



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE

Encroachment Agreement to allow the encroachment of a projecting sign and awning in the public right-of-way for the business located at 599-B Bridgeway (APN 065-132-04), as recommended by the Planning Commission for Application No. SP/DR/EA 07-004.

RECOMMENDED MOTION

Staff recommends that the City Council adopt the attached Resolution of Approval for an Encroachment Agreement to permit the encroachment of a projecting blade sign and awning in the public right-of-way in front of the business located at 599-B Bridgeway (APN 065-132-04), as recommended by the Planning Commission pursuant to Resolution No. 2007-040 for Application No. SP/DR/EA 07-004.

SUMMARY AND BACKGROUND

The applicant, Paul Slavin, on behalf of business owners Tim and Amy Cantor, requests approval of an Encroachment Agreement for a projecting blade sign and an awning for the business located at 599-B Bridgeway. The business, "The Art of Tim Cantor", is an art gallery dealing in original art and is a permitted use for the site's Central Commercial (CC) zoning designation. The proposed signage will display the business name and logo on an awning and projecting blade sign. The six (6) square foot blade sign and 1.5 square feet of lettering on the awning amount to a total of 7.5 square feet of signage, which is within the maximum permitted signage requirements for ground level businesses. The dark green oval blade sign projects from the building 36 inches, and the black canvas awning will extend across the 15' wide storefront. Both provide the minimum eight (8) foot clearance required from the sidewalk.

The Historic Landmarks Board reviewed the application on October 31, 2007 and approved of the signage and awning as proposed (Attachment 4). The Planning Commission approved the Sign Permit and Design Review Permit for the new blade sign and awning on November 28, 2007, and recommended approval of an Encroachment Agreement, as stated in the attached Resolution of Approval (Attachment 2).

ENCROACHMENT REVIEW

Chapter 10.56 of the Sausalito Municipal Code provides that the Planning Commission shall review encroachments for structures within the public right-of-way, such as those included in Application No. SP/DR/EA 07-004, which shall be forwarded to the City Council for final decision making authority. The Planning Commission reviewed the proposed encroachment based on the Encroachment Agreement findings listed in Zoning Ordinance Section 10.56.060 and found the encroachment of a blade sign and awning to be consistent with signs and awnings permitted in

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the Downtown Historic District. The Planning Commission recommended approval of an Encroachment Agreement to the City Council, as stated in Resolution 2007-40 (Attachment 3). The following is a list of the requisite findings followed by a description of their application to the requested encroachments:

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 awning and blade sign are compatible with other awnings and projecting signage in the Downtown and will enhance the streetscape along Bridgeway. The color and design of the projecting sign utilize high quality materials including gold-leafed lettering and is consistent with the precedent of oval-shaped projecting signs established in the Downtown Historic District. The awning design will complement the existing building design and colors, as well as improve the streetscape by providing visual interest through shade and depth.

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

The awning and blade sign are located on the structure in which the business is located and do not extend beyond the tenant space. Neither will affect the usability of adjacent parcels.

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

The awning will provide relief from the sun for clientele, tenants of the business, and pedestrians. Both the blade sign and awning serve as business identification, consistent with what is permitted in the Downtown.

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

The awning and blade sign provide the 8' minimum clearance from the sidewalk required for signs and awnings. They do not project into driving lanes and do not appear to pose a hazard to public safety if secured to the building with appropriate attachments and with the issuance of a Building Permit. The blade sign and awning will be secured to the building through wall-mounted brackets as indicated on the plans, and the project is conditioned on issuance of a Building Permit to confirm the structural adequacy of the attachments for the awning and sign.

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

Execution of an Encroachment Agreement will ensure the improvements will not preclude future street or pedestrian improvements, and will allow the City Council to require removal of the encroachments if necessary.

FISCAL IMPACT

There is no anticipated fiscal impact for the requested Encroachment Agreement.

STAFF RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Resolution of the Sausalito City Council (Attachment 1), approving an Encroachment Agreement (Exhibit A) to allow the encroachment of a projecting blade sign and awning in the public right-of-way for the business located at 599-B Bridgeway (APN 064-331-23), as indicated in the approved plans dated October 31, 2007 (Exhibit B of Attachment 1).

ATTACHMENTS

1. Draft Resolution of the City Council of the City of Sausalito approving an Encroachment Agreement by and between Louis Burnett, property owner of 599 Bridgeway, and the City of Sausalito (Exhibit A), and as shown in the approved project plans date-stamped received October 31, 2007 (Exhibit B)
2. Planning Commission Resolution No. 2007-40
3. November 28, 2007 Planning Commission Staff Report
4. Historic Landmarks Board Memorandum, acknowledged November 19, 2007
5. Site Photos
6. Downtown Signage Examples

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