

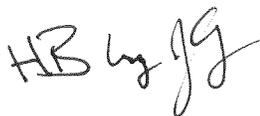
# STAFF REPORT

## SAUSALITO PLANNING COMMISSION/HISTORIC LANDMARKS BOARD

**Project** Napa Valley Burger Co./670 Bridgeway  
Design Review Permit/Sign Permit/Minor Use Permit/Sidewalk Dining  
Encroachment Permit/Encroachment Agreement  
DR/SP/MUP/SDEP/EA 11-331

**Meeting Date** December 14, 2011

**Staff** Heidi Burns, Associate Planner



### REQUESTS

Approval of a **Design Review Permit** and **Sign Permit** to allow for a new projecting sign and an awning with signage that will be attached to a mixed-use commercial building located in the Downtown Historic Overlay Zoning District, at 670 Bridgeway.

Approval of a **Minor Use Permit** and a **Sidewalk Dining Encroachment Permit** to allow for three outdoor dining tables with six (total) chairs on public property at 670 Bridgeway.

A recommendation from the Planning Commission to permit an **Encroachment Agreement** to allow both the sign and awning to encroach up to five feet into the Bridgeway public right-of-way fronting 670 Bridgeway.

### PROJECT INFORMATION

**Applicant** Don Olsen Associates

**Owner** John McManus

**Location/Parcel Size** 670 Bridgeway; APN 065-133-10  
3,043 square feet (see **Exhibit B** for vicinity map)

**General Plan** Central Commercial

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

**Authority** Signs and awnings subject to design review as specified by Chapter 10.42 (Sign and Awning Regulations) require a Design Review Permit per Section 10.54.050.B.12 and Historic Design Review per Section 10.46.060 of the Zoning Ordinance. Additionally, Encroachment Agreements for a sign and awnings located within the public right-of-way also requires a Design Review Permit per Section 10.54.050.B.14 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.

An Encroachment Permit is required to allow a projecting sign and awning to be located within the public right-of-way per Section 10.56.030.B.

**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 for the proposed projecting sign and retractable awning. 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 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 to approve a Minor Use Permit and Sidewalk Dining Encroachment Permit to allow for outdoor dining within the Bridgeway public right-of-way. Additionally, the Planning Commission is being requested to provide a recommendation to the City Council in support of the sign and awning that are designed to encroach into the Bridgeway public right-of-way.

**PROJECT DESCRIPTION**

**BACKGROUND**

The building located at the project site is estimated to have been constructed in 1885 and was the first brick building to have been constructed in Sausalito. The building was originally used as Fiedler's General Store owned by the Fiedler's, a Sausalito family that was involved in commerce and politics.

On March 26, 1981, the Community Appearances Advisory Board (CAAB) approved a second story addition, a projecting sign, and an awning (see **Exhibit F** for CAAB approval). The CAAB was the predecessor to the Design Review Board.

The ground level is currently occupied by the Winships restaurant. No outdoor dining is currently approved for the project site.

### **PROJECT DESCRIPTION**

The proposed project consists of the following as shown in **Exhibit D**:

- ✓ Remove existing fixed awning.
- ✓ Remove existing projecting sign.
- ✓ Install new roof-top Heating Ventilation and Air Conditioning (HVAC) equipment.
- ✓ Install new retractable awning to replace the existing awning. The awning will extend five feet over the sidewalk and will be made of Navy Blue canvas fabric. The awning will have the business name "Napa Valley Burger Co." placed on the front. The material for the signage will be vinyl. The font for the signage will be Rockwell and the letter size will be 7" tall.
- ✓ Install a new projecting sign to be placed in the same location as the existing projecting sign as shown in detail on Sheet A1.2. The sign will consist of the following:
  - ✓ Constructed wood and resemble a wine barrel lid.
  - ✓ Sign lettering will be branded onto the wood.
  - ✓ Sign font will be Rockwell
  - ✓ Sign letter sizes will range in height from 2½ inches to 4 inches tall.
  - ✓ Sign will read "Napa Valley Burger Co" and "Sausalito".
  - ✓ Sign will project five feet from the building face
  - ✓ Sign will have a clearance of one foot from the building face to the sign.
- ✓ Install new ½" plate steel mounting sign support bracket. The color of the steel sign support will be raw metal.
- ✓ Install new outdoor dining tables and seats (three tables with two seats assigned to each table).

No new exterior lighting or landscaping is 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 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 the replacement of an existing restaurant with another restaurant. 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 replacement awning and signage as discussed in the *Project Description* section of the Staff Report.

### **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 Awnings and Canopies (Chapter 3, Section G, pg. 55) section of the Historic Design Guidelines is applicable to the project. Specifically, Policies 3.15 and 3.17 apply to the project. Upon review of the aforementioned policies, staff suggests the proposed awning is consistent with the Historic Design Guidelines on the basis of the following:

- ✓ The awning will be constructed out of a canvas fabric;
- ✓ The awning will be operable;
- ✓ The awning will accentuate window transom. The window transom is a significant character defining feature associated with the building.
- ✓ The awning will have a solid color.
- ✓ The awning will not be illuminated;
- ✓ The awning will appear as a subordinate feature of the façade.

Staff concludes the project is 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**).

### **Sign Permit**

Signs and awnings located within the Downtown Historic Overlay Zoning District are subject to the regulations as specified in Chapter 10.42 of the Zoning Ordinance. The project consists of both a projecting sign and an awning sign.

An awning sign must adhere to the following regulations with the Downtown Historic Overlay Zoning District:

- ✓ Letter height: 8".
- ✓ Logo height (on sloping awning face): 12".
- ✓ Logos and other design elements on sloped awning face: 10% of awning face.
- ✓ Letters, logos and other design elements may be allowed on the sides (closed ends of awnings) provided they are smaller than those on the front and do not exceed 40% of the awning end panel area.

The proposed awning and awning sign are consistent with the above regulations and can be supported based on the following rationale:

- ✓ The awning is consistent with awnings and awning projections along the streetscape;
- ✓ The retractable awning will allow the exposure of the existing window transom. The window transom is an important historic element associated with the building.
- ✓ The awning will utilize the same color as the existing and previously-approved awning fabric colors.

A projecting sign must adhere to the following regulations with the Downtown Historic Overlay Zoning District:

- ✓ Maximum projection from building face: 36".
- ✓ Minimum clearance between building face and sign: 6".
- ✓ Maximum area: 6 square feet. Irregular-shaped signs should fit within an imaginary rectangle not exceeding 9 square feet.
- ✓ Mounting brackets shall be reviewed for design, decorative nature, uniqueness and shadowing effects on business wall surfaces.
- ✓ Shape and design of sign shall be reviewed and may include logos, irregular outlines, and two- or three-dimensional icon signs.

The existing projecting sign, approved in 1981, projects 6 feet from the building face. Since current regulations only allow a projecting sign to project 3 feet from the building face, the existing sign is a legal non-conforming sign. As a non-conforming sign, it may continue to be used (subject to limitations). However, new signs are required to comply with the current sign regulations specified in Section 10.42.070 of the Zoning Ordinance. The applicant has designed the proposed projecting sign to have similar dimensions as the current sign, except to project from the building face by 5 feet. Therefore, in order for the new sign to project out from the building face by an additional two feet beyond current standards (i.e., 5 feet instead of 3 feet), a variance is required.

Since the applicant did not request a Variance for the projecting sign, a variance was not referenced in the public notice. Therefore, the proposed projecting sign cannot be approved until the sign aspect of project is properly noticed and the requisite Variance findings are achieved. As such, staff suggests two options:

- ✓ The Planning Commission and HLB can review the proposed projecting sign, subject to conditions that the sign comply with current sign standards (including a 3 foot maximum projection from the building); or
- ✓ The Planning Commission and HLB can continue review of the proposed projecting sign to the next available joint Historic Landmarks Board and Planning Commission public hearing in order to allow re-noticing which includes a variance.

Regardless of which option is selected, staff suggests the projecting sign can be supported as proposed or as conditioned to limit the signs maximum projection to 3 feet based on the following rationale:

- ✓ The sign size will be in keeping with the existing scale along the streetscape.
- ✓ Projecting signs are encouraged in the Historic Overlay Zoning District.
- ✓ The sign will be constructed out of wood. The use of wood is considered a historically appropriate material for buildings located within the Downtown Historic Overlay Zoning District.

**Minor Use Permit**

In order to approve or conditionally approve an outdoor dining area to allow three tables and 6 chairs, 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><b>a. Safe Passage.</b> 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 at least 48 inches at its narrowest point, which adequately meets the safe passage requirements.</p>
<p><b>b. Location.</b> 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><b>c. Food Service.</b> 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>
<p><b>d. Capacity of outdoor eating area.</b> 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"> <li>1. 25 percent (25%) of the indoor dining area of the restaurant; or</li> <li>2. 5 tables; or</li> <li>3. A capacity of 20 people.</li> </ol>	<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><b>e. Parking.</b> 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**

An encroachment agreement is needed to allow the awning and projecting sign to extend into the public right-of-way. Pursuant to Section 10.56.010, the purpose of an Encroachment Agreement is to provide "an opportunity to review permanent and/or semi-permanent encroachments onto public lands, easements, and rights-of-way of the City." In order to recommend City Council approval of an Encroachment Agreement, the Planning Commission must determine that the proposed awning and projecting sign are in conformance with the encroachment agreement findings listed in Section 10.56.060 of the Zoning Ordinance.

The Planning Commission's past practice has been to recommend approval of Encroachment Agreements for projects which will provide a benefit to the project site and the community as a whole. In reviewing the awning and projecting sign which are proposed to encroach into the Bridgeway public right-of-way, the Planning Commission must determine whether the following findings can be achieved:

- A. The proposed encroachment is compatible with the surrounding area and will either improve or not significantly diminish visual or physical public enjoyment of the streetscape upon which the encroachment is proposed.
- B. The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent.
- C. The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable.
- D. The proposed encroachment will not adversely affect the public circulation nor create or constitute a hazard to public safety.
- E. The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways.

Based on similar Encroachment Agreements which have been approved to allow awnings and projecting signs to encroach into the Bridgeway public right-of-way within the Downtown Historic Overlay Zoning District, staff suggests the findings can be favorably made as described in the draft resolution ( see **Exhibit B**).

### **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:

### Planning Commission and Historic Landmarks Board action regarding awning and projecting sign:

1. If the Planning Commission and HLB wish to approve the project with a projecting sign *which conforms with current sign regulations*, the Planning Commission and Historic Landmarks Board should approve the attached draft resolution (**Exhibit A**) which approves a Design Review Permit and a Sign Permit for the projecting sign as well as the retractable awning with signage.
2. If the Planning Commission and HLB wish to consider a projecting sign *which projects beyond the distance allowed by current sign regulations*, the Planning Commission and Historic Landmarks Board should continue the public hearing for the Design Review Permit and Sign Permit to a date certain to allow for re-noticing of the public hearing to include a variance..
3. 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 Sign Permit.

### Planning Commission action regarding sidewalk dining and encroachment agreement:

4. The Planning Commission should approve the attached draft resolution (**Exhibit B**) which:
  - Approves a Minor Use Permit to allow outdoor dining using up to a total of three outdoor dining tables/ six chairs on the sidewalk in the public right-of-way at 670 Bridgeway;
  - Approves a Sidewalk Dining Encroachment Permit to allow up to a total of three outdoor dining tables/ six chairs on the sidewalk in the public right-of-way at 670 Bridgeway;
  - Recommends City Council approval of an Encroachment Agreement to allow the projecting sign and awning to encroach into the Bridgeway public right-of-way. (This component will be removed from the resolution if the hearing on the Design Review Permit and Sign Permit is continued to allow consideration of a variance.)
5. 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 a recommendation to City Council denial of an Encroachment Agreement to allow a sign and awning to encroach into the Bridgeway public right-of-way.

## **EXHIBITS**

- A. DRAFT Resolution – Design Review Permit and Sign Permit
- B. DRAFT Resolution – Minor Use Permit, Sidewalk Dining Encroachment Permit, and Encroachment Agreement
- C. Vicinity Map
- D. Project Plans
- E. Photographs, date-stamped October 26, 2011
- F. Community Appearances Advisory Board approval dated March 26, 1981

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

**A RESOLUTION APPROVING A DESIGN REVIEW PERMIT AND SIGN PERMIT FOR  
AN AWNING AND A PROJECTING SIGN AT 670 BRIDGEWAY  
DR-SP 11-331**

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**WHEREAS**, an application has been filed by applicant, Don Olsen and Associates, on behalf of John McManus, requests Planning Commission and Historic Landmarks Board approval of a Design Review Permit and Sign Permit to allow for a projecting sign and a retractable awning with signage at an existing commercial building at 670 Bridgeway (APN 065-133-10); 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 have 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 have reviewed and considered the project plans titled "Real Napa Valley Burger Co." and date-stamped December 1, 2011; and

**WHEREAS**, the Planning Commission and the Historic Landmarks Board find 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.
2. A Design Review Permit and a Sign Permit to allow a projecting sign and a retractable awning with signage 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:

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Jeremy Graves, AICP  
Secretary to the Planning Commission

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Vicki Nichols  
Secretary to the Historic Landmarks Board

Attachments:

- 1- Findings
- 2- Conditions of Approval
- 3- Project plans entitled "Real Napa Valley Burger Co." date stamped December 1, 2011

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**PLANNING COMMISSION and HISTORIC LANDMARKS BOARD RESOLUTION  
DECEMBER 14, 2011  
DR-SP 11-331  
670 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 projecting sign and a redesigned awning with similar a projection and clearance as the previously approved awning and signage. 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 the replacement of an existing projecting sign and awning with signage, will not obstruct public or private views beyond what exists currently.*

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.

*The project does not include landscaping, therefore this finding is non-applicable.*

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

*The project will 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, therefore this finding is non-applicable.*

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 historic character defining architectural 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 projecting sign and awning with signage is consistent with the previously approved 1981 Community Appearances Advisory Commission approval for a projecting sign and awning.*

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

*The projecting sign and awning with signage will be complimentary to the existing contributing historic building and consistent with the previously approved Community Appearances Advisory Commission approval 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 projecting sign and awning with signage is consistent with the previously approved Community Appearances Advisory Commission approval.*

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

*The Historic Building code is not requested.*

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 projecting sign and awning with signage will not impact any character defining architectural features associated a building located in the Downtown Historic Overlay Zoning District, 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 projecting sign and awning with signage will better compliment the project site and building by exposing significant character defining architectural features associated with a building located in the Downtown Historic Overlay Zoning District.*

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 project 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 projecting sign and awning with signage will not impact any character defining features associated with the project site. Specifically, the proposed retractable awning will expose the historic window transom which will enhance the character defining architectural features of the building.*

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

*The projecting sign and awning with signage 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 projecting sign and awning with signage 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;

*The projecting sign and awning with signage 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 retractable awning with signage 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 awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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 projecting sign and awning with signage 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.*

**PLANNING COMMISSION and HISTORIC LANDMARKS BOARD RESOLUTION  
DECEMBER 14, 2011  
DR-SP 11-331  
670 BRIDGEWAY**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions of approval apply to the project plans and materials titled " Napa Valley Burger Co." and date stamped December 1, 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 installation of the awning and projecting sign, an Encroachment Agreement shall be obtained from the City Council.
9. The projecting sign shall be reduced in scale and dimensions to conform with the standards for projecting signs (Zoning Ordinance Section 10.42.070.H) in the Historic Overlay District.

**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 BOARD RESOLUTION  
DECEMBER 14, 2011  
DR-SP 11-331  
670 BRIDGEWAY**

**ATTACHMENT 3: PROJECT PLANS**

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

**A RESOLUTION APPROVING A MINOR USE PERMIT AND A SIDEWALK DINING  
ENCROACHMENT PERMIT AS WELL AS A RECOMMENDATION OF CITY COUNCIL  
APPROVAL OF AN ENCROACHMENT AGREEMENT TO ALLOW AN AWNING AND  
PROJECTING SIGN TO ENCROACH INTO THE BRIDGEWAY  
PUBLIC RIGHT-OF-WAY AT 670 BRIDGEWAY  
(MUP-EA 11-331)**

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**WHEREAS**, an application has been filed by applicant, Don Olsen and Associates, on behalf of the property owner, John McManus, requesting Planning Commission approval of a Minor Use Permit and Sidewalk Dining Permit to allow a total of three outdoor dining tables/six chairs in the Bridgeway public right-of-way and a recommendation of City Council approval of an Encroachment Agreement to allow an awning and projecting sign to encroach into the Bridgeway public right-of-way fronting at 670 Bridgeway (APN 065-133-10); 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 and a Sidewalk Dining Encroachment Permit to allow a total of three outdoor dining tables/six chairs in the Bridgeway public right-of-way at 670 Bridgeway is approved based upon the attached findings in Attachment 1 and subject to the conditions of approval in Attachment 2. The project plans are provided in Attachment 3.
3. City Council approval is recommended for an Encroachment Agreement to allow the installation of an awning and projecting sign to encroach into the Bridgeway public right-of-way fronting 670 Bridgeway 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.

Exhibit B  
(8 pages)

**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

**ATTACHMENTS**

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

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**PLANNING COMMISSION  
DECEMBER 14, 2011  
MUP-EA 11-331  
670 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.*

#### **ENCROACHMENT AGREEMENT FINDINGS**

In accordance with Zoning Ordinance Section 10.56.060, an Encroachment Agreement is recommended for City Council approval based on the following findings:

- A) The proposed encroachment is compatible with the surrounding area and will either improve or not significantly diminish visual or physical public enjoyment of the streetscape upon which the encroachment is proposed.

*The project, which includes the replacement of an awning and projecting sign, will be constructed out of high quality materials and aesthetically blend into the streetscape.*

- B) The encroachment will not adversely affect the usability or enjoyment of adjoining parcels nor create or extend an undesirable land use precedent.

*The project will not adversely affect the usability or enjoyment of the adjoining parcels based on the location of the awning and sign and the maximum extent of which the sign encroaches into the Bridgeway public right-of-way. Additionally, the awning will have a clearance of eight feet and will not disrupt pedestrian circulation.*

- C) The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable.

*The awning and projecting sign is necessary for the use and enjoyment of the property by providing visibility to the site as well as the enjoyment through the use of a retractable awning.*

D) The proposed encroachment will not adversely affect the public circulation nor create or constitute a hazard to public safety.

*The project will maintain adequate clearances and therefore not anticipated to affect public circulation or create a public safety hazard.*

E) The value of the proposed improvements will not prejudice a policy decision to terminate the encroachment nor preclude or make difficult the establishment or improvement of streets or pedestrian ways.

*The project will not disrupt any future improvement to the Bridgeway public right-of-way.*

**PLANNING COMMISSION  
DECEMBER 14, 2011  
MUP-EA 11-331  
670 BRIDGEWAY**

**ATTACHMENT 2: CONDITIONS OF APPROVAL**

These conditions of approval apply to the project plans and materials titled " Real Napa Valley Burger Co." and date stamped December 1, 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 consumption of alcohol within the Bridgeway public right-of-way is prohibited unless written authorization by the City Council is obtained to allow the service of alcoholic beverages within the approved Sidewalk Dining area.
4. Prior to the installation of outdoor dining tables and chair, the owner of the property shall enter into a Sidewalk Dining Encroachment Permit with the Community Development Director.
5. The projecting sign shall conform with the standards for projecting signs (Zoning Ordinance Section 10.42.070.H) in the Historic Overlay District.

**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.

6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

**PLANNING COMMISSION  
DECEMBER 14, 2011  
MUP-EA 11-331  
670 BRIDGEWAY**

**ATTACHMENT 3: PROJECT PLANS**

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**Vicinity Map**  
**DR-SP-MUP-SDP 11-331**  
**670 Bridgeway**

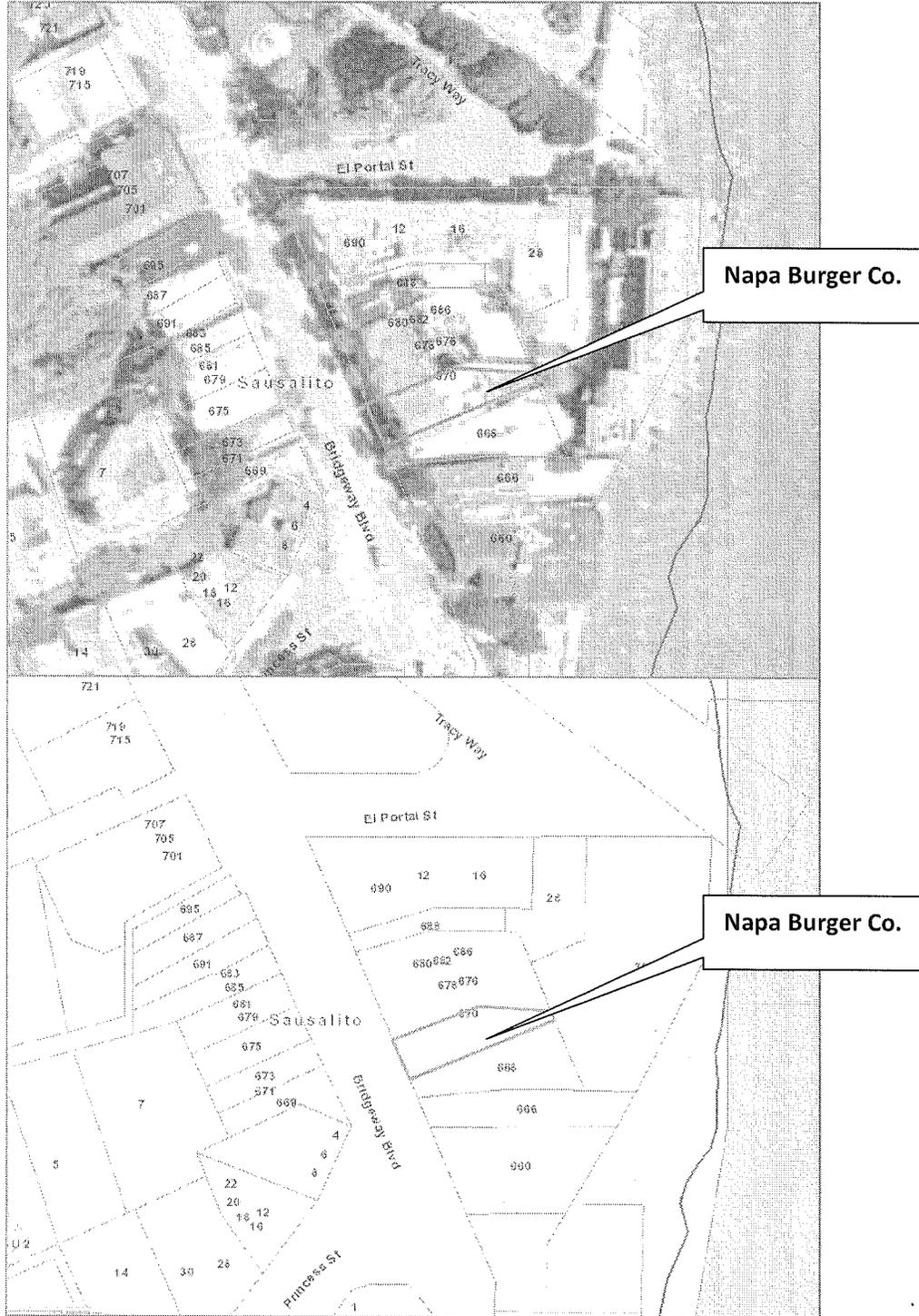


Exhibit C  
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SITE PHOTOGRAPHS for Napa Valley Burger Co. OCT 26 2011  
670 BRIDGEWAY

APN: 065-202-032

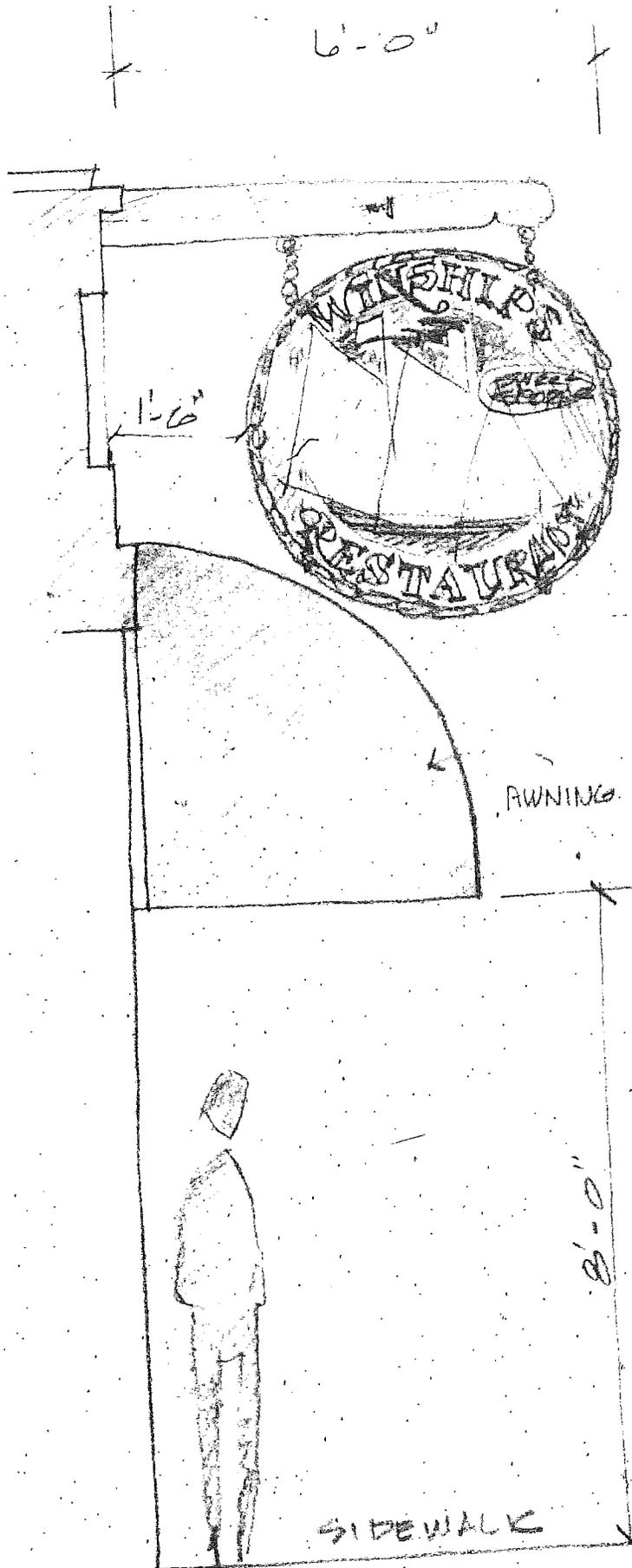
CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT



View from street

Exhibit E  
(1 page)

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Community  
 Appearances  
 Advisory  
 Board  
 Approval  
 March 26, 1981

WINSHIPS  
 SIGN & AWNING  
 BRIDGEWAY

3 37

Exhibit F  
 SCALE 1/2" = (2 pages)

BELL ASSOCIATES ARCHITECTS  
 3/26/81 9:45 P.M.

