

# Town of Tiburon STAFF REPORT

AGENDA ITEM     D1    



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **KRISTIN KRASNOVE, ASSOCIATE PLANNER**

SUBJECT:           **9 MAIN STREET; REVIEW OF A SIGN PERMIT APPLICATION  
FOR A NEW BUSINESS AWNING; FILE #50410**

MEETING DATE:   **APRIL 6, 2006** \_\_\_\_\_

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## PROJECT DATA:

<b>OWNER:</b>	<b>MAIN STREET PROPERTIES</b>
<b>APPLICANT:</b>	<b>SERVINOS RISTORANTE</b>
<b>ADDRESS:</b>	<b>9 MAIN STREET</b>
<b>ASSESSOR PARCEL NUMBER:</b>	<b>059-151-40</b>
<b>FILE NUMBER:</b>	<b>706038</b>
<b>ZONING:</b>	<b>VC (VILLAGE COMMERCIAL)</b>
<b>GENERAL PLAN:</b>	<b>VC (VILLAGE COMMERCIAL)</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>MARCH 15, 2006</b>

## PRELIMINARY ENVIRONMENTAL DETERMINATION:

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301.

## PROPOSAL:

The applicant is requesting the approval of one awning for the purpose of advertising a business located at 9 Main Street. The subject awning would be hung above the front entrance to the restaurant. The awning would be comprised of a green and beige striped canvas with a solid beige valance with black lettering spelling "Servino Ristorante · Bar ·Upstairs Banquet Room" on the front of the valance.

## ANALYSIS:

### Sign Number/Area

A maximum of two signs for each place of business in a building may be displayed at any given time according to the Sign Ordinance (Chapter 16A of the Tiburon Municipal Code). The applicant is requesting approval for the one subject sign. An awning is considered a projecting sign according to the Sign Ordinance.



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The total sign area allowed for businesses is one square foot of signage for each four linear feet of building frontage. The building has approximately 39 feet of frontage, therefore 9.75 square feet of sign area is allowed for the business. The subject awning is approximately 13.5 square feet in size, which meets the requirement for sign area.

Section 16-A6 of the Tiburon Sign Ordinance states that the Design Review Board may grant exceptions to the sign requirements if it makes the following two findings:

1. Exceptional physical circumstances or conditions exist which apply to the site or location under consideration.
2. The exception is not inconsistent with the purpose of this chapter.

The subject building has frontage on Main Street, with an awning proposed to stretch over the outdoor seating area. The additional square feet are necessary to appropriately cover the outdoor sitting area. Since the design of the awning would blend well with the façade of the building, the excess size would not make the awning incompatible with the purpose of the Downtown Design Guidelines.

### **Sign Design**

The intent of the Sign Ordinance is to ensure signs are appropriate and compatible with the environment and character of the community, while having the flexibility to encourage variety and good design. Signs in the downtown area are reviewed especially closely because they are “fundamental contributors to the overall quality and character of the Town.”

The Downtown Design Handbook indicates that awnings should be used with restraint and discretion on Main Street. The style of the subject awning appears to be consistent with nearby awnings on Main Street and the green and beige color would match the tone of the subject building, therefore contributing a harmonious quality to the façade of the subject building. For these reasons and since the awning would be constructed of a canvas material, it appears that the subject awning meets the intent of the Sign Ordinance, and of the Downtown Design Handbook.

### **Public Comment**

No public comment has been received regarding the subject application.

### **RECOMMENDATION:**

It is recommended that the Board review this project with respect to the Sign Ordinance and the Downtown Design Handbook and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board determines that the proposed sign is consistent with the Sign Ordinance and Downtown Design Handbook, it is recommended that the Board approve the application with the attached Conditions of Approval.

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### EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated April 12, 2005.
3. Plans for the proposed sign
4. Excerpt from the Tiburon Downtown Design Guidelines

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### EXHIBIT 1

#### CONDITIONS OF APPROVAL 9 Main Street FILE #706038

1. The development of this project shall conform to the application dated by the Town of Tiburon on March 6, 2005, or as amended by these conditions of approval. Any modifications to the plans submitted must be reviewed and approved by the Design Review Staff or the Board.
2. This sign permit shall be valid for 90 days following approval, and shall expire and become null and void unless the sign, as approved, is erected prior to that date or unless an extension, filed in writing with the Planning & Building Department, is granted by the Director.
3. Prior to erection of the sign, permittee shall obtain all building, electrical, or structural permits required by the Town's adopted Uniform Building Code or Electrical Code. Permittee shall also obtain any required encroachment permits.
4. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Town's Sign Ordinance (Chapter 16A of the Municipal Code). No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.
5. The Town may at any time make such inspections as necessary to determine whether any sign is in compliance with this approval and other applicable regulations.
6. Permittee shall maintain the sign and all supporting components in good repair and finish. Substantially deteriorated, badly weathered, rusty, or otherwise poorly maintained signs shall be subject to public nuisance abatement or other available remedies.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.