

STAFF REPORT

SAUSALITO PLANNING COMMISSION/HISTORIC LANDMARKS BOARD

Project Copita/739 Bridgeway
Design Review Permit/Sign Permit/Minor Use Permit/ Sidewalk
Dining Encroachment Permit
DR/SP/MUP/SDEP 11-340

Meeting Date December 14, 2011

Staff Heidi Burns, Associate Planner HB

REQUESTS

Approval of a **Design Review Permit** and **Sign Permit** to allow for a new paint color, a new business identification sign, an awning, and landscape planters at a mixed-use commercial building located in the Downtown Historic Overlay Zoning District, at 739 Bridgeway.

Approval of a **Minor Use Permit** to supersede the previous outdoor dining approval and to allow outdoor dining for a total of six tables/12 chairs on private and public property.

Approval of a **Sidewalk Dining Encroachment Permit** to supersede the previous outdoor dining approval and to allow for outdoor dining within the Bridgeway public right-of-way fronting 739 Bridgeway.

Approval of a modification to a previously-approved **Encroachment Agreement** to allow for major design modification for an awning, landscape planters, and outdoor dining tables within the Bridgeway public right-of-way fronting 739 Bridgeway.

PROJECT INFORMATION

Applicant Arcanum Architecture

Owner Silva Trust

Location/Parcel Size 739 Bridgeway; APN 065-071-27
3,550 square feet (see **Exhibit B** for vicinity map)

General Plan Central Commercial

Zoning Central Commercial (CC) Zoning District
Downtown Historic Overlay Zoning District

Authority Exterior renovation, modification, or remodeling of any structure located within a City designated historic district requires a Design Review Permit per Section 10.54.050.B.11 and Historic Design Review per Section 10.46.060 of the Zoning Ordinance.

A Sign Permit is required to allow a new sign and awning per Section 10.42.070 of the Zoning Ordinance.

A Minor Use Permit is required to allow outdoor dining associated with a restaurant per Section 10.44.220 of the Zoning Ordinance.

A Sidewalk Dining Encroachment Permit is required to allow outdoor dining within the public right-of-way.

CEQA:

The project consists of a minor alteration to an existing commercial building, thus the project is determined to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. Section 15301 specifically provides an exemption for the repair, maintenance, or minor alteration of existing private structures.

ROLE OF THE HISTORIC LANDMARKS BOARD AND PLANNING COMMISSION

The first step of the review involves a Design Review Permit and Sign Permit for the exterior modifications proposed for the building. Since the project is located in the Downtown Historic Overlay District, the Design Review Permit is under the authority of both the Planning Commission and the Historic Landmarks Board (HLB), and a joint hearing is required to review and act upon the Design Review Permit. As stated in Section 10.46.060, both the Planning Commission and the HLB have the authority to review the Design Review Permit, and must favorably make the findings listed in Section 10.54.050.D to approve the Design Review Permit.

The second step of the review involves an approval by the Planning Commission of a minor use permit and Sidewalk Dining Encroachment Permit. Additionally, the Planning Commission is being requested to approve a major design modification associated with a previously approved Encroachment Agreement as discussed further in the Staff Report.

PROJECT DESCRIPTION

BACKGROUND

On January 23, 2008, the Planning Commission and the Historic Landmarks Board approved a Design Review Permit, and a Sign Permit to allow façade improvements, an awning, and signage. The Planning Commission also approved a Conditional Use Permit to allow a restaurant which serves alcoholic beverages and forwarded a recommendation to the City Council in support of an Encroachment Agreement to allow for an awning, landscape planters, and outdoor dining for up to five tables and/or ten chairs to be located within the Bridgeway public right-of-way (see **Exhibit H** for the approved outdoor dining site plan). The City Council approved the aforementioned Encroachment Agreement through Resolution No. 4938 for new awnings and planters located in the Bridgeway public right-of-way, in addition to approving a permit to allow outdoor dining area and the sale of alcoholic beverages within the Bridgeway public right-of-way (City Council Resolution No. 4954).

PROJECT DESCRIPTION

The proposed project consists of the following as shown in the project plans (see **Exhibit D**):

- ✓ Relocation and installation of a retractable awning.
- ✓ New paint color for the exterior of the building frontage.
- ✓ Four new landscape planters. The landscaping consists of annual plants which will be hand irrigated.
- ✓ Reconfiguration of outdoor dining tables.
- ✓ Increase existing outdoor dining tables from five, two-seat tables, to six, two-seat tables.

- ✓ Use of existing exterior doors and windows.

Project Materials and Colors

The project has been designed with the following building materials and colors:

- ✓ Building Paint color to be Benjamin Moore "In the Twilight" no. 1434.
- ✓ Canvas awning to be Sunbrella Jockey Red.
- ✓ Terra cotta colored landscape planters.
- ✓ Wrought iron exterior sign bracket.

Signage

One projecting sign is proposed as follows:

- ✓ Internally illuminated halo lit sign.
- ✓ Three foot by one foot aluminum face sign painted a Benjamin Moore Devon Cream.
- ✓ Five inch by half-inch thick push through acrylic letters faced with opaque color graphics to provide an internally illuminated halo effect. The letters spell "COPITA".
- ✓ Two-inch black vinyl letters which spell "Tequileria Y Comida".
- ✓ The sign bracket will project out approximately 2 feet from the building wall.
- ✓ Total of three square feet of sign area.

Lighting

Apart from the proposed internally illuminated sign, no new exterior lighting is being proposed.

PROJECT ANALYSIS

General Plan Consistency

To approve the proposed project the Planning Commission and HLB must determine that the project is consistent with all applicable General Plan policies. The site is located in an area designated as Central Commercial by the General Plan. The following policies and objective relevant to the project are as follows:

- ✓ *Policy LU-2.0 Promote and Enhance Commercial Economic Diversity. Promote and enhance economic viability of all commercial areas throughout the City, while continuing to recognize residential needs, by establishing distinct commercial districts that preserve the variety of uses serving residents and visitors.*
- ✓ *Policy LU-2.9. Downtown Historic Character: Protect the historical character of the Downtown area.*

The project consists of design elements, such as paint color, an awning, and a sign which will not alter any significant design characteristics or character defining features associated with building located in the Downtown Historic District. Therefore, staff suggests the project will neither significantly alter the appearance on the building, nor have an adverse impact on the historical character of the downtown area. Additionally, the project is designed to support a new restaurant to be located in the District. Therefore the enhancement of the building will attract customers and promote the establishment's economic viability as a local business that serves local residents, visitors, and workers in Sausalito.

Zoning Consistency

The project, as proposed, is consistent with the Site Development Standards for the Central Commercial (CC) Zoning District. The project does not propose to expand or otherwise alter the existing structure beyond the proposed façade improvements as discussed in the *Project Description* section of the Staff Report. Furthermore, a restaurant use which serves alcoholic beverages was previously approved by the Planning Commission through Resolution No. 2008-09.

Historic Overlay Zoning District Consistency

To approve the proposed project, the Planning Commission and HLB must determine that the project is consistent with all applicable Historic Overlay District regulations. The site is located in the Downtown Historic Overlay Zoning District. Staff concludes that the project is consistent with the purpose and intent of the Downtown Historic Overlay Zoning District (Section 10.28.040.A) as described in the findings listed in the draft Resolution (see **Exhibit A**).

Design Review Permit

In order to approve or conditionally approve the Design Review Permit, the Planning Commission and HLB must determine that the project is in conformance with the findings listed in Sections 10.54.050 (Design Review Findings) of the Zoning Ordinance, which includes the Historic Design Guidelines.

The following sections of the Historic Design Guidelines are relevant to the project:

- ✓ Paint, Chapter 2, pg. 32 (Policies 2.52 and 2.53)
- ✓ Awnings and Canopies, Chapter 3, Section G, pg. 55 (Policies 3.15 and 3.17)

The Historic Design Guidelines is an advisory document with the purpose of provides guidance to ensure that the changes to the Downtown Historic Overlay Zoning District's built environment will be sensitive to the community's historical legacy. Upon review of the Historic Design Guidelines as it relates to the project, the project appears to be consistent with the Awnings and Canopies policies, but not consistent with the Paint policies. Specifically, Paint policy 2.53 states that "a single color scheme shall be used for the entire exterior so the upper and lower floors and subordinate masses of a building are seen as components of a single structure." Although the Historic Design Guidelines encourages a single paint color, staff suggests the proposed paint scheme will bring an attractive element to the appearance of the building while maintaining its neighborhood compatibility.

Staff concludes the project is generally consistent with the requisite findings for the Design Review Permit can be made to approve the permit, as summarized in the following and in the findings listed in the draft Resolution (see Attachment 1 of **Exhibit A**, Resolution).

Sign Permit

Signage within the Downtown Historic Overlay Zoning District is subject to the following general regulations as specified in Section 10.42.070 of the Zoning Ordinance:

General Regulations

- ✓ Total number of signs shall be at the discretion of the Planning Commission and Historic Landmarks Board.
- ✓ Commercial signage should be limited to 0.5 square feet of signage per lineal foot of street frontage. Exceptions may be granted for narrow buildings.
- ✓ Materials should be appropriate to historic nature of the district and may include carved wood signs and individual cast or cut metal letters.
- ✓ All signs should be of high quality workmanship, with clean and finished edges and materials.
- ✓ Colors should be appropriate to the historic district and relative to the location, size and context of the structure, business, or site.
- ✓ Lighting should be unobtrusive and controlled by dimmers

Upon review of the Sign Regulations, the proposed sign does not meet the definition of a "Projecting Sign" since the sign is not perpendicular to the building wall. Therefore, the sign appears to fall under the category of a "Special Sign" pursuant to Section 10.42.070.Q of the Zoning Ordinance. Special

Signs are “creative signs that do not fit within another identified category”, such as a projecting sign or a wall sign, and may be approved by the Planning Commission and Historic Landmarks Board if the sign can be considered appropriate and compatible with the Downtown Historic Overlay Zoning District. Additionally, the following findings are required:

- ✓ The sign contributes to the vitality of the Historic District
- ✓ The sign provides a better visual building and signage relationship for a difficult building or location
- ✓ The sign maintains a size and character appropriate to the pedestrian scale of the Historic District

Staff supports the proposed sign in terms of its size, location, and sign area. Additionally, even though the sign regulations discourage internally illuminated signs, staff suggests the proposed halo effect will not create an adverse aesthetic impact in the District due to the small size of the sign (3 square feet). Lastly, even though the sign regulations encourage historically appropriate materials, staff suggests the use of a painted aluminum sign with extruded acrylic letters provides a creative and interesting sign solution at the project site. Staff supports the approval of the sign as proposed and suggests the Special Sign findings can be supported.

Minor Use Permit

In order to approve or conditionally approve the Sidewalk Dining Encroachment Permit to allow six tables and/or 12 chairs to be located on private property and within the Bridgeway public right-of-way, the Planning Commission must approve a Minor Use Permit in conformance with the findings listed in Section 10.58.050 of the Zoning Ordinance. Staff concludes the requisite findings for the Minor Use Permit can be made to approve the permit, as summarized in the following analysis and in the findings listed in the attached Resolution (see **Exhibit B**) and as summarized below:

Outdoor Dining Regulations (10.44.220.C-E)	Analysis
<p>a. Safe Passage. Safe and adequate passage of 48" width shall be provided both along the sidewalk and from the curb to the sidewalk (to provide for two pedestrians walking side by side or by a single wheelchair.) No tables or chairs shall be placed or allowed to remain on any sidewalk that inhibits passage.</p>	<p>The outdoor dining area provides a pedestrian passageway of 48 inches at its narrowest point, which adequately meets the safe passage requirements.</p>
<p>b. Location. Permits shall only be issued to allow the use of sidewalk immediately adjacent to the restaurant seeking the permit.</p>	<p>The outdoor dining area is immediately adjacent to the restaurant, and thus satisfies this requirement.</p>
<p>c. Food Service. The establishment obtaining the Permit shall be engaged in food service and shall provide such service at the tables subject to the Permit.</p>	<p>The outdoor dining will serve a restaurant providing food service, which satisfies this requirement.</p>

Outdoor Dining Regulations (10.44.220.C-E)	Analysis
<p>d. Capacity of outdoor eating area. An outdoor eating area on private property shall not exceed the most restrictive of the following limits, unless otherwise authorized by the Zoning Administrator in the required Minor Use Permit:</p> <ol style="list-style-type: none"> 1. 25 percent (25%) of the indoor dining area of the restaurant; or 2. 5 tables; or 3. A capacity of 20 people. 	<p>The proposed outdoor dining area is exempt from this regulation, since the outdoor dining area is located on public right-of-way and not on private property pursuant to Section 10.44.220.D of the Zoning Ordinance.</p>
<p>e. Parking. Eating establishments with outdoor eating areas in public rights-of-way shall be exempt from additional parking requirements.</p>	<p>The outdoor dining area is exempt from additional off-street parking requirements pursuant to Section 10.44.220.E.2 of the Zoning Ordinance.</p>

Encroachment Agreement- Modifications

As stated previously in the Staff Report, the project site has received approval of an Encroachment Agreement from the City Council through Resolution No. 4938 to allow an awning and landscape planters within the Bridgeway public right-of-way. The Encroachment Agreement continues to be valid provided the Conditions of Approval are met.

The project applicant is requesting the reconfiguration and location of the landscape planters and awning. The aforementioned design modifications may occur provided the project is consistent with Condition of Approval No. 11 of Resolution No. 4938, which states that “the Community Development Department is authorized to administratively approve minor modifications to the approved plans. Major design modifications to the approved project will require further review and approval by the Planning Commission.” Planning Division staff has determined the project modifications to be “major” and therefore require Planning Commission review and approval.

Upon review of the modifications, staff suggests the project does not propose to intensify or exacerbate the approved encroachment and the reconfiguration of uses and structures within the Bridgeway public right-of-way will not alter the current public circulation pattern. Therefore, staff suggests the applicant’s request can be approved.

PUBLIC NOTICE AND CORRESPONDENCE

On December 2, 2011 public hearing notices were mailed to all property owners and occupants within 300 feet of the project site. As of the writing of the staff report, the City has not received any comments.

RECOMMENDATION

Staff recommends the following actions:

1. Planning Commission and Historic Landmarks Board approve the attached draft resolution (**Exhibit A**) approving a Design Review Permit and the Sign Permit to allow for exterior modifications to a building in the Downtown Historic Overlay Zoning District which include new paint, a sign, and a retractable awning.

Alternatively, the Planning Commission and Historic Landmarks Board may:

- Continue the hearing for additional information and/or project revisions; or
- Direct staff to prepare a resolution for denial of the Design Review Permit and a Sign Permit.

2. Planning Commission approve the attached draft resolution (**Exhibit B**) approving:

- A Minor Use Permit which supersedes the previous outdoor dining approval and allows outdoor dining for a total of six tables/12 chairs on private property and public right-of-way;
- A Sidewalk Dining Encroachment Permit which supersedes the previous outdoor dining approval and allows outdoor dining within the Bridgeway public right-of-way fronting 739 Bridgeway
- A modification to the previously-approved Encroachment Agreement to allow for design modifications involving an awning and the landscape planters within the Bridgeway public right-of-way fronting 739 Bridgeway.

Alternatively, the Planning Commission may:

- Continue the hearing for additional information and/or project revisions; or
- Direct staff to prepare a resolution for denial of the Minor Use Permit, Sidewalk Dining Encroachment Permit and design modifications associated with a previously-approved Encroachment Agreement.

EXHIBITS

- A. DRAFT Resolution – Design Review Permit
- B. DRAFT Resolution – Minor Use Permit and Sidewalk Dining Encroachment Permit
- C. Vicinity Map
- D. Project Plans
- E. Photographs, date-stamped December 2, 2011
- F. Sign Plan Detail, date-stamped December 2, 2011
- G. Site Photographs, date-stamped November 2, 2011
- H. DR/SP/CUP/EA 07-030 Approval Plan

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**SAUSALITO PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD
RESOLUTION NO. XX**

**RESOLUTION APPROVING A DESIGN REVIEW PERMIT AND SIGN PERMIT FOR
EXTERIOR MODIFICATIONS AND BUSINESS IDENTIFICATION SIGNAGE AT A
MIXED-USE COMMERCIAL BUILDING
LOCATED AT 739 BRIDGEWAY
DR-SP 11-340**

WHEREAS, an application has been filed by applicant Arcanum Architecture, on behalf of the Silva Trust, requesting Planning Commission and Historic Landmarks Board approval of a Design Review Permit to allow for exterior modifications to the exterior of a building located within the Downtown Historic Overlay Zoning District, in addition to a Sign Permit to allow for a sign and retractable awning at an existing mixed-use commercial building at 739 Bridgeway (APN 065-071-27); and

WHEREAS, the project site is located within the General Plan Central Commercial General Plan Land Use Designation, Central Commercial Zoning District, and Downtown Historic Overlay Zoning District; and

WHEREAS, the Planning Commission and the Historic Landmarks Board conducted a duly-noticed public hearing on December 14, 2011 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission and the Historic Landmarks Board has reviewed and considered the information contained in the staff reports as well as any and all oral and written testimony on the proposed project; and

WHEREAS, the Planning Commission and the Historic Landmarks Board has reviewed and considered the project plans titled "Copita" and date-stamped December 2, 2011; and

WHEREAS, the Planning Commission and the Historic Landmarks Board finds that the proposed project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report; and

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities, which allows for minor alterations to an existing building.

**NOW, THEREFORE, THE PLANNING COMMISSION AND HISTORIC LANDMARKS BOARD
HEREBY RESOLVE AS FOLLOWS:**

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities.

*Exhibit A
(13 pages)*

2. A Design Review Permit for exterior modifications, lighting, and landscaping is approved based upon the findings provided in Attachment 1, and subject to the conditions of approval provided in Attachment 2. The project plans are provided in Attachment 3.
3. A Sign Permit is approved for a sign and retractable awning is approved based upon the findings provided in Attachment 1, and subject to the conditions of approval provided in Attachment 2. The project plans are provided in Attachment 3.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission and Historic Landmarks Board on the XX day of December, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeremy Graves, AICP
Secretary to the Planning Commission

AYES:
NOES:
ABSENT:
ABSTAIN:

Vicki Nichols
Secretary to the Historic Landmarks Board

Attachments:

- 1- Findings
- 2- Conditions of Approval
- 3- Project plans entitled "Copita" date stamped December 2, 2011

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**PLANNING COMMISSION and HISTORIC LANDMARKS RESOLUTION
DECEMBER 14, 2011
DR-SP 11-340
739 BRIDGEWAY**

ATTACHMENT 1: FINDINGS

DESIGN REVIEW FINDINGS

Pursuant to Zoning Ordinance Section 10.54 (Design Review Procedures), the Planning Commission and Historic Landmarks Board find:

1. The proposed project is consistent with the General Plan, any applicable specific plans, any applicable design guidelines, and this chapter.

The project is consistent with General Plan policies, including those related to maintaining the historic character of the downtown, as well as the Historic Design Guidelines.

2. The proposed architecture and site design complements the surrounding neighborhood and/or district by either: a) Maintaining the prevailing design character of the neighborhood and/or district or b) Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.

The project will positively contribute to the Downtown Historic Overlay Zoning District by enhancing the existing building by introducing distinctive design elements to the façade of the building while maintaining and complementing the prevailing design theme of the neighborhood. The installation of a new awning will also enhance the architectural elements of the building by exposing the existing window transom.

3. The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.

The project consists of replacing existing elements, such as a redesigned awning with similar a projection and clearance as the previously approved awning, signage, landscape planters, and a new paint scheme. As such, the project will neither impact the general scale of the existing mixed-use commercial building, nor the neighborhood.

4. The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.

The project, which includes façade modifications, signage, and landscaping will not obstruct public or private views due to location and site orientation.

5. The proposed project will not result in a prominent building profile (silhouette) above a

ridgeline.

The proposed project is not located on a ridgeline to create such impacts.

6. The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.

A condition of approval is included in the resolution to require the developer of the project to submit a final landscaping plan for the project. The landscaping plan shall be reviewed and approved by the Community Development Director prior to issuance of a construction permit.

7. The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.

The proposed project does not adversely affect the design and location of the existing building on the site, and thus will not affect light and air for adjacent properties.

8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise and air quality impacts to adjacent properties and the general public.

The project does not include the installation of new lighting other than the internally illuminated sign as discussed in the Staff Report dated December 14, 2011.

9. The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window, deck and patio configurations.

Based on the existing location and orientation of the building and design elements, the project will not impact privacy to the site or the adjacent properties.

10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.

The project is designed to provide adequate access and circulation throughout the site. Furthermore, the project site does not provide any on-site parking, therefore, parking will not be impacted.

11. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

The project consists of the modification to existing design elements associated with the façade of an existing building, therefore, the project will not impact any existing natural features associated with the site.

12. The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in

subsection E (Heightened [Design] Review Findings).

The project is not subject to Heightened [Design] Review Requirements as no addition of building coverage or floor area is proposed.

HISTORIC OVERLAY DISTRICT FINDINGS

Pursuant to Sausalito Zoning Ordinance Section 10.46 (Historic Overlay District), the Planning Commission and Historic Landmarks Board find:

1. The proposed new construction or alteration is compatible with the architectural and historical features of the structure and/or district.

The project is consistent with the previously approved project through the Planning Commission Resolution No. 2008-09 and the Historic Landmarks Board Resolution No. 2008-10, which approved façade modifications to the contributing historic building.

2. The historical context of the original structure or district has been considered during the development and review of the proposal.

The project will be complimentary to the existing contributing historic building and consistent with the previously approved Design Review Permit approved by the Planning Commission and Historic Landmarks Board as previously discussed.

3. The criteria for listing the structure or site on the local register does not apply, or the Historic overlay district will not be affected by the new construction or alterations.

As previously discussed, the project is consistent with the previously approved Design Review Permit which allowed façade modifications to the existing contributing historic building.

4. The State Historic Building Code is being applied to minimize alterations to the original historic structure.

The use of the Historic Building code is non-applicable because the existing building is not historic.

5. The Secretary of Interior Standards for Treatment of Historic Properties have been used to review and consider the new construction and proposed alterations.

The project will not impact any character defining features associated with the contributing building, therefore the Secretary of the Interior Standards for the Treatment of Historic Properties in not applicable.

6. Alternative uses and configurations have been considered as part of the Design Review process.

The project includes the reconfiguration of signage, awning location and placement, and landscaping to better compliment the project site and contributing historic building.

7. Findings specified by Chapter 10.54 (Design Review Procedures) can be made.

The Design Review Findings can be favorably made, as discussed in the findings above.

8. The proposed new construction or alteration will be compatible with and help achieve the purposes of the Historic Overlay District (Chapter 10.28.040.A).

The façade modifications will be compatible with the purposes of the Historic Overlay District, as described below.

- To promote the conservation, preservation, and enhancement of the historic or architecturally significant structures and sites that form an important link to Sausalito's past;

The project will not impact any character defining features associated with the project site. Additionally, the project will expose the historic window transom which will enhance the historic elements and character defining feature of the building.

- To deter demolition, destruction, alteration, misuse or neglect of historic or architecturally significant buildings;

The project does not include the demolition, destruction, alteration, misuse or neglect of any character defining features associated with the project site and building.

- To stimulate the economic health and quality of the community and stabilize and enhance the value of property;

The project will enhance the aesthetics of the structure thereby contributing to the value of the property and the historic district. The project also facilitates a new restaurant to be located within the Central Commercial Zoning District and Downtown Historic Overlay Zoning District.

- To encourage development tailored to the character and significance of the historic district through sign and design review standards;

As discussed in the Staff Report dated December 14, 2011, the project is found to comply with the regulations and standards outlined in the Zoning Ordinance.

- To provide review of projects located in the Historic overlay district by the Historic Landmarks Board;

This project was reviewed and approved by the Historic Landmarks Board at a joint meeting with the Planning Commission.

- To encourage the protection and reuse of structures, sites and areas that provide significant examples of the past or that are landmarks in the history of architecture;

As discussed previously, the project will not impact any character defining features associated with the contributing building located within the Downtown Historic

Overlay Zoning District. The project also consists of the reuse of an existing commercial tenant space in order to accommodate a new restaurant.

- To preserve structures that are unique and irreplaceable assets to the city and its neighborhoods; and

As discussed previously, the project will not impact any character defining features associated with the contributing building located within the Downtown Historic Overlay Zoning District. Therefore, no negative or detrimental impacts to the historic property are anticipated.

- To provide appropriate settings and environments for historic structures.

The structure is located in the Downtown Historic Overlay Zoning District, which is an appropriate setting for the building.

SIGN PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.42.090(E) (Sign Permit Findings), the Sign Permit is approved based on the following findings:

1. The proposed sign complies with all applicable provisions of this Title.

As discussed in the Staff Report dated December 14, 2011, the Planning Commission and the Historic Landmarks Board find the sign complies with the requirements of Chapter 10.42.070 of the Zoning Ordinance.

2. The proposed sign is consistent with the applicable sign standards.

As discussed in the Staff Report dated December 14, 2011, the Planning Commission and the Historic Landmarks Board find the sign regulations allow for a sign to be installed at the project site.

3. The proposed sign will not adversely impact the public health, safety, or general welfare.

The Planning Commission and the Historic Landmarks Board find the sign is designed to not adversely impact public health, safety, or general welfare. The sign is also designed to meet minimum clearance height and a building permit will be required prior to installation of the signs to ensure the signs will be installed to code.

4. The proposed color, design, material and location of the proposed sign are compatible with the architectural design of the building.

The Planning Commission and the Historic Landmarks Board find the color, design, materials, and location of the signs will be compatible with the façade modifications associated with a contributing building located in the Downtown Historic Overlay Zoning District.

5. If the property is located within or near a residential area, the sign is harmonious with the character of the residential neighborhood.

The Planning Commission and the Historic Landmarks Board find the subject site is not in a residential area. Therefore, this finding is not applicable.

6. The proposed sign is restrained in character and is no larger than necessary for adequate identification.

The Planning Commission and the Historic Landmarks Board find the sign will be complimentary to the aesthetic of the building, the site, and the Downtown Historic Overlay Zoning District and is adequate to identify the site.

7. The proposed sign is consistent with the highest graphic standards and composed of durable and appropriate materials.

The Planning Commission and the Historic Landmarks Board find the sign will be constructed out of high quality materials which are durable and compatible with the aesthetic of the project site.

8. If the proposed sign is for an establishment within a commercial or industrial center, the sign is harmonious with the entire center's signage and has been subject to the commercial or industrial center's Design Review.

The Planning Commission and the Historic Landmarks Board find the sign is designed to be compatible and harmonious with not only the aesthetic of the project site and the Downtown Historic Overlay District as a whole.

9. If the proposed sign is oriented toward a residential zoning district and is within 50 feet of said district, the signage is necessary for minimum business identification and will not have an adverse aesthetic effect on the residential character of the adjacent residential neighborhood.

The Planning Commission and the Historic Landmarks Board find the business identification sign is not oriented towards a residential zoning district, in addition to findings that the sign is necessary to serve the project site.

10. Proposed sign serves to primarily identify the business or type of activity being conducted on the same premises, or the product, service or interest being offered for sale or lease on-site.

The Planning Commission and the Historic Landmarks Board find the sign is necessary to serve the business at the project site.

11. If the property is located within a designated historic district, or is listed on the local register, the proposed sign has been reviewed and approved by the Historic Landmarks Board and complies with the Historic District Sign Guidelines and Section 10.42.070 (Sign and Awning Standards in the Historic Overlay District for Properties Listed on the Local Register).

The Planning Commission and the Historic Landmarks Board find the sign will be compatible with the architecture of the project site and the Downtown Historic Overlay District as a whole based on the scale, materials, color, and design of the signage.

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**PLANNING COMMISSION and HISTORIC LANDMARKS RESOLUTION
DECEMBER 14, 2011
DR-SP 11-340
739 BRIDGEWAY**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to the project plans and materials titled " Copita" and date stamped December 2, 2011:

General

1. Upon building permit submittal the Conditions of Approval shall be shown on all construction drawings.
2. Upon building permit submittal the applicant shall provide a written response demonstrating compliance with each Condition of Approval.
3. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
4. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.
5. Prior to issuance of a construction permit, a construction staging plan and construction schedule shall be submitted for review and approval of the City Engineer or designee.
6. The placement of the construction materials, debris boxes, equipment, and vehicles shall be subject to review and approval by the City Engineer, shall be placed to minimize obstruction of roads and gutters, shall be maintained in a clean and safe condition, and shall not be maintained in a manner that becomes a nuisance to the neighborhood.
7. For any damage to existing public improvements due to construction activities, Developer shall repair, at their expense, damage prior to issuance of a Certificate of Occupancy. Contractor must protect all existing and new improvements.
8. Prior to issuance of a construction permit, the applicant shall submit a final landscape planting plan for the review and approval of the Community Development Director for the landscape planters.
9. Prior to installation of the awning an approved Encroachment Agreement shall be obtained from the City Council.

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

10. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
11. An approval granted by the Planning Commission does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
12. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
13. Pursuant to Municipal Code Chapter 3.36, Construction Traffic Road Fees shall be paid prior to issuance of a building permit.
14. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.
15. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
16. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
17. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.
18. Pursuant to Municipal Code Section 18.12.100, existing sewer service laterals shall be inspected for surface water connections and leakage at the time of remodeling of any building. Deteriorated service laterals shall be repaired prior to approval of the building permit.

19. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
Marin Municipal Water District – (415-945-1400), including landscaping and irrigation regulations;
Southern Marin Fire Protection District -- (415-388-8182); and
Bay Conservation and Development Commission – (415-352-3600).
20. Pursuant to Municipal Code Section 10.54.100, construction activities undertaken in accordance with a design review permit shall comply with the construction time limit regulations based upon the project's valuation. Construction projects which are not completed within the time limits are subject to daily penalties.

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**PLANNING COMMISSION and HISTORIC LANDMARKS RESOLUTION
DECEMBER 14, 2011
DR-SP 11-340
739 BRIDGEWAY**

ATTACHMENT 3: PROJECT PLANS

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**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2011- XX**

**A RESOLUTION APPROVING A MINOR USE PERMIT, A SIDEWALK DINING
ENCROACHMENT PERMIT, AND DESIGN MODIFICATIONS TO A PREVIOUSLY-
APPROVED ENCROACHMENT AGREEMENT FOR A RESTAURANT AT 739 BRIDGEWAY
(MUP 11-340)**

WHEREAS, an application has been filed by applicant, Arcanum Architecture, on behalf of the Silva Trust, requesting Planning Commission approval of a Minor Use Permit to supersede the previous outdoor dining approval and to allow outdoor dining for a total of six tables/12 chairs on private and public property, a Sidewalk Dining Encroachment Agreement to allow outdoor dining within the Bridgeway public right-of-way, and major design modifications associated with an existing Encroachment Agreement at 739 Bridgeway (APN 065-071-27); and

WHEREAS, the project site is located within the General Plan Central Commercial General Plan Land Use Designation, Central Commercial Zoning District, and Downtown Historic Overlay Zoning District; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on December 14, 2011 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff reports as well as any and all oral and written testimony on the proposed project; and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "Copita" and date-stamped December 2, 2011; and

WHEREAS, the Planning Commission finds that the proposed project, as conditioned herein, is consistent with the General Plan and complies with the requirements of the Zoning Ordinance as described in the staff report; and

WHEREAS, approval of the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities, which allows for a project which involves a negligible expansion of an existing use.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS:

1. The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities.
2. The Minor Use Permit which supersedes the previous outdoor dining approval and allows outdoor dining for a total of six tables/12 chairs on private property and public right-of-way at 739 Bridgeway is approved based upon the attached findings (Attachment 1) and subject to the attached conditions of approval (Attachment 2).
3. The Sidewalk Dining Encroachment Permit which supersedes the previous outdoor dining approval and allows outdoor dining within the Bridgeway public right-of-way at 739 Bridgeway is approved based upon the attached findings (Attachment 1) and subject to the attached conditions of approval (Attachment 2).

4. The design modifications, which include the reconfiguration and location of an awning, and landscape planters is approved as required by Condition of Approval No. 11 of City Council Resolution No. 4938.

RESOLUTION PASSED AND ADOPTED, at the joint meeting of the Sausalito Planning Commission on the XX day of December 2011, by the following vote:

AYES: Commissioner:
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:

Jeremy Graves, AICP
Secretary to the Planning Commission

- A Minor Use Permit which supersedes the previous outdoor dining approval and allows outdoor dining for a total of six tables/12 chairs on private property and public right-of-way;
- A Sidewalk Dining Encroachment Permit which supersedes the previous outdoor dining approval and allows outdoor dining within the Bridgeway public right-of-way fronting 739 Bridgeway
- A modification to the previously-approved Encroachment Agreement to allow for design modifications involving an awning and the landscape planters within the Bridgeway public right-of-way fronting 739 Bridgeway.

ATTACHMENTS

- 1- Findings
- 2- Conditions of Approval
- 3- Project Plans

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PLANNING COMMISSION
DECEMBER 14, 2011
MUP 11-340
739 BRIDGEWAY

ATTACHMENT 1: FINDINGS

MINOR USE PERMIT FINDINGS

Pursuant to Sausalito Municipal Code Section 10.58 (Minor Use Permits), it has been found that the permit is approved based on the following findings:

- A. The proposed use is allowed with issuance of a Minor Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.

Outdoor dining areas located on sidewalks in the public right-of-way and are permitted in the Commercial Residential Zoning District with a Minor Use Permit (Zoning Ordinance Section 10.24.030) and subject to the requirements outlined in Zoning Ordinance Section 10.44.220.

- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

The proposed outdoor dining area is consistent with General Plan policies for managing encroachments in the public right-of-way and economic enhancement within the Central Commercial neighborhood (General Plan Policy LU 2.0). The outdoor dining area is also consistent with all applicable Zoning Ordinance regulations for outdoor dining, as conditioned.

- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City

The outdoor dining area provides an adequate pedestrian passageway within the sidewalk on Bridgeway. As such, the dining area will not be detrimental to the public health, safety, or general welfare of the City.

- D. The proposed use complies with all of the applicable provisions of the Zoning Ordinance.

The proposed use complies with all applicable provisions of the Zoning Ordinance, including requirements for outdoor dining areas in sidewalks (Section 10.44.220.C), as described in the staff report dated December 14, 2011.

- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.

The dining area is immediately adjacent to an existing restaurant, and is properly located in a sidewalk area that provides adequate passageway along Bridgeway. The dining area will enhance the establishment in a commercial area that supports local residents, visitors, and employees in Sausalito.

- F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may

include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.

The outdoor dining area will be placed along the restaurant frontage maintaining an adequate passageway of a minimum of 48 inches in the public right-of-way. Outdoor dining is a use normally permitted in the sidewalk, subject to the requirements stipulated by Zoning Ordinance Section 10.44.220.C, and thus is deemed adequate for the subject site.

- G. Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

All public utilities and facilities are adequate for the proposed use. It is not anticipated that the use will generate additional traffic impacts to Bridgeway, and will not adversely impact pedestrian traffic beyond its current conditions.

- H. The proposed use will not materially adversely affect nearby properties or their permitted uses.

The outdoor dining area is confined to the adjacent sidewalk area in the public right-of-way along the storefront only, and will not extend to nearby properties, and is also located away from nearby commercial properties. The new dining area will maintain the required safe passage area on the sidewalk for pedestrians and will not block or diminish the sidewalk passageway. As such the proposed use will not materially adversely affect nearby properties or the public right-of-way.

- I. Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

There are no additional findings required by Chapter 10.44 for outdoor dining areas.

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**PLANNING COMMISSION
DECEMBER 14, 2011
MUP 11-340
739 BRIDGEWAY**

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions of approval apply to the project plans and materials titled " Copita" and date stamped December 2, 2011:

General

1. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
2. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.
3. The Minor Use Permit and Sidewalk Dining Encroachment Permit for the Copita restaurant supersedes all prior outdoor dining approvals.
4. Prior to the installation of outdoor dining tables and chairs, the owner of the property shall enter into a Sidewalk Dining Encroachment Permit Agreement with the Community Development Director.

Advisory Notes

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

5. This approval will expire in two (2) years from the effective date of this resolution if the property owner has not exercised the entitlements hereby granted, or an extension has not been filed prior to the expiration date.
6. An approval granted by the Planning Commission does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
7. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 10%) shall be paid.
8. An encroachment permit shall be obtained from the Department of Public Works prior to use of the public right-of-way for non-public purposes (e.g., materials storage, debris box storage) including any and all construction and demolition activities.
9. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas

within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 6:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

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**PLANNING COMMISSION
DECEMBER 14, 2011
MUP 11-340
739 BRIDGEWAY**

ATTACHMENT 3: PROJECT PLANS

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Vicinity Map
DR-SP-MUP 11-340
739 Bridgeway

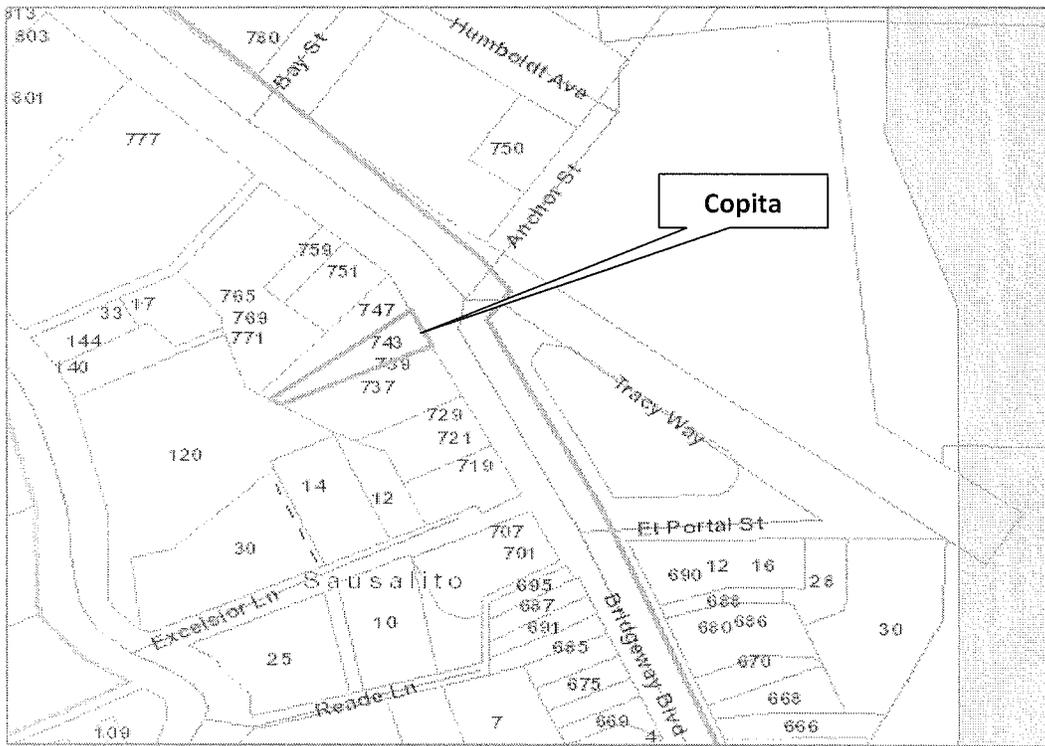
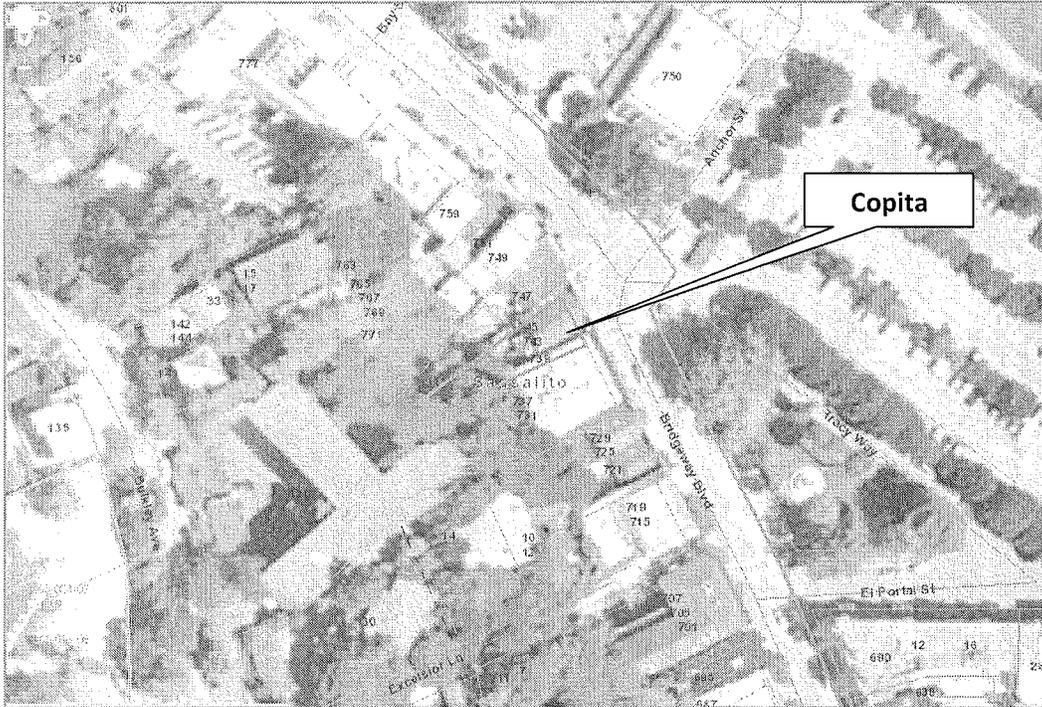


Exhibit C
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ARCANNUM ARCHITECTURE, INC.
 501 BRIDGEWAY, SUITE 200
 SAUSALITO, CA 94965
 TEL: 415.337.4000 FAX: 415.337.4004
 www.arcannum.com

COPITA
 739 BRIDGEWAY
 SAUSALITO, CALIFORNIA 94965
 APN 065-071-27

Date	12/21/11
Drawn By	ZAC
Project No.	1108
Scale	1/4" = 1'-0"
Sheet No.	1108-01
Sheet Title	EXTERIOR ELEVATIONS
Project Name	COPITA
Project Address	739 BRIDGEWAY, SAUSALITO, CA 94965
Project Description	RENOVATION

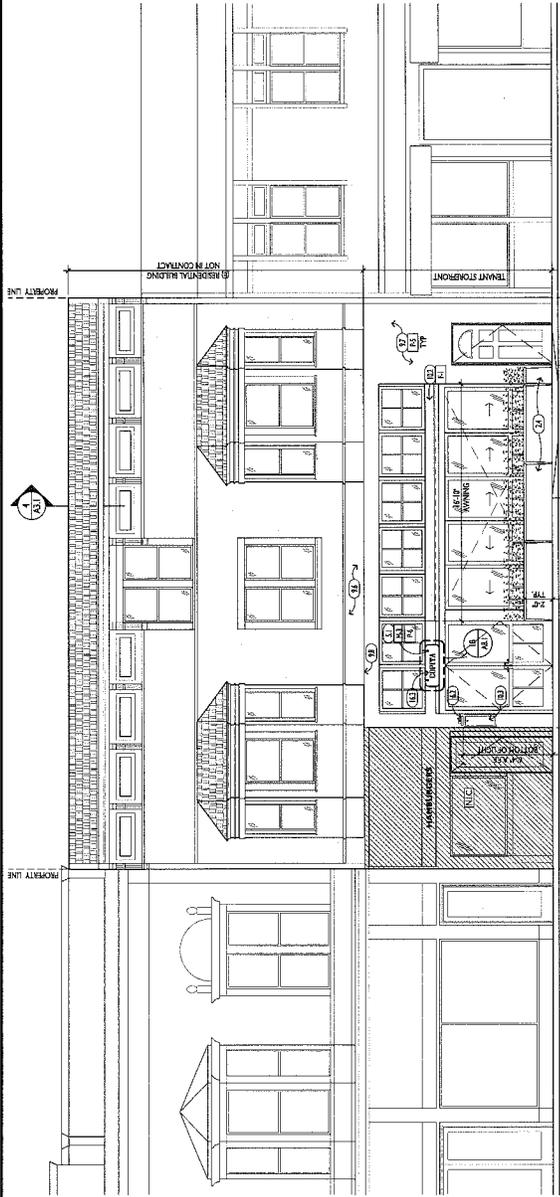
EXTERIOR ELEVATIONS

SCALE 1/4" = 1'-0"

A3.1

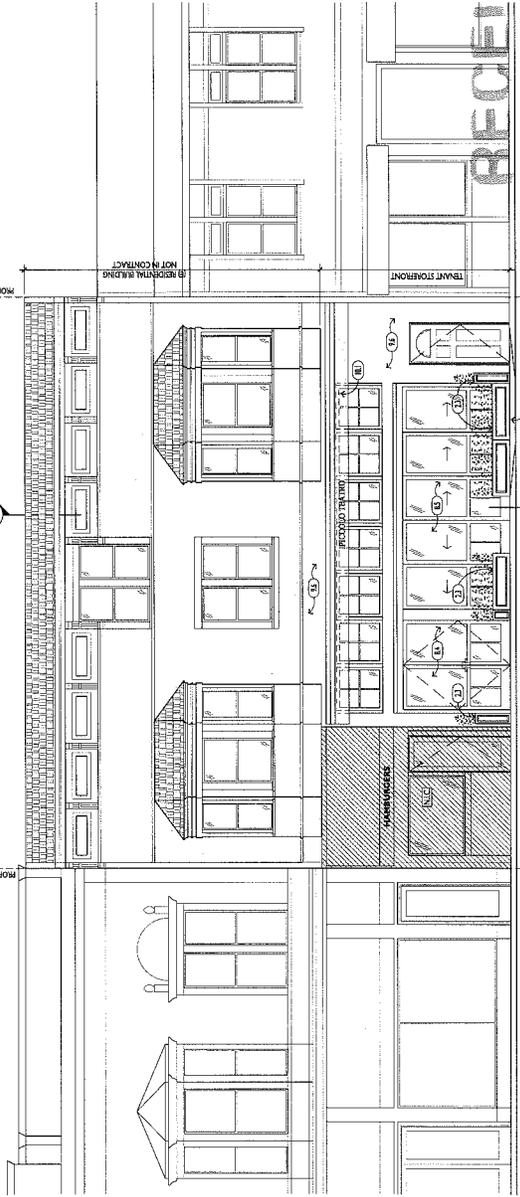
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CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPT



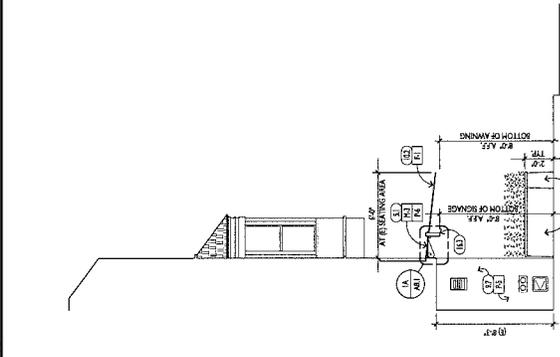
2 PROPOSED EAST ELEVATION

A3.1



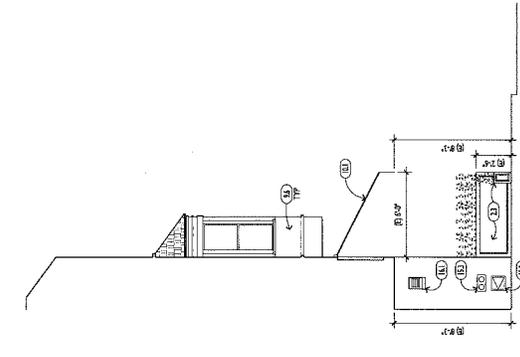
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A3.1



4 PROPOSED PATIO SECTION

A3.1



3 EXISTING PATIO SECTION

A3.1

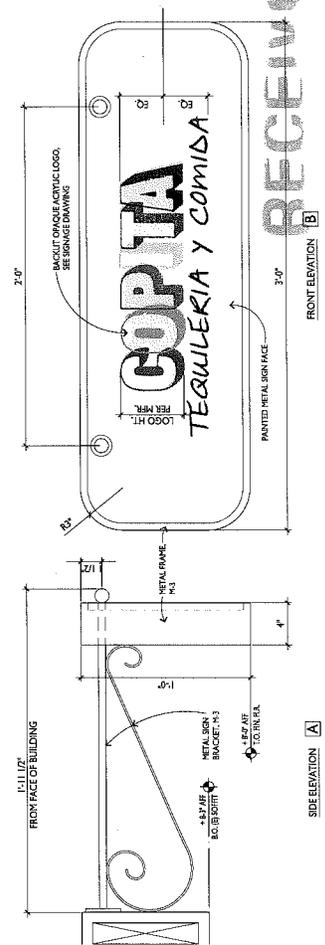
COPITA
 739 BRIDGEWAY
 SAUSALITO, CALIFORNIA 94965
 APN 065-071-27

DATE	12/11/17
DESIGNED BY	ARCANUM
CHECKED BY	ARCANUM
PROJECT NO.	1707
SCALE	AS NOTED
PROJECT NAME	COPITA
CLIENT	ARCANUM
LOCATION	739 BRIDGEWAY, SAUSALITO, CA
DESCRIPTION	EXTERIOR SIGNAGE

EXTERIOR DETAILS

SCALE AS NOTED

A8.1



DEC - 7 - 2017

ENTRY SIGN
 SEE SIGNAGE SHEET S1

CITY OF SAUSALITO
 COMMUNITY DEVELOPMENT DEPARTMENT



PHOTO SIMULATION OF PROPOSED EXTERIOR CHANGES

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CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

12.02.11

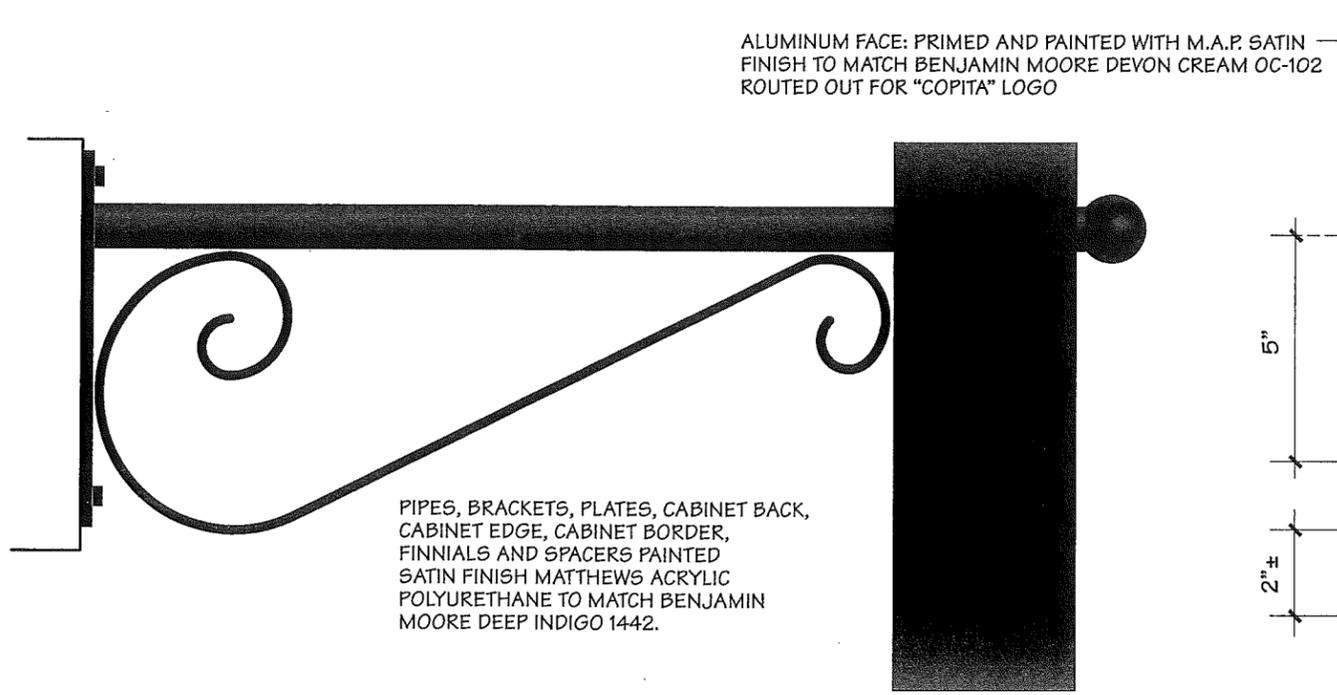
COPITA

739 BRIDGEWAY
SAUSALITO, CALIFORNIA 94965
APN 065-071-27

ARCANUM ARCHITECTURE
501 THIRD STREET, SUITE 200
SAN FRANCISCO, CA 94107
415.357.4400

Exhibit E

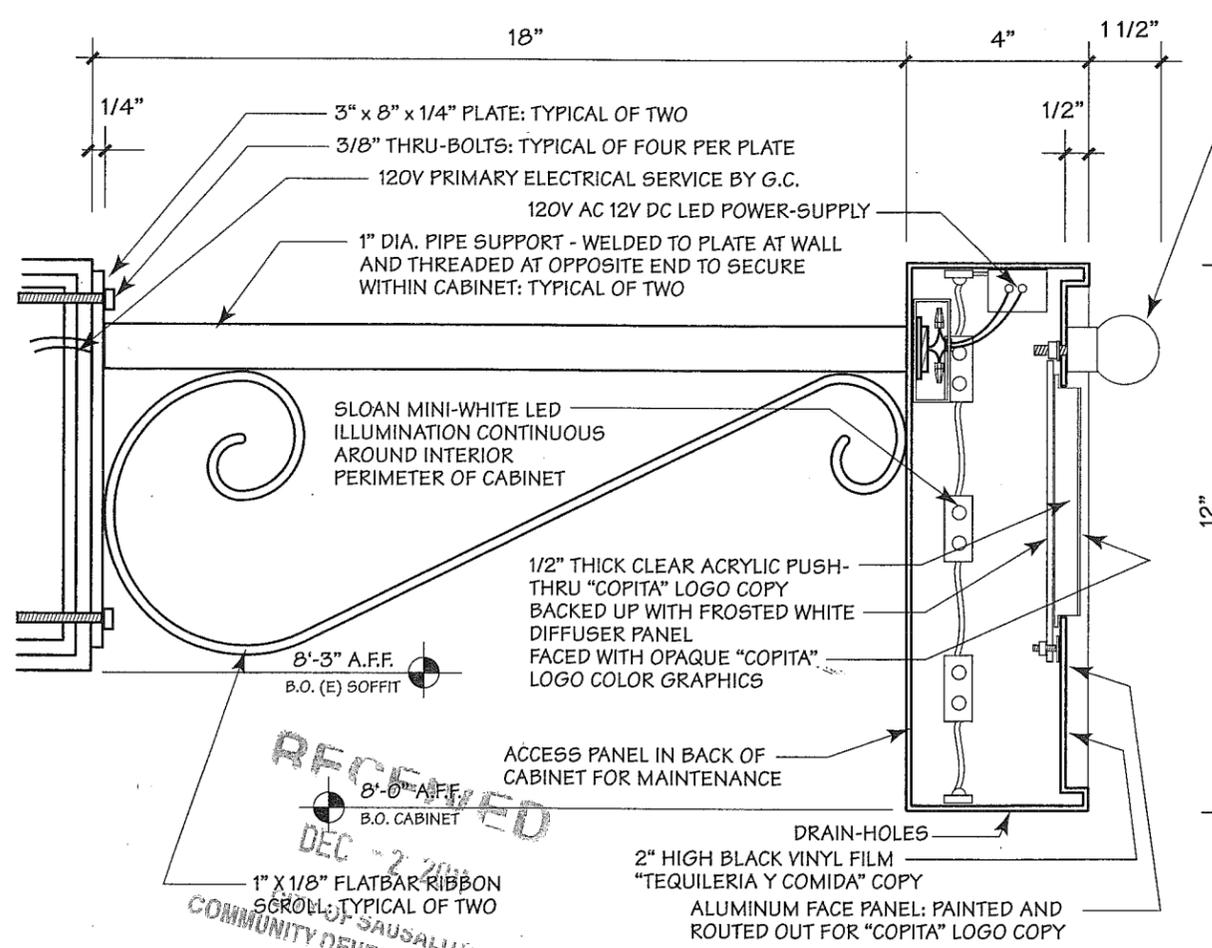
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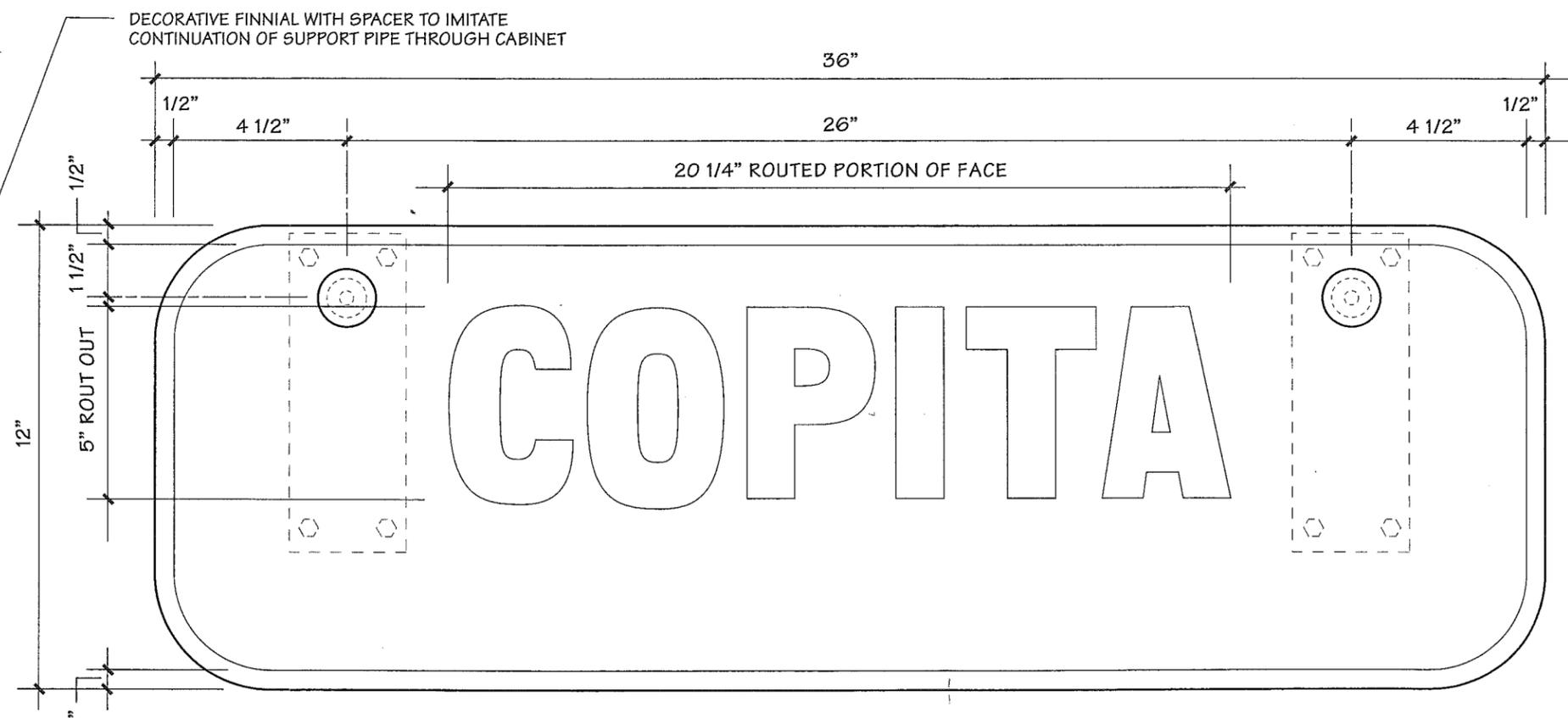
1 COLOR SIDE VIEW



2 COLOR ELEVATION



3 SECTION



4 DIMENSIONED ELEVATION

SCALE: 3" = 1'-0"

3

bill moore & associates

1057 solano ave.
p.o. box 6153
albany, ca 94706-0153
510/526-0296 fax 526-6092
www.billmoore.com

MEMBER
SA
INTERNATIONAL SIGN ASSOCIATION

TEQUILERIA Y COMIDA

COPITA
739 Bridgeway
Sausalito, California 94965
APN# 065-071-27

Drawn 11/21/11
Revised per Arcanum Review 11/28/11
Revised per Arcanum Review 11/30/11
Revised per HLB comments 12/01/11

ITEM NO. 2 PAGE 41

SHEET
S1

Exhibit F
(1 page)

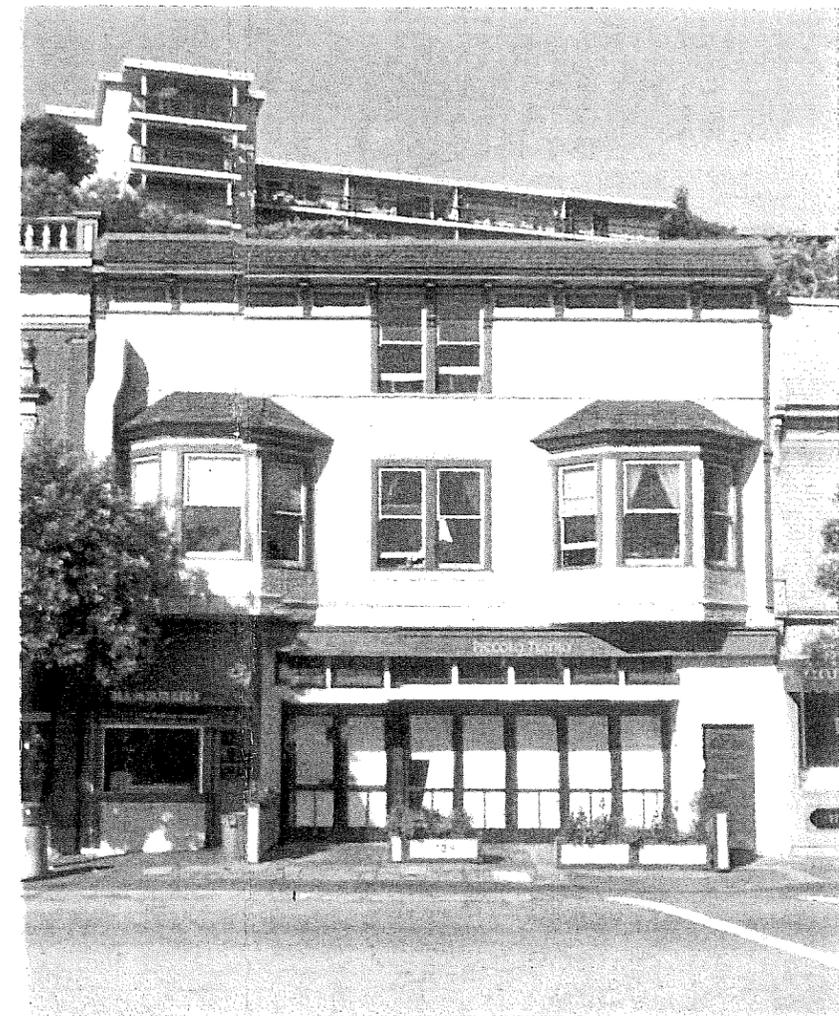
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THE PLAZA BAR - 1950's



PATTERSON'S - 1980's



PICCOLO TEATRO - 2010

10.31.11

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 739 BRIDGEWAY
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 CITY OF SAN FRANCISCO
 COMMUNITY DEVELOPMENT

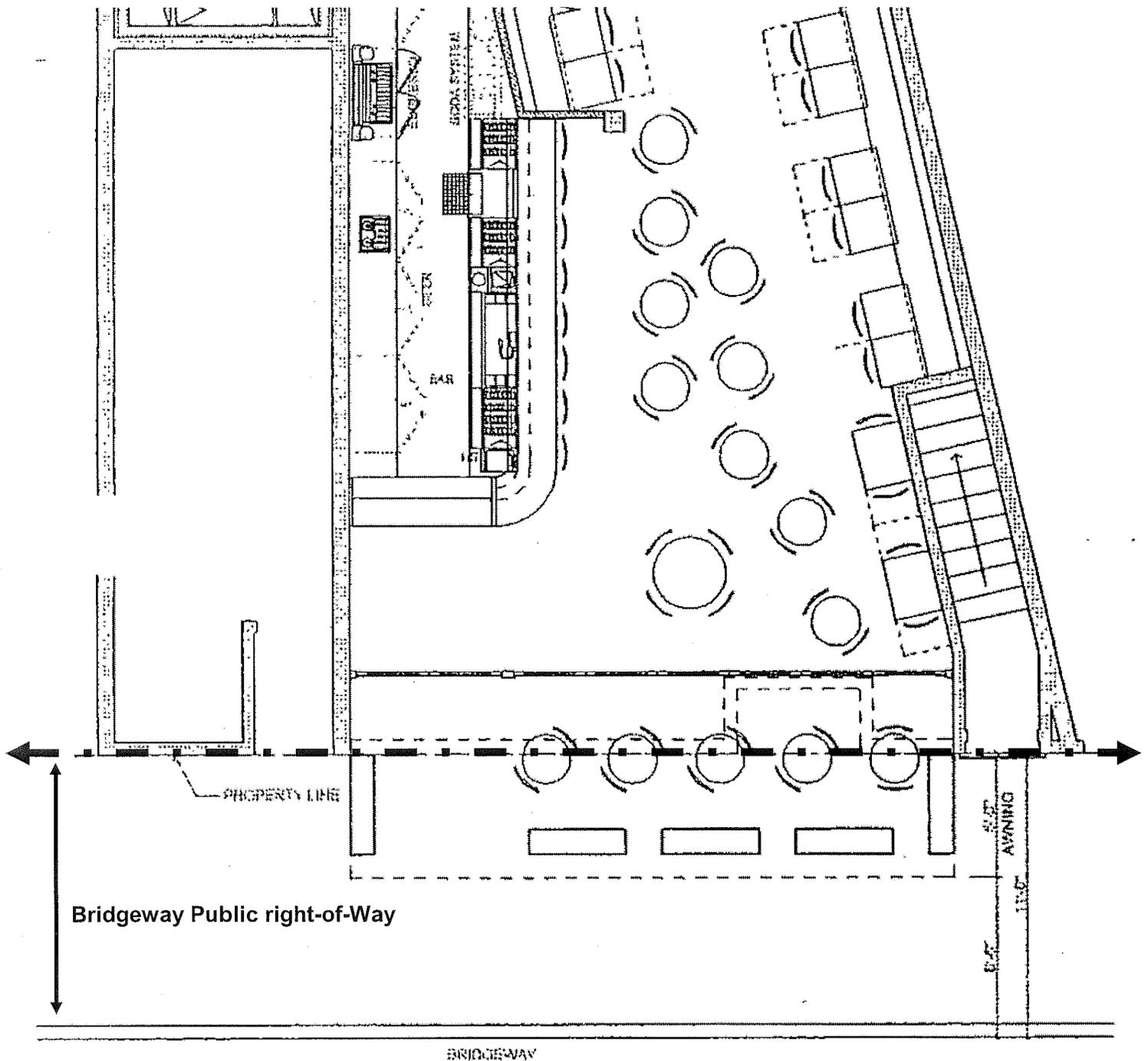
ARCAMON ARCHITECTURE
 501 THIRD STREET, SUITE 200
 SAN FRANCISCO, CA 94107
 415.357.4400

Exhibit G
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APPROVED PROJECT AT 739 BRIDGEWAY

DR/SP/CUP/EA 07-030



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Exhibit H
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