

**SAUSALITO PLANNING
COMMISSION RESOLUTION NO.
2021-28**

**APPROVAL OF A DESIGN REVIEW PERMIT AND RECOMMENDATION OF AN
ENCROACHMENT AGREEMENT FOR THE 122 SQ. FT. AWNING ABOVE THE
PUBLIC SIDEWALK AND PRIVATE ENTRYWAY AT THE MIXED-USE BUILDING
AT 1309 BRIDGEWAY (DR/EA 2021-00054)**

WHEREAS, an application has been filed by applicant and property owner, Ray Deiter, requesting Planning Commission approval of a Design Review Permit and Encroachment Agreement for an awning attached to the existing structure at 1309 Bridgeway (APN 065-051-02); and

WHEREAS, the project site is located within the General Plan Mixed Residential and Commercial land use designation, and the Commercial Residential (C-R) Zoning District; and

WHEREAS, the Planning Commission has reviewed a Design Review Permit for the for the 122 sq. ft. awning above the public sidewalk and private entryway at the mixed-use building at 1309 Bridgeway; and an Encroachment Agreement for the 80 sq. ft. portion of the awning above the public sidewalk within the public right-of-way along Bridgeway; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearings on October 20, 2021, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has reviewed and considered the project plans titled "1309 Bridgeway" and date-stamped February 1, 2021 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 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 reports dated October 20, 2021; 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(e), Additions to Existing Structures.


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(e), Additions to Existing Structures.
2. The Design Review Permit for awning to the existing structure is approved based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2), and as shown in the project plans titled "1309 Bridgeway" date-stamped February 1, 2021 (Attachment 3).
3. The Encroachment Agreement for the 80 sq. ft. portion of the awning above the public sidewalk within the public right-of-way along Bridgeway is recommended for City Council approval based upon the attached findings (Attachment 1), subject to the attached conditions of approval (Attachment 2 and as shown in the project plans titled "1309

Bridgeway" date-stamped February 1, 2021 (Attachment 3).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Sausalito Planning Commission on the 20th day of October, 2021, by the following vote:

AYES:	Commissioner:	Luxenberg, Junius, Graef, Saad, Chair Feller
NOES:	Commissioner:	None
ABSENT:	Commissioner:	None
ABSTAIN:	Commissioner:	None



Heidi Scoble
Secretary to the Planning Commission

Attachments

- 1 Findings
- 2 Conditions of Approval
- 3 Project Plans, date stamped February 1, 2021

SAUSALITO PLANNING COMMISSION NO. 2020-28
October 20, 2021
1309 Bridgeway
DR/EA 2021-00054

ATTACHMENT 1
FINDINGS FOR APPROVAL OF A DESIGN REVIEW PERMIT, APPROVAL OF
AN ENCROACHMENT AGREEMENT

1. DESIGN REVIEW PERMIT FINDINGS

In accordance with Zoning Ordinance Section 10.54 (Design Review Procedures), the Design Review Permit is approved based on the following findings:

1. *The proposed project is consistent with the general plan, any applicable specific plans, any applicable design guidelines, and this chapter. (The adopted historic design guidelines can be found in the Community Development Department or the office of the City Clerk.)*

The awning is located 8 feet above both the private and public walkways, and the portion above the public sidewalk projects 4 feet into the public right-of-way and is located approximately 6.5 feet from the curb line. Therefore, the awning complies with the specific awning requirements in SMC 10.42.060.

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 awning maintains the prevailing design character of the neighborhood by utilizing materials that are consistent with surrounding structures including fabric awnings. The adjacent property at 1301-1303 Bridgeway utilizes fabric awnings. The awning is forest green to match the existing window trim and roof eave of the existing mixed-use building of the subject property.

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

The awning is consistent with the general scale of the structures and building in the surrounding neighborhood. The adjacent property at 1301-1303 Bridgeway utilizes fabric awnings. The awning at the subject property is 28 inches sloping downward to 6 inches at the front of the awning, which compliments the existing scale of the gabled roof.

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

Various trees and landscaping features densely surround the property along the south building façade, which will screen the awning from view of the adjacent property at 1301-1303 Bridgeway. Furthermore, the awning is L-shaped with a 42 sq. ft. portion of the awning located above the private entryway away from public view along the Bridgeway frontage.

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

No increase in height of the existing building is proposed. The project will not result in a prominent building profile (silhouette) above a ridgeline.

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 fabric awning is forest green to match the existing window trim and roof eave, which compliments the existing building and provides an attractive environment for the enjoyment of the public.

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

The awning projects 6 feet above the private entryway to meet the existing plane of the south exterior wall. The awning does not decrease the existing side yard setback on the project site.

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.*

A solar-powered pendant light is proposed underneath the awning. The fixture is shielded and directed downward as shown on the project plans (**Attachment 3**).

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.*

The project does not involve the construction of any new buildings or additions to existing buildings that could impact privacy.

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

The awning is located 8 feet above both private and public walkways in compliance with SMC 10.42.060.B.1.

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.*

No tree removal or grading is proposed.

12. *The project site is consistent with the guidelines for heightened review for projects which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage, as specified in subsection E of this section (Heightened Review Findings)*

The proposed project does not affect developments standards of the CR district. Therefore, heightened design review does not apply.

13. *The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to stepping upper levels back from the first level, incorporating façade articulations and divisions (such as building wall off-set), and using varying rooflines.*

The awning projects 6 feet above the private entryway to meet the existing plane of the south exterior wall. The awning does not decrease the existing side yard setback on the project site. Therefore, the awning does not crowd or overwhelm structures on neighboring properties.

2. ENCROACHMENT AGREEMENT FINDINGS

In accordance with Zoning Ordinance Section 10.56.060, an Encroachment Agreement is favorably recommended 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 proposed encroachment is compatible with the surrounding area and will not diminish visual or physical enjoyment of the streetscape. The adjacent property at 1301-1303 Bridgeway utilizes fabric awnings. The awning is forest green to match the existing window trim and roof eave of the existing mixed-use building of the subject property.

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

The encroachment will not adversely affect the usability or enjoyment of adjoin parcels nor create or extend on undesirable land use precedent. The awning is located 8 feet above both private and public walkways in compliance with SMC 10.42.060.B.1, and does not decrease the existing side yard setback.

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

The encroachment is necessary to the reasonable use and enjoyment of the property and the extent of the encroachment is justifiable. The awning is located 8 feet above both the private and public walkways, and the portion above the public sidewalk projects 4 feet into the public right-of-way and is located approximately 6.5 feet from the curb line.

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

The proposed encroachment will improve public circulation and safety. The awning is located 8 feet above both the private and public walkways, and the portion above the public sidewalk projects 4 feet into the public right-of-way and is located approximately 6.5 feet from the curb line. Therefore, the awning complies with the specific awning requirements in SMC 10.42.060.

- 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 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 awning is located 8 feet above both the private and public walkways, and the portion above the public sidewalk projects 4 feet into the public right-of-way and is located approximately 6.5 feet from the curb line.

SAUSALITO PLANNING COMMISSION NO. 2020-28
October 20, 2021
1309 Bridgeway
DR/EA 2021-00054

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans entitled "1309 Bridgeway" and date-stamped February 1, 2021.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION CONDITIONS OF APPROVAL:

General Items:

1. The Design Review Permit shall expire two years following the effective date of the permit if the project entitlement has not been implemented, provided no extension has been filed prior to the expiration date. The project entitlement pursuant to the Design Review Permit is determined to be implemented if the applicable conditions of approval prerequisite to construction have been satisfied and any required construction permits have been issued.
2. The project shall be designed as shown in the set of plans dated stamped February 1, 2021.
3. It shall be the applicant's/property owner's responsibility to diligently proceed to carry out the conditions of approval and implement any approved permit/entitlement. This shall include establishing the approved use within the time limits set forth by the applicable chapter(reference SMC 10.50.120).
4. As part of the Building Permit application, all final Conditions of Approval shall be restated on the construction drawings and applicant shall thoroughly and accurately document in writing compliance with each Condition of Approval at the time of Building Permit application and any other subsequent submittals.
5. Conditions applicable to protection of trees on the project site:
 - a) An inspection by the Building Inspector, to be paid for by the applicant, is required to verify that the tree protection plan has been implemented correctly prior to issuance of a building permit and before the start of any clearing, excavation, construction or other work on the site.
 - b) Before the start of any clearing, excavation, construction or other work on the site and prior to building permit issuance a tree protection plan, developed by a licensed arborist, shall be submitted for the Community Development Director's review and approval. The tree protection plan shall provide recommendations to protect all heritage and protected trees and vegetation on the project site during the entirety of the construction. The tree protection plan shall also:
 - i. Address all heritage and protected trees and vegetation on the project site and demonstrate how they are to be securely fenced off at the "protected perimeter," which shall be either the outer limits of the branches of the tree (the drip line) or such greater limits as may be

- established by the reviewing agency.
 - ii. Address the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
 - iii. Note that the tree protection fences shall remain in place for the duration of all such work and that all protected trees which are permitted to be removed shall be clearly marked.
 - iv. Note that where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No asphalt or other paving materials shall be added. No change in existing ground levels shall occur within four feet of the base of any protected tree at any time.
 - v. Note that no burning or use of equipment with an open flame shall occur near or within the protected perimeter. No storage or dumping of oil, gas, chemicals or other substances that may be harmful to trees shall occur within the protected perimeter of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the protected perimeter. Wires shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
 - i. Note that periodically during construction, the leaves of the protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit transpiration.
 - ii. Note that if any damage to a protected tree should occur during or as a result of work on the site, the contractor, builder or owner shall promptly notify the City of such damage. A Tree Removal Permit shall be required if such a protected tree cannot be preserved in a healthy state or otherwise is being requested to be removed. The reviewing body shall require replacement of any protected tree removed with another tree or trees on the same site deemed adequate to compensate for the loss of the tree that is removed.
- 6. No protected trees are approved to be removed as a part of this application. A Tree Removal Permit is required to remove protected trees pursuant to SMC 11.12. If the trees indicated on the landscaping plan are to be removed applicant shall receive appropriate approvals prior to removal.
- 7. Exterior lighting shall be shielded and downward facing, and compatible with the design and materials of the structure.
- 8. The Applicant/Property Owners shall defend, indemnify (including reimbursement of all fees and costs reasonably incurred by separate counsel retained by the City) and hold harmless the City and its elected and appointed officials, officers, agents and employees, from and against any and all liability, loss, damage, or expense, including without limitation reasonable attorney's fees which City may suffer or incur as a result of any claims relating to or arising from the City's approval of the project or any portion of the project.

9. 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.
10. All applicable City fees as established by City Council resolutions and ordinances shall be paid. Third party review fees (cost plus 9%) shall be paid.
11. Any mechanical equipment installed in connection with this project shall be subject to Sausalito Municipal Code section 12.16.130 - Machinery, equipment, fans and air conditioning.
12. At the time of building permit application the applicant shall file a reasonable estimate of the value of the project, and based thereon, a construction time limit shall be established for the project in accordance with the criteria set forth in SMC Section 10.54.100. The following conditions apply:
 - a) The applicant shall submit information reasonably requested by the Community Development Director to support the estimated value of the project such documentation may include without limitation an executed construction contract.
 - b) The time for completion of the construction shall also be indicated on the construction permit.
 - c) For projects exceeding \$500,000 in project valuation, a detailed GANTT chart (or other graphic display acceptable to the Community Development Director) depicting the sequence of steps necessary for completion of the project, including detailed information on the critical path of the project, duration of critical tasks, and predicted inspection dates, shall be submitted prior to the issuance of any construction permit.
 - d) Once approved, the property owner shall provide the City with written quarterly job progress reports consistent with the approved chart.

DEPARTMENT OF PUBLIC WORKS CONDITIONS OF APPROVAL:

General Items

13. As part of the Building Permit application, all final Conditions of Approval shall be restated on the construction drawings and applicant shall thoroughly and accurately document in writing compliance with each Condition of Approval at the time of Building Permit application and any other subsequent submittals.

Engineering Items

14. Applicant is advised that encroachment permit(s) shall be obtained from the City prior to using the public right of way for non-public purposes (e.g., private parking, material & debris box storage, curb, gutter or sidewalk construction or demolition, driveway connection). An accessible path of travel shall always remain open to pedestrians along frontage of 1309 Bridgeway throughout the duration of this project.

15. Prior to issuance of an Encroachment Permit the City shall be named as an additionally insured on a separate endorsement sheet that modifies the general liability policy.

SOUTHERN MARIN FIRE DISTRICT CONDITIONS OF APPROVAL:

16. The building permit submittal shall be required to provide the specification sheet of the material/product used for the awning.
17. The awning shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner.
18. The awning shall have a permanently affixed label bearing the following information:
 - a) Identification of temporary membrane structure, tent, or canopy, size and fabric or material type;
 - b) Flame-resistant materials labeling;
 - c) For flame-retardant treated materials, the date that the temporary structure, tent, or canopy and other combustible materials were last treated with an approved flame retardant;
 - d) The trade name and type of flame retardant utilized in the flame retardant treatment;
 - e) The names of the person and firm that applied the flame retardant.
 - f) The seal of California State Fire Marshal.

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.

1. This approval will expire in two (2) years from the date of adoption 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.
2. The Community Development Director may authorize minor alterations to the approved plans and conditions of approval in accordance with Section 10.50.180 of the Zoning Ordinance. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved by the Planning Commission in accordance with Section 10.84.070(B)(2) of the Zoning Ordinance.
3. Pursuant to Municipal Code Section 10.54.100, construction activities under taken 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. 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
4. Contact Building Division staff for information about the building permit process and for building permit requirements prior to submitting for a building permit.
5. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.

6. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
7. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
 - o Marin Municipal Water District – (415-945-1400), including landscaping and irrigation regulations;
 - o Southern Marin Fire Protection District -- (415-388-8182);
 - o Bay Conservation and Development Commission – (415-352-3600);
 - o PG&E's Underground Project Contact
 Information: Phone: 1-
 877-743-7782 Internet:
 pge.com/newconstruction.
8. An approval granted by the Engineering Division of the Department of Public Works 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.
9. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.
10. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
11. Encroachment permit, grading permit, third party review fees (cost plus 10%) fees shall be paid.
12. 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

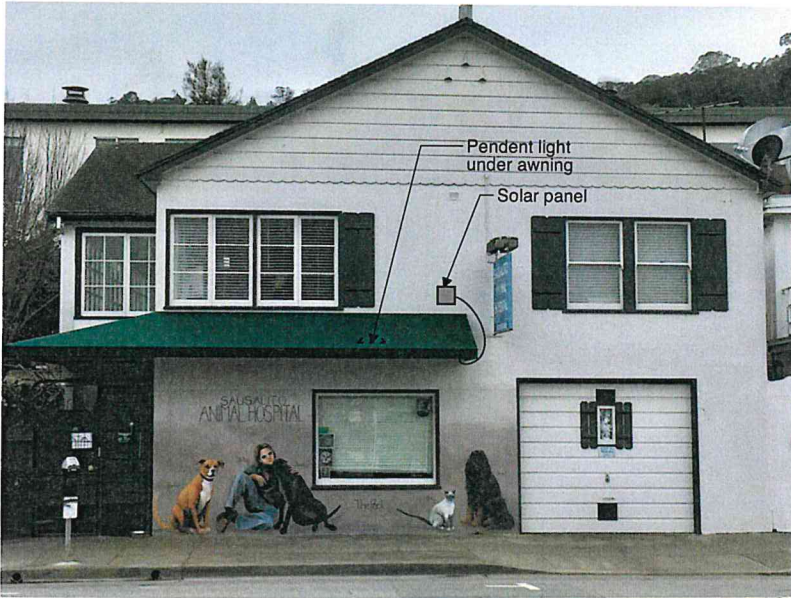
City holidays (not including Sundays) – Between 9:00 a.m. and 7:00 p.m.

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays and City holidays between 9:00 a.m. and 6:00 p.m.

13. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service drops shall be placed underground when the main electrical service equipment (including the panel) is relocated, replaced, and/or modified. If undergrounding is required, the applicant shall work with affected utility companies to provide plans to the City for undergrounding of the utility services. Project plans shall be designed to avoid additional overhead lines, poles and/or transformers (i.e., potential view impacts) thereon to comply with Sausalito Municipal Code Section 18.08 Underground Electrical Wiring and Facilities. If additional overhead lines, poles and/or transformers are required, visual simulation(s) of the equipment from various viewpoints shall be provided, and may be subject to modifications to the Design Review Permit.
14. Pursuant to Municipal Code Section 10.54.100, construction activities under taken 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.

**SAUSALITO PLANNING COMMISSION NO.
2020-28 October 20, 2021
1309 Bridgeway
DR/EA 2021-00054**

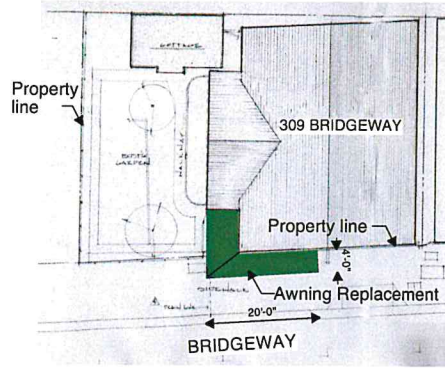
ATTACHMENT 3: PROJECT PLANS



BRIDGEWAY ELEVATION

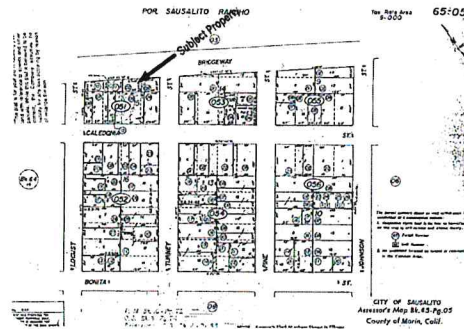
INDEX

- Sheet 1 Elevation Photo, Site Plan, Location Map
- Sheet 2 Framing Plan, Detail, Specifications, Partial Floor Plan



SITE PLAN

1/16"=1'-0"



LOCATION MAP • APM

Sausalito Animal Hospital
1309 Bridgeway, Sausalito, CA • APN 065-051-02

AWNING REPLACEMENT

Date:
2/1/21

Index, Elevation, Site Plan
& Location Map

1

Gianola Canvas Products
 1301 Rand St.
 Petaluma Ca 94954
 415-332-3339 / Lic 1095023

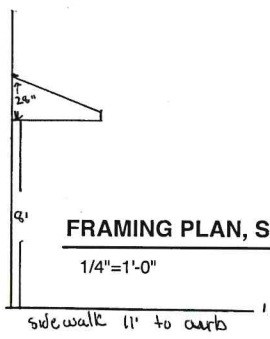
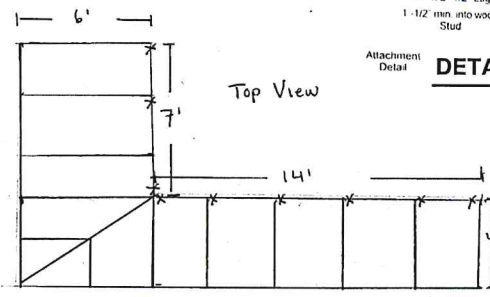
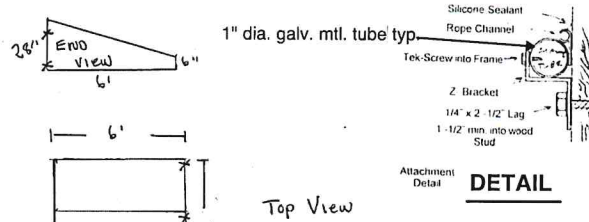
Sausalito Animal Hospital / 1309 Bridgeway

SPECIFICATIONS

Gianola Canvas Products

1301 Rand Street, Suite C, Petaluma, CA. 94954 / 415-332-3339 LIC #1009023
 www.gianolacanvas.com | gianola@gianolacanvas.com

Project: 1309 Bridgeway, Sausalito



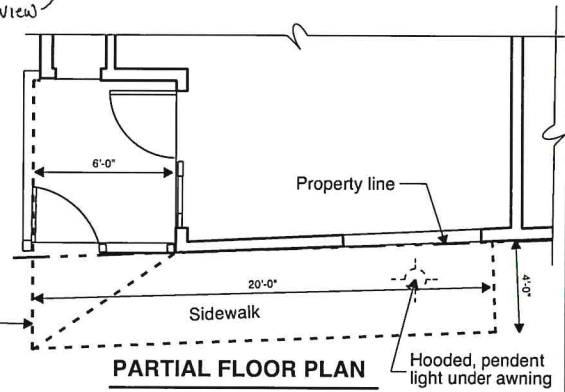
FRAMING PLAN, SECT. & DETAIL

1/4"=1'-0"



LIGHT FIXTURE

homeandlighting.co
 Solar powered pendant
 light 2000LM



PARTIAL FLOOR PLAN

1/4"=1'-0"

Awning installation details:

Fabric to be: Sunbrella 6037 Forest Green.
 Awning frames are constructed of 18-gauge galvanized tubing.
 All welds are ground smooth, primed and painted.
 Frames are installed with 1" galvanized "Z" brackets.
 Brackets are attached to wall with 3/8" by 3 1/2" galvanized Power Stud
 SD1 epoxy bolt into cement.
 A #10 tek screw is drilled through the Z bracket, into the frame to secure
 framing to bracket.
 Brackets are spaced 36" apart.

Sausalito Animal Hospital
 1309 Bridgeway, Sausalito, CA · APN 065-051-02

AWNING REPLACEMENT

Date:
 2/1/21

Framing Plan, Detail,
 Specifications & Partial Floor Plan

2