding to satisfy conditions of approval necessary to commence the approved large family day care home use, and currently has a design review application for a sound-isolating fence on file with the Town.

It is customary for the Town to grant a time extension for approved but not yet commenced uses provided that progress is being made toward commencement and the project has not been abandoned. Absent compelling changes in circumstances in the immediate vicinity of the use that would render the use contrary to law, the granting of such time extension requests is generally perfunctory. Staff is not aware of any such changes in the vicinity.

Town of Tiburon

STAFF REPORT



No correspondence regarding the time extension has been received as of the date of this report.

ENVIRONMENTAL REVIEW

Large family day care home projects are statutorily exempt from the requirements of the California Environmental Quality Act under Section 1597.46 of the Health and Safety Code.

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Take public testimony on this item
- 2) Adopt the draft Resolution (**Exhibit 3**) granting the time extension

EXHIBITS

1. Planning Commission Resolution No. 2006-13
2. Application for time extension
3. Draft Resolution

RESOLUTION NO. 2007-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON
APPROVING A TIME EXTENSION FOR A LARGE FAMILY DAY CARE HOME
CONDITIONAL USE PERMIT ISSUED FOR A RESIDENCE LOCATED AT 642
TIBURON BOULEVARD
ASSESSOR PARCEL NO. 55-171-25**

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

Section 1. Findings.

- A. On April 26, 2006, the Planning Commission adopted Resolution No. 2006-13 conditionally approving an application from Lars Bergholdt and Lara Bissierier to operate a large family day care home serving up to a maximum of twelve (12) children at 642 Tiburon Boulevard. Pursuant to the Tiburon Municipal Code, the approval is valid for one year and shall expire unless the authorized use has commenced or an extension is applied for prior to the expiration date and is subsequently approved.
- B. Applicant filed a timely request for time extension on April 16, 2007. Applicant is actively proceeding to comply with conditions of approval that would allow commencement of the approved use, and applicant is proposing no changes to the project as originally approved.
- C. The Planning Commission held a duly noticed public hearing on May 9, 2007 and heard and considered any testimony on this application from interested persons.
- D. The Planning Commission has found that circumstances within the vicinity of the project have not changed in a manner that would render the project inconsistent or incompatible with its surroundings or inconsistent with State or local law.
- E. The Planning Commission has found that the time extension is not subject to the requirements of CEQA pursuant to state law.

Section 2. Approval of Time Extension.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the Town of Tiburon hereby grants a one year time extension for the approved Conditional Use Permit (File #10601) and establishes a new expiration date of April 26, 2008, unless the use has commenced. All conditions of Planning Commission Resolution No. 2006-13 continue to apply.

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

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
RECUSED: COMMISSIONERS: COLLINS

JIM FRASER, CHAIRMAN
TIBURON PLANNING COMMISSION

ATTEST:

SCOTT ANDERSON, SECRETARY (ACTING)