



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

Design Review Board  
June 21, 2007  
Agenda Item: **D1**

## **STAFF REPORT**

To: **Design Review Board**

From: **Assistant Planner, Scott Phillips**

Subject: **173 Avenida Miraflores; File #707037  
Adoption of a Resolution Granting the Appeal of a Planning Division  
Decision to Deny Site Plan and Architectural Review for Alterations to  
an Existing Single-Family Dwelling**

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

## **SUMMARY**

On June 7, 2007, the Design Review Board considered a request to appeal a previously denied Site Plan and Architectural Review application for alterations to an existing single-family dwelling on property located at 173 Avenida Miraflores. After considering the application, the Board directed Staff to prepare a resolution granting the appeal of the application. The requested resolution has been prepared and is attached.

## **RECOMMENDATION**

It is recommended that the Design Review Board adopt the attached resolution granting an appeal of a staff level decision denying a Site Plan and Architectural Review application for alterations to an existing single-family dwelling.

## **EXHIBITS**

1. Draft resolution

**RESOLUTION NO. 2007- DRAFT**

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON  
GRANTING AN APPEAL OF A STAFF LEVEL DECISION DENYING A SITE PLAN  
AND ARCHITECTURAL REVIEW APPLICATION FOR ALTERATIONS TO  
AN EXISTING BUILDING LOCATED AT 173 AVENIDA MIRAFLORES

ASSESSOR PARCEL NO 039-271-02

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. On April 6, 2007, Planning Division Staff received a Site Plan and Architectural Review application for alterations to an existing residence at 173 Avenida Miraflores. The application consists of an application form, plans, and supplemental information filed by Michael Heckmann and Robert & Dani Roach ("Applicants").

The official record for this project is hereby incorporated and made part of this resolution. The record includes the Staff Reports, minutes, application materials, appeal form, and all comments and materials received during the course of review.

- B. On April 24, 2007, Planning Division Staff denied the referenced land development application.
- C. On May 2, 2007, the Applicants at 173 Avenida Miraflores filed a timely appeal of this decision to the Design Review Board.
- D. The Design Review Board held a duly noticed public hearing for the appeal on June 7, 2007, and heard and considered testimony from interested persons.
- E. The Design Review Board reviewed the submitted plans for the proposed project in accordance with Section 4.02.07 of the Tiburon Zoning Code (Guiding Principles in the Review of Site Plan and Architectural Review Applications). The Design Review Board finds, based upon application materials and analysis presented in the June 7, 2007 Staff Report, public testimony, as well as visits to the site, that the proposed exterior change from wood siding to stucco on the site would not result in a substantial change in neighborhood character and that stucco would be harmonious with the overall design of the home.
- F. The Board directed Staff (a vote of 4-0, Glassner absent) to prepare a resolution granting the appeal to allow the change of exterior material from wood siding to stucco.

Section 2. Granting of the Appeal.

NOW, THEREFORE, BE IT RESOLVED that the Design Review Board of the Town of Tiburon does grant the appeal by approving the construction of alterations to the existing residence located at 173 Avenida Miraflores, with the following conditions of approval:

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 April 6, 2007, or as amended by these conditions of approval. Any modifications to the plans of April 6, 2007, 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 other than those approved by the Design Review Board 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.

PASSED AND ADOPTED at a regular meeting of the Design Review Board on June 21, 2007, by the following vote:

AYES: BOARDMEMBERS:  
NOES: BOARDMEMBERS:  
ABSENT: BOARDMEMBERS:  
ABSTAIN: BOARDMEMBERS:

---

FRANK DOYLE, CHAIRMAN  
TIBURON DESIGN REVIEW BOARD

ATTEST:

---

SCOTT PHILLIPS, ASSISTANT PLANNER

