

Town of Tiburon

STAFF REPORT



Notices have been mailed and published informing the public of this meeting. The Design Review Board should disregard the discussion held at the September 15 meeting, and conduct a meeting *de novo* to consider the revised plans for this project. Copies of the Staff reports analyzing the original and revised plans are attached for reference, along with a copy of the revised plans and minutes of the September 15 meeting.

RECOMMENDATION:

It is recommended that the Board:

1. Adopt the attached resolution rescinding the previous approval of the subject application; and
2. Review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review the findings for variance for excess lot coverage and a floor area exception can be made, then it is recommended that the project be continued to the October 6, 2005 Design Review Board meeting when it may be approved with the attached Conditions of Approval.

EXHIBITS:

1. Draft resolution
2. Conditions of Approval
3. Design Review Board Staff Report dated September 15, 2005
4. Design Review Board Staff Report dated August 18, 2005
5. Minutes from the August 18, 2005 Board meeting
6. Letter from Janet Braff, 4 East Terrace, received September 27, 2005
7. Letter from Dr. and Mrs. Clements, received September 29, 2005
8. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL

3 GREENWOOD COURT

FILE #20521

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on July 21, 2005 and plans dated September 6, 2005, or as amended by these conditions of approval. Any modifications to the plans of September 6, 2005 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.
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.