



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Planning Commission Meeting  
October 8, 2008  
Agenda Item: / .

## STAFF REPORT

**To:** Members of the Planning Commission  
**From:** Associate Planner Tyler  
**Subject:** Conditional Use Permit # 10810: Proposal to Establish a Massage Therapy Business at 114-A Main Street (Ark Row); Zelinsky Properties, Owner; Dawn Lundberg, Applicant; Assessor's Parcel Number: 059-102-20  
**Reviewed By:** \_\_\_\_\_

## PROJECT DATA

Address: 114-A Main Street  
Assessor's Parcel Number: 059-102-20  
File Number: 10810  
General Plan: VC (Village Commercial)  
Zoning: VC (Village Commercial)  
Current Use: Vacant  
Previous Use: Dwelling Unit  
Proposed Use: Massage Therapy  
Owner: Zelinsky Properties  
Applicant: Dawn Lundberg

## PROJECT DESCRIPTION

The approximately 312 square foot upper floor commercial space at 114-A Main Street (Ark Row) is currently vacant. The applicant is requesting to open a massage therapy business at this location, which was once utilized as a small apartment and a small office, but has remained vacant for some time.

According to the application, the proposed hours of operation would be Tuesday through Saturday, 10:00 A.M. to 7:00 P.M., with the business closed Monday and Sunday. The applicant intends to practice therapeutic massage which may consist of deep tissue, sports, stretching therapy, myofascial release, injury repair and nutritional assistance. Soft music would be played during sessions and a few chairs would be located outside of the unit for clients to relax before or after their individual sessions. The applicant would be the sole proprietor and only therapist for this business. A detailed narrative and a floor plan are attached as Exhibits 1 and 2.

## ANALYSIS

### Use Issues

The proposed business would be located in Suite A of the dual-tenant commercial building at 114 Main Street. The proposed location is a small upstairs retail space with exterior patio area surrounding most of the unit. The Cottage Eatery, a small restaurant, is located beneath the business (114-B). Primary access to the proposed business is from the upper Main Street (Ark Row) side of the building; however, clients can also access the proposed business from the Main Street Parking lot, located at the rear of the building, by walking between the subject building and the adjacent building to the west, where a stairway leads to the upper unit A.

The subject site is located towards the end of Ark Row, which tends to be a quieter portion of the downtown area. Small offices and businesses are located at this end of Main Street with very little pedestrian traffic. The proposed business would be properly situated in this portion of Ark Row, as massage therapy is usually a quiet form of business. Staff has included a condition of approval that would prohibit disruptive outdoor activities, as the applicant intends to maintain a few chairs on the patio for clients, as well as a condition of approval prohibiting loud noise or music audible from the exterior of the business.

### Parking Issues

The proposed space was previously used as a small studio for rent as well as a small office. For the purposes of calculating parking, the proposed use would be similar to a medical clinic use with a requirement of one space for every 250 square feet of floor area, requiring a total of 1 space for this business. Parking for this use would be located in the Main Street Parking lot. There is also limited public parking along upper Main Street that could be used by clients.

The Main Street parking lot is generally used by visitors of the downtown area, including Ark Row, the theater, and businesses and shops along Tiburon Boulevard. The primary peak parking hours for the massage therapy studio are weekdays during the daytime, when more parking is available downtown, than later in the evenings or both weekend days. The proposed business would not appear to result in an impact on parking in the downtown area.

### General Plan/Zoning Ordinance Consistency

Staff reviewed the project for consistency with the Tiburon General Plan and 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 not be the first massage therapy business in the downtown area. Massage therapy is a quiet, non-disruptive form of business, which would appear be appropriate for the downtown area. The on-site aspects of the proposed use appear to be consistent with the provisions of the Village Commercial Zone, and would be generally compatible with other businesses located in the vicinity of the Downtown area. Staff is not aware of any issues with other massage therapy businesses in the downtown area, and therefore supports the use at the proposed location.

## **ENVIRONMENTAL DETERMINATION**

Staff has 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 finding the project exempt from CEQA and conditionally approving this project.

Exhibits:           1.           Project Narrative and Application Form  
                      2.           Floor Plan  
                      3.           Draft Resolution

Prepared By:       Laurie Tyler, Associate Planner

RECORDING REQUESTED  
RETURN TO:  
Tiburon Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
Attn: Laurie Tyler

**RESOLUTION NO. 2008- DRAFT**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TIBURON  
APPROVING A CONDITIONAL USE PERMIT FOR OPERATION  
OF A MASSAGE THERAPY BUSINESS AT 114A MAIN STREET**

ASSESSOR PARCEL NO 059-102-20

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 to operate a massage therapy business on property located at 114A Main Street (File #10810). The application consists of the following:
1. Application Form and supplemental materials received September 8, 2008
  2. Floor Plan received September 8, 2008
- 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 October 8, 2008, 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 October 8, 2008 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 consists of local residents and referrals from existing clients in the area.

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 # 10810), to operate a massage therapy business at 114A Main Street, subject to the following conditions of approval:

1. The installation of any signs shall require a Sign Permit pursuant to Chapter 16A of the Tiburon Municipal Code.
2. There shall be no disruptive outdoor activities, and no music or noise shall be audible from the exterior of the business.
3. Operating parameters of the use are set forth in Exhibit "A", attached hereto and incorporated herein. Any substantial modification of the use, as determined in the reasonable discretion of the Director of Community Development, shall require an amendment to this permit or a new use permit.
4. This Conditional Use Permit approval shall become null and void if the approved use has not commenced within one (1) year of final approval.
5. The Town reserves the right to amend or revoke this Conditional Use Permit for cause, in accordance with adopted regulations of the Town.
6. 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 October 8, 2008, by the following vote:

AYES:            COMMISSIONERS:

NOES:            COMMISSIONERS:

ABSENT:        COMMISSIONERS:

ATTEST:

EMMETT O'DONNELL, CHAIRMAN  
TIBURON PLANNING COMMISSION

DANIEL M. WATROUS, SECRETARY

## EXHIBIT "A"

September 3, 2008

To Whom It May Concern,

My name is Dawn Lundberg; I am a professional, certified therapeutic massage therapist. I am submitting an application to the Town of Tiburon, regarding approval to conduct business, at Zelinsky Prosperities, 114-A Main St.

The name of my business is and will be, 'Lundberg Therapies'. The business operates with myself as the sole proprietor. I have some existing clients, and hope to obtain more, which, on an average week, could consist of, between, 10 to 20 clients per week, depending on the season. My hours of operation will tentatively, be Tuesday to Saturday, 10:00am to 7:00pm. I will be practicing the art of 'Therapeutic Massage', which may consist of: Deep Tissue, Sports, Stretching Therapy, Myofascial Release, Injury Repair, and Nutritional Assistance. I will offer water and herbal teas to my clients, as part of their healing experience. I play soft soothing music during my sessions. I use natural oils or lotions as my working tools. If scented, I'll use natural essential oils, in my mixture.

I plan to put a few chairs outside, for my clients to relax, either before or after their session. I will advise my clients to park in the lot behind the 114-A Main St. unit, which I am leasing.

I look forward to offering my dedicated professional massage skills to your community.

Regards,  
Dawn R. Lundberg, CMT