STAFF REPORT

DATE:

April 15, 2014

TO:

Legislative Committee

Historic Landmarks Board/Planning Commission Representatives

FROM:

Jeremy Graves, Community Development Director

SUBJECT:

Review of Draft Regulations

Historic Preservation Regulations Update (ZOA 11-070)

Discussion

Attached is the initial draft of the Historic Preservation Regulations prepared by the City's consultant, Dyett & Bhatia. The consultant studied the City's current approach to regulating historic preservation and considered alternative approaches that would better implement the City's preservation principles, help guide development to meet community needs, and protect the City's significant buildings and areas. The consultant has reviewed the City's current regulations and procedures regarding protection of historic properties.

As noted in the introduction of the attached document, the draft code amendments are presented in order of the Sausalito Municipal Code (SMC), with the majority of the draft amendments in Title 10 (Zoning). However, amendments are also proposed for Title 2 (Administration and Personnel) and Title 8 (Building and Construction). Where regulations did not relate to historic preservation, they were left alone. No changes have been made to any zoning regulations, standards, or permit types, with the exception for those in Design Review that were discussed in the *Issues and Options Memorandum*. The amendments focus on clarifying existing language, re-organizing sections to read more clearly, and adding new procedures to streamline administration and permit review. Many of the proposed edits do not propose substantively new ideas but are rewritten and/or relocated to a more appropriate section. The majority of substantive changes are in Chapter 10.46 (Historic Overlay District and Local Register, now Historic Preservation of Landmarks and Historic Districts) where all processes and requirements for designated landmarks and historic districts have been relocated and updated. Chapter 10.47, currently reserved, had been added to include the review of non-designated properties pursuant to CEQA.

Due to the extensive nature of the proposed amendments, it is anticipated that review of the amendments will require review at multiple meetings of the Legislative Committee. Hence a schedule for review of the document should be discussed.

Recommendations

- Initiate review of the attached Draft Regulations and provide comments to the staff and consultant.
- Establish a schedule for upcoming meetings for review of the document.

Exhibit: Draft Regulations prepared by Dyett & Bhatia, dated April 11, 2014

CITY OF

Sausalito

HISTORIC PRESERVATION REGULATIONS UPDATE

Draft Regulations



Prepared for CITY OF SAUSALITO by:

DYETT & BHATIA

Urban and Regional Planners

APRIL 11, 2014

Table of Contents

INTRODUCTION	I
DRAFT CODE AMENDMENTS	1
Historical Landmarks Board	1
Adminstration	5
Sign and Arks	26
Historic Preservation of Landmarks and Historic Districts	

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Introduction

The City of Sausalito is working with Dyett & Bhatia, Urban and Regional Planners, to evaluate the City's regulation of historic buildings and properties with the goal of making the basic requirements and processes easier to understand, create certainty, and provide clarity to the process.

The consultant studied the City's current approach to regulating historic preservation and considered alternative approaches that would better implement the City's preservation principles, help guide development to meet community needs, and protect the City's significant buildings and areas. The analysis included field reconnaissance, interviews with City staff and community stakeholders, discussions with the Historical Landmarks Board, the City's Legislative Committee, as well as an assessment of existing regulatory tools, plans, and design guidelines used by the City. In addition, "peer" communities in the region and best practices from local and national jurisdictions were also studied. The resulting recommendations, compiled in an *Issues and Options Memorandum* completed in February 2014, provide the basis for the draft code amendments described below.

DRAFT AMENDMENTS

The *Issues and Options Memorandum* identified four key areas that needed updating: 1) making the regulations easier to understand and user friendly; 2) improving administration of permit review; 3) clarifying the review processes for historic resource review; and 4) proactive solutions to be undertaken by Sausalito. Recommendations on how to address each area were detailed in accompanying sections. The report did not proscribe specific code language but identified the direction and goals that amendments could achieve. Staff held a Special Joint Meeting of the Planning Commission and Historical Landmarks Board on March 26, 2014, where each body provided comments on the recommendations. Feedback from all of the meetings and events informed the draft amendments presented herein.

The draft code amendments in this report are presented in order of the Sausalito Municipal Code (SMC), with the majority of the draft amendments in Title 10 (Zoning). However, amendments are also proposed for Title 2 (Administration and Personnel) and Title 8 (Building and Construction).

Where regulations did not relate to historic preservation, they were left alone. No changes have been made to any zoning regulations, standards, or permit types, with the exception for those in Design Review that were discussed in the *Issues and Options Memorandum*. The amendments focus on clarifying existing language, re-organizing sections to read more clearly, and adding new procedures to streamline administration and permit review. Many of the proposed edits do not propose substantively new ideas but are rewritten and/or relocated to a more appropriate section. The majority of substantive changes are in Chapter 10.46 (Historic Overlay District and Local Register, now Historic Preservation of Landmarks and Historic Districts) where all processes and requirements for designated landmarks and historic districts have been relocated and updated. Chapter 10.47, currently reserved, had been added to include the review of non-designated properties pursuant to CEQA.

HOW TO READ THIS DOCUMENT

Each Chapter of the Municipal Code with proposed amendments is presented in its own section. Above the heading of each Chapter, an italicized line identifies the overall intent of the proposed changes – whether it will be modified, added, or deleted. The proposed amendments should be read in context with

the remainder of the Sausalito Municipal Code, in particular those Chapters that are proposed for modifications.

Finally, the proposed changes themselves are presented.

- If an entire section is proposed to be added, the fact that it is new is indicated upfront in **bold** *italics*, and the section is shown as plain text, for the ease of reading.
- If an entire section is to be removed, this is simply stated in *bold italics*, rather than showing the whole section in strikeout.
- Where a section is proposed to be modified, the text to be deleted is shown in strikeout, appearing as follows: text to be removed. The text to be added is shown in underline, appearing as follows: text to be added.
- If only portions of a Chapter is proposed for amendment (versus each section of a whole Chapter), only those sections are included.

Draft Code Amendments

2

HISTORICAL LANDMARKS BOARD

- 4 Title 2, Administration and Personnel of the SMC, has two Chapters that relate to the role and
- 5 function of the Historical Landmarks Board. The basic components of each chapter are not being
- 6 amended. The powers and duties of the Board have been consolidated from other Titles of the
- 7 SMC, and where necessary, elaborated. A new section for Board qualifications has been added,
- 8 providing requirements for three of the five members. Finally, a clause has been inserted to assign
- 9 the Director of the Community Development Department as Secretary of the Board.

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- 11 Modify Chapter 2.24, Historical Landmarks Committee, Section 2.24.020 (Purpose), as follows:
- 12 **2.24.020** Purpose.
- 13 The Committee shall have as its purpose:
- 14 A. Collecting data for the inventory of historical sites and structures required by the State Historic Resources Commission;
- B. Providing assistance to the Historical Landmarks Board in accomplishing the purposes of the Board as outlined in Chapter 2.24 (Historic Landmarks Board) and Chapter 10.46 (Historic Preservation of Landmarks and Historic Districts).

Modify Chapter 2.28, Histo	rical Landmarks Board, as follows:
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- 2 2.28.010 Established.
- 3 There is established a Historical Landmarks Board, which shall advise the City on historic preser-
- 4 vation matters, participate in processes that involve historic or cultural resources, and take other
- 5 such actions concerning historic preservation as may be prescribed by ordinance. in and for the
- 6 City.
- 7 2.28.020 Powers and Duties Purpose.
- 8 The <u>Historical Landmarks</u> Board shall <u>have and exercise the powers and perform the duties set</u>
- 9 <u>forth in this Section and in Title 10, Zoning, of the SMC with respect to historical preservation.</u>
- 10 The Historical Landmarks Board shall have as its purpose:
- 11 A. Recommend to the City Council, after public hearing, on the designation of individual
- 12 <u>landmarks and historic districts, and make any preliminary or supplemental determinations</u>
- or conclusions in order to make a recommendation; To promote preservation of historic
- sites, landmarks, documents, paintings and objects associated with the history of Sausalito;
- 15 B. Review and decide on Certificate of Appropriateness applications for construction, altera-
- 16 tion, demolition and other features pertaining to landmark sites and historic districts; To
- 17 recommend to the Planning Commission that certain historic sites, landmarks, and historic
- 18 districts be designated and/or acquired by the City;
- 19 C. Compile or cause to be compiled and maintained a Local Register listing and describing
- all designated landmarks, historic districts, and contributing properties within the City; To
- 21 administer the committee's responsibilities as denoted by the historic preservation ordi-
- 22 nance of the City;
- D. Review a citywide survey of historic resources, which is periodically updated, and other
- 24 surveys on a case by case basis, and recommend adoption of the survey conclusions to the
- 25 <u>City Council; To advise the City Council on the administration of historic sites and</u>
- 26 landmarks as may be acquired by the City;
- 27 E. Create and adopt policies and guidelines to carry out the intent of this Chapter and of Ti-
- 28 <u>tle 10 (Zoning) of SMC, as relates to historic preservation.</u>
- 29 F. Act as the City's local historic preservation review commission for the purposes of the
- 30 Certified Local Government Program, recommend properties for inclusion in the Nation-
- 31 al Register of Historic Places, and review and comment on federal undertakings where au-
- 32 <u>thorized under the National Historic Preservation Act;</u>
- 33 G. Review and comment upon environmental documents under the California Environmen-
- 34 <u>tal Quality Act ("CEQA") and the National Environmental Policy Act, including deter-</u>
- 35 mining whether sites and structures qualify as historical resources under CEQA;

1 2 3	<u>H.</u>	Review and provide written reports to the Planning Commission and the City Council on policies, ordinances, and resolutions concerning historic preservation issues, historic resources, and other such matters as may be prescribed by ordinance;
4	<u>I.</u>	Review and make recommendations to the City Council on Mills Act contracts;
5 6 7 8	<u>J.</u>	Provide recommendations to the City Council regarding the utilization and promotion of incentives and grants from federal and state agencies, private groups, and individuals, and regarding budgetary appropriations to advance the preservation of historic resources in the City;
9 10 11	<u>K.</u>	Participate in, promote, and conduct public information, educational, and interpretative programs pertaining to historic resources, and provide public participation in all aspects of the City's historic preservation program;
12 13 14	<u>L</u> E.	To advise the City Council on the acceptance of gifts consisting of documents, paintings, and other objects of historic value, as well as money when the same is given to be used for the acquisition of property, real or personal, of historic interest;
15 16	<u>M</u> ₽.	To recommend to the City Council the documents, paintings, and objects of special historic value associated with the history of the City to be acquired by the City;
17 18 19	<u>N</u> G.	To advise the City Council on all matters relating to the historic and cultural preservation of the City, in particular State and Federal designations and registration of historical landmarks;
20 21	H.	To consider methods other than those provided for in this chapter and Chapters 2.24 and 8.44 SMC, for encouraging and achieving historical preservation;
22 23	<u>O</u> I.	To annually submit to the Planning Commission and City Council a report of its activities in the preceding year-; and
24 25	Р.	Delegate administrative functions as they so deem to members of the Community Development Department staff.
26	2.28.0	30 Membership and term of office.
27 28 29 30 31 32	or wit Cound SMC.	<u>Historic Landmarks</u> Board shall consist of five members with qualified training or experience, had demonstrated interest in historic preservation, to be appointed by the City Council. City cil appointments to the Board shall be governed by the provisions set forth in Chapter 2.58. The term of office for each member shall be for two years, with terms staggered so that the of not more than three members expire in a single year. Board members may serve consecurms.
33	2.28.0	040 Qualifications Organization.
3.1	Δ	The Historic Landmark Roard members shall have a demonstrated interest in competence

in, experience in, or knowledge of the historic, architectural, aesthetic, and cultural tradi-

1 2	tions of the City. To the extent feasible and legally permissible, the members shall be specifically qualified in the following fields:
3 4 5 6	1. Seat 1: a licensed architect meeting the Secretary of the Interior's Professional Qualifications Standards for historic Architecture, a licensed landscape architect, licensed structural engineer, licensed contractor, or developer with experience in historic preservation;
7 8 9	2. Seat 2: a historic preservation professional or professional in a field such as law, land use, community planning or urban design with experience in historic preservation;
10 11	3. Seat 3: a historian meeting the Secretary of the Interior's Professional Qualifications Standards for history;
12	4. Seats 4 and 5: at large seats subject to the minimum qualifications set forth above.
13 14 15	B. All members shall be residents of the City, except in the event that no resident with the requisite expertise needed for a professional member can be found, one professional member appointee may reside outside the City limits.
16	2.28.050 Organization.
17 18 19 20 21 22	Within 10 days after the appointment of the Board, they shall meet in regular session and organize by electing from members of the Board, a Chairperson and Secretary, who will hold office for a term of one year. Thereafter, the Board shall meet in regular session not less than once every 60 days, at a time and place selected by vote of its members. Any member absent for five consecutive meetings shall automatically be removed from the Board, and the vacancy caused by such removal shall be filled by a new appointment.
23	2.28.050 Secretary of the Board.
24 25 26 27 28 29	The Director of the Community Development Department, or their designee, shall serve as Secretary of the Historic Landmarks Board. The Secretary shall attend meetings and keep a record of the proceedings and transactions of the Historic Landmarks Board, specifying the names of the Board members in attendance at each meeting and the ayes and noes upon all roll calls. The secretary shall, among other duties, post and publish all notices which the Historic Landmarks Board shall order to be posted and published.

ADMINISTRATION

- 2 These sets of amendments are minor in scope and focus on incorporating and updating the Histor-
- 3 ic Landmarks Board's role into administrative procedures such as notification and appeals. Of note
- 4 are amendments to ensure that properties over 45 years of age are reviewed as a historical resource
- 5 under CEQA. Additional application requirements have been added, putting the initial responsi-
- 6 bility of data gathering on the applicant, with the Community Development Director making the
- 7 preliminary determination. If a property may qualify as a historical resource, then a historical re-
- 8 source evaluation report will be required, which will be reviewed by the Historical Landmarks
- 9 Board, who ultimately makes the final decision. These procedures, combined with the inclusion
- of minor scopes of work that now trigger a Design Review Permit, will ensure that more proper-
- 11 ties are being reviewed for compliance with CEQA and that less inappropriate alterations are made
- 12 to historical resources.

13

- 14 Modify Chapter 10.50, Land Use Permit Procedures, Sections 10.50.050 (Required Application
- 15 Contents) and 10.50.080 (Environmental Review), as follows:
- 16 10.50.050 Required application contents.
- 17 Applications for permits required by this title shall be initiated by submitting the following infor-
- 18 mation to the Community Development Department:
- 19 A. Completed consolidated application form and any other applicable forms required by the
- 20 Department;
- 21 B. Permission from the owner of the subject property, or owner authorization;
- 22 C. Any other information, plans or maps required by a particular application type, specified
- or requested by the City Engineer or other departments, or prescribed by resolution of the
- 24 Planning Commission;
- 25 D. Floodplain information applicable to the site; and
- 26 E. Appropriate filing fees:
- 27 F. Date of Construction; and
- 28 G. For structures that are not subject to the provisions of Chapter 10.46 (Historic Preserva-
- 29 <u>tion of Landmarks and Historic Districts) and are over 45 years old:</u>
- 30 <u>1. Property's permit history:</u>
- 31 <u>2. History of owners and/or occupants;</u>
- 32 <u>3. Photographs that show all buildings on the property; and</u>

3

1 <u>4. Additional information as determined by the Community Development Director</u> 2 <u>and Historical Landmarks Board.</u>

10.50.080 Environmental review.

- 4 A. Additional Information. After an application has been accepted as complete pursuant to SMC 10.50.060 (Initial review of applications), the Community Development Department may require the applicant to submit additional information needed for the environmental review of the project pursuant to the provisions of CEQA.
- B. Environmental Review Procedure. After an application has been accepted as complete pursuant to SMC 10.50.060 (Initial review of applications), the application shall undergo environmental review, as required by the California Environmental Quality Act (CEQA) and SMC Title 11 (Environmental Protection). The review shall determine whether or not the proposed project is subject to the California Environmental Quality Act and if so whether a negative declaration or environmental impact report must be prepared.
- This determination and the preparation of appropriate documents (including negative declarations and EIRs) shall be subject to the provisions of CEQA and SMC Title 11 (Environmental Protection).
- 17 C. <u>Designated landmarks and properties in historic districts. Historic Overlay District and Local Register.</u> Projects involving the demolition or alterations of sites or structures that are in the a designated landmark site or a property within a designated historic district historic overlay district or that are listed on the local register-shall be subject to environmental review, consistent with SMC 10.46.060(E) (Property and Permit Requirements Additional Demolition Procedures). The Historical Landmarks Board shall review such projects.
- 24 D. Structures over 45 years of age. Potential Historic Resources. When an application results 25 in the alteration of, addition to, or demolition of an existing structure that is over 45 years 26 of age and may be a potential historic resource, or when an application involves new con-27 struction on a previously undeveloped site, staff shall review the structure's or site's poten-28 tial as an historic resource, consistent with Public Resources Code Section 15064.5. The 29 Community Development Director shall review the information submitted pursuant to 30 Section 10.50.050(G) to determine whether the property may qualify as a historical re-31 source under CEQA. If the site or structure is a potential historic resource and is not listed on the local register nor located within the historic overlay district, the Historical Land-32 33 marks Board (HLB) shall evaluate the historic significance of the structure or site and shall 34 forward that evaluation to Community Development staff.
- 1. Does Not Qualify as Historic Resource. If the Director determines that the property does not qualify as a historical resource, that decision shall be in writing and forwarded to the Historical Landmarks Board.
- 38 3. May Qualify as a Historic Resource. If the Community Development Director determines that a property may qualify as a historical resource under CEQA, a

1	<u>formal hi</u>	storical resource evaluation report shall be prepared by a qualified profes-
2	<u>sional wł</u>	no meets the Secretary of Interior's Professional Qualifications Standards
3	<u>for Histo</u>	ric Architecture, Architectural History, and/or History (36 CFR Part 61
4	<u>Appendix</u>	x A) and forwarded to the Historical Landmarks Board.
5	<u>a. I</u>	Report Contents. The historical resource evaluation report shall describe
6	<u>t</u>	he property and building(s), list any alterations, and include a photo-
7	<u>g</u>	raphic record and description of the structure and its context. It shall ad-
8	<u>C</u>	lress the age of the structure, evaluate its architectural and structural in-
9	<u>t</u>	egrity, the historical significance of the structure, both individually and as
10	<u>a</u>	contributor to the City's designated historic district(s), and shall make a
11	<u> </u>	letermination as to whether the structure meets the definition of a histor-
12	<u>i</u>	cal resource as defined in CEQA Guidelines Section 15064.5.
13		Historical Landmarks Board Review. The Historical Landmarks Board
14	<u>s</u>	hall review the final historical resource evaluation report and make a de-
15	<u>t</u>	ermination of whether the property qualifies as a historical resource un-
16	<u>C</u>	ler CEQA. The Historical Landmarks Board may require additional anal-
17	<u>y</u>	rsis by a qualified third party. The Historical Landmarks Board, based on
18	<u>t</u>	he information presented, shall concur or disagree with the findings.
19]	The determination by the Historical Landmarks Board shall be final.
20	8	ommission shall make an environmental determination consistent with
21	subsection B of th	nis section (Environmental Review Procedure).

- 1 Modify Chapter 10.54, Design Review Procedures, Sections 10.54.020 (Applicability), 10.54.040
- 2 (Administrative Design Review Permits), 10.54.050 (Design Review Permits), 10.54.070 (Addi-
- 3 tional Submittals Required), and 10.54.080 (Referral) as follows:

4 10.54.020 Applicability.

5 This chapter establishes thresholds for administrative design review and Planning Commission design review. Administrative design review permits shall be required and processed 6 7 in accordance with SMC 10.54.040 (Administrative design review permits). Planning 8 Commission design review permits shall be required and processed in accordance with 9 SMC 10.54.050 (Design review permits). Properties that are designated an individual 10 landmark or located within a designated historic district must obtain a Certificate of Appropriateness in accordance with SMC 10.46.060 (Property and Permit Requirements) 11 12 prior to approval of an Administrative Design Review Permit or a Design Review Permit. 13 No design review shall be required for projects that fall under the design review thresholds 14 contained in this chapter. Minor revisions to approved projects are not subject to this 15 chapter and are instead governed by SMC 10.50.180 (Changes to an approved project).

10.54.040 Administrative design review permits.

- 17 Proposals that fall below the thresholds contained in subsection B of this section (Applicability),
- 18 either incrementally or cumulatively over a three-year period, and meet or exceed all zoning re-
- 19 quirements shall require a building permit, are subject to Chapter 10.52 SMC (Zoning Permits),
- and are exempt from design review.

- 21 A. Purpose and Authority. Administrative design review permits allow for administrative de-22 sign review of selected projects where clear design review guidelines and criteria exist. 23 Administrative design review permits may be approved, conditionally approved or denied 24 by the Community Development Department. When administrative design review per-25 mits are requested in conjunction with one or more permits requiring Zoning Administra-26 tor review, administrative design review permits may be approved, conditionally ap-27 proved, or denied by the Zoning Administrator. If a proposal meets the requirements of 28 subsection B of this section (Applicability) and requires Planning Commission review for a 29 concurrent application, the proposal shall be subject to design review, pursuant to SMC 30 10.54.050 (Design review permits).
- 31 В. Applicability. Selected project proposals require a lesser level of design review which shall 32 be conducted by the Community Development Department (or Zoning Administrator 33 where applicable). The Community Development Department shall review and act on applications which are made solely for the following classifications of projects, for which 34 35 Planning Commission review is not required for another concurrent application, and for 36 sites that are not designated an individual landmark or located within a historic district and subject to the provisions of Chapter 10.46 (Historic Preservation of Landmarks and His-37 38 toric Districts)listed on the local register and/or are located outside the boundaries of any 39 officially designated historic district:

1 2 3	1.	Additions to single-family or two-family (duplex) residences where the addition results in a setback from any adjacent structure on a neighboring property of less than 10 feet.
4 5 6 7	2.	Additions to multifamily residences, commercial structures, and industrial structures which increase the size of the structure by less than 10 percent, not to exceed 300 square feet, and which are consistent with the architectural style of existing buildings on the site.
8 9	3.	Replacement of awning fabric on existing frames with fabric of a different color or modified signage.
10 11 12	4.	Any elevated structures wherein subfloor plumbing, utility ducts, or mechanical equipment is exposed to view from adjacent properties or the public right-of-way.
13 14	5.	Driveways in required side yard open spaces if not a part of an application which requires review by the Planning Commission.
15 16	6.	Encroachment agreements (improvements in the public right-of-way) for the following items, if not part of other improvements requiring design review:
17		a. Major landscaping;
18		b. Stairs not on grade;
19		c. Driveways involving cut or fill of more than six feet;
20		d. Fences not exceeding 42 inches in height; and
21		e. Retaining walls not exceeding six feet in height.
22 23	7.	Signs and awnings consistent with criteria developed by the Planning Commission and City Council as adopted by resolution.
24 25	8.	Installation or reconstruction, other than repairing and re-striping, of a parking area of five or more spaces.
26 27	9.	Capital improvement projects appropriate for staff review, as determined by the Planning Commission review of the annual capital improvement program.
28 29 30	10.	Application for building permits for the construction, renovation or extension of any pier or dock, or application to establish floats or dolphins, for private pleasure craft in the R-2-2.5 zoning district.
31 32 33	11.	Application for zoning permits for all buildings, decks, yards, and other improvements proposing a change in existing grade by cutting or filling greater than six feet in height.

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	12.	Applications to	construct fences t	nat reduire t	ne issuance of	a bunan	ig bermit.
							-6 F

- 2 13. Applications to construct terraced or multiple retaining walls or slope stabilization 3 projects that retain an aggregate of six feet or more of slope within any 10-foot 4 horizontal interval.
- 5 14. Applications to construct vehicular traffic safety guardrails deemed necessary by the City Engineer.
- 7 <u>Demolition or removal of non-original features of a building or site, including, but not limited to, additions, garages, and accessory structures.</u>
- 9 16. Replacement of incompatible, previously replaced windows, doors or façade sid-10 ing material if the replacement material is not compatible in appearance, color and 11 profile to the existing or original material.
- 12 <u>Removal or modification of original window or door openings on the primary or visible secondary facades.</u>
- 14 <u>18. Replacement or modification of front stairs and railings.</u>
- 15 <u>19. The installation of rooftop feature that is visible from the public right-of-way, in-</u> 16 <u>cluding HVAC systems, skylights, and solar panels.</u>
- 17 <u>20.</u> Any other work determined by the Director that may materially alter the signifi-18 <u>cant features of a building.</u>
- 19 C. Public Notice. The Community Development Department shall give public notice of the application, pursuant to SMC 10.82.020(B) (Public Notice Administrative Design Review and Changes to an Approved Project).
- D. Conditions. The Community Development Department may apply reasonable conditions of approval, in addition to those identified in SMC 10.54.090 (Conditions of approval) and consistent with SMC 10.50.100 (Recommended conditions of approval).
- E. Findings. The Community Development Department may approve or conditionally approve an administrative design review permit if the findings specified in SMC 10.54.050(D) (Findings), and SMC 10.54.050(E) (Heightened Review Findings) as applicable, can be made.
- F. Resolution and Notice of Decision. The Community Development Department shall prepare a written resolution which shall include all findings and applicable conditions of approval. Notice of decision shall be distributed to applicant and all persons who received public notice.
- G. Appeal. Administrative design review permit decisions may be appealed to the Planning Commission within 10 days of the decision date. Appeals must be submitted in writing and shall be processed in accordance with Chapter 10.84 SMC (Appeals). Notice of ap-

- peals of staff decisions to the Planning Commission and the City Council shall be sent to all properties within 300 feet of the subject property.
- H. Effective Date. Community Development Department staff and Zoning Administrator decisions of approval or denial of administrative design review permit applications shall become final 10 days after date of resolution, unless an appeal has been filed.
- 6 I. Referral to Planning Commission. The Community Development Director may refer an 7 administrative design review permit application to the Planning Commission. Such referral 8 shall be subject to public hearing, consideration, and approval or denial pursuant to the 9 procedures specified by SMC 10.54.050 (Design review permits). Referral shall be at the 10 discretion of the Community Development Director dependent upon policy implications, 11 unique or unusual circumstances, the size of the project, or other factors determined by 12 the Community Development Director to be significant enough to warrant Planning 13 Commission review.
- 14 J. Expiration of Permit. Administrative design review permits shall expire two years follow-15 ing the effective date of the permit, provided no extension has been filed prior to the ex-16 piration date.
- K. Modification. An Administrative Design Review Permit may not be modified unless the
 underlying Certificate of Appropriateness is modified by the Historical Landmarks Board
 pursuant to XXX (ADD FINAL PROCESS HERE).
- 20 10.54.050 Design review permits.
- 21 Proposals that do not require an administrative design review permit and fall below the design re-
- 22 view thresholds contained herein, either incrementally or cumulatively over a three-year period,
- and meet or exceed all zoning requirements shall require a building permit, are subject only to
- 24 Chapter 10.52 SMC (Zoning Permits), and are exempt from design review.
- A. Purpose and Authority. Design review permits provide for discretionary review of the architectural and design features of selected projects for which design review is required, as established by this section. The Historical Landmarks Board shall provide concurrent review and recommendations for projects that are proposed and/or located in an historic district and/or are listed on the local register. The Planning Commission may approve, conditionally approve or deny design review permit applications.
- 31 B. Applicability. Design review permits shall be required for the following applications:
- 32 Building Permits:
- Any single-family, two-family (duplex), or any multifamily residential structure proposed for construction.

1 2 3	2.	Any replacement or substantial reconstruction of a single-family, two-family (duplex), or multifamily residential structure which does not substantially replicate the original structure.
4	3.	Any alteration to existing secondary dwellings.
5 6	4.	Projects for any two-family (duplex) or any multifamily residence which have any of the following effects:
7 8 9		a. Add more than 10 percent of the total floor area of the structure(s) or more than 300 square feet of floor area to the structure(s) (whichever is less with respect to adding new floor area square footage); or
10		b. Increase the height of the structure(s); or
11		c. Have the potential to impair views from other properties.
12 13	5.	Projects for exterior remodeling of any commercial or industrial structure which have any of the following effects:
14 15 16		a. Add more than 10 percent of the total floor area to the structure(s) or add more than 300 square feet of floor area to the structure(s) (whichever is less with respect to adding new floor area square footage); or
17		b. Increase the height of the structure(s); or
18		c. Have the potential to impair views from other properties.
19 20	6.	Projects for existing single-family residence or construction or expansion of an accessory structure which have any of the following effects:
21 22 23		a. Add more than 300 square feet of floor area to any building on the parcel where the additional floor area will add new building coverage to the subject parcel where building coverage did not previously exist; or
24 25 26 27 28		b. Add more than 25 percent of the total floor area of the existing structure or add more than 600 square feet of floor area (whichever is less with respect to adding new floor area square footage) to any building on the parcel where the addition will not add any new building coverage to the subject parcel where building coverage did not previously exist; or
29		c. Have the potential to impair views from other properties; or
30		d. Increase the height of any building.
31 32 33	7.	Construction of structures with a distance of more than six feet from the ground to the lowest point of complete enclosure. (Design review shall address the potential visual impact of unsightly exposed underframing and utility ducts.)

2	8.	Any addition or remodeling that causes the structure to exceed the height limits established by SMC 10.40.060 (Height requirements).
3 4	9.	Covering parking spaces, causing the existing structure to exceed the maximum height limit pursuant to SMC 10.40.060(C)(3) (downhill parcels).
5 6 7	10.	Construction of a structure on an uphill parcel which will have a sloped roof in excess of the maximum height limit within the first 15 feet of the property pursuant to SMC 10.40.060(C)(1) (uphill parcels).
8 9 10	11.	Exterior renovation, modification, or remodeling of any structure listed on the National (or State) Register of Historic Places, or on the local register or structure located within a City designated historic district.
11	Signs and Awni	ngs:
12 13	12.	Signs and awnings subject to design review as specified by Chapter 10.42 SMC (Sign and Awning Regulations).
14	Capital Improve	ement Projects:
15 16	13.	Local public capital improvement projects and local public enhancement projects excluding:
17 18		a. Capital improvement projects which are maintenance projects or do not appreciably change the appearance of the area being maintained; and
19		b. Vehicular traffic safety guardrails deemed necessary by the City Engineer.
20	Other Permits:	
21 22	14.	Encroachment agreements for garages, fences, buildings, dwelling units, structures, and parking spaces.
23 24 25	15.	Demolition permits to demolish 51 percent or more of any single-family, two-family, or multifamily structure as defined in Chapter 10.88 SMC (Definitions) except where the structure has been irreparably damaged due to forces of nature.
26 27	16.	Permits to construct wireless communication facilities (antennas and ground equipment).
28 29	17.	Permits to install satellite dish antennas which have a diameter greater than 40 inches (one meter).
30 31	18.	Administrative design review for proposals made in conjunction with other applications requiring Planning Commission review and approval.

1 2		19.	Administrative design review when the Community Development Director determines a project warrants Planning Commission review and approval.
3		20.	Any project proposing side yard structural projections (see SMC 10.40.090(D)).
4 5 6 7	C.	the Pl Chapt	Notice and Hearing. Design review permit applications require public hearing by anning Commission. Public hearing shall be noticed and conducted consistent with ter 10.82 SMC (Public Notice and Hearings). Design review for signs and awnings not be subject to the noticing requirement.
8 9	D.		ngs. The Planning Commission shall approve design review permit applications only following findings can be made:
10 11 12 13		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.)
14 15		2.	The proposed architecture and site design complements the surrounding neighborhood and/or district by either:
16 17			a. Maintaining the prevailing design character of the neighborhood and/or district; or
18 19 20			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.
21 22		3.	The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.
23 24		4.	`The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.
25 26		5.	The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.
27 28 29		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.
30 31		7.	The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.
32 33 34		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 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.

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- 10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.
 - 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.
 - 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).
- 13 E. Heightened Review Findings. The site development standards contained in Table 10.22-2 14 are not entitlements; the approved size, setbacks or other physical conditions of a proposed 15 new home or expansion of an existing home subject to design review shall be at the discretion of the Planning Commission. In order to meet the findings of design review, in-16 17 cluding the following heightened review findings, the Planning Commission may approve 18 a home smaller, or with greater setbacks, or otherwise impose requirements that are more 19 restrictive than those set forth in this chapter. For residential projects that require a discre-20 tionary design review (either Administrative Design Review or a Design Review Permit) 21 and exceed 80 percent of the permitted floor area ratio (FAR) and/or building coverage 22 limitations, the decision-making body must determine whether or not the site can support 23 maximum build-out, consistent with the following:
- 24 1. Proposed development of the site maximizes preservation of protected trees.
- 25 2. The site is configured with adequate width and depth to provide yard spaces and setbacks, proportional to the size of the structure.
 - 3. The site will be developed in a manner that minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.
 - 4. The proposed development of the site presents no potential hazard to public safety in terms of vehicle traffic, pedestrian circulation, slope and tree stability, runoff, and public utilities.
- The slope and topography of the site allow for limited excavation and minimal alteration to the site topography outside the footprint of structures.
- The site will provide adequate guest parking either on site or within the immediate street frontage.

- The proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.
- 3 Although these findings are only required for projects that would otherwise require a discretionary
- 4 design review public hearing, all projects that result in or exacerbate floor area and/or building
- 5 coverage of over 80 percent shall require the Community Development Department to give pub-
- 6 lic notice of the application, pursuant to SMC 10.82.020(A) (Public Hearing). If such notice is
- 7 required for a project that does not require a public hearing, the notice shall be mailed to notify
- 8 neighbors that a zoning permit has been issued, including a description of the project, and shall
- 9 include information regarding the appeal period for the zoning permit.
- 10 F. Conditions. The Planning Commission may impose conditions on design review permits,
- to meet the purposes of this title, the general plan and any applicable specific plan. Condi-
- tions may include but not be limited to maximum floor area, building coverage limit,
- maximum height, and minimum open space. In addition, the conditions specified in SMC
- 14 10.54.090 (Conditions of approval) and SMC 10.50.100 (Recommended conditions of
- 15 approval) shall be imposed.
- 16 G. Resolution. Planning Commission decision shall be in the form of a written resolution and shall include all findings and conditions of approval.
- 18 H. Appeal. All decisions of the Planning Commission, with respect to design review permits,
- may be appealed to the City Council within 10 days of the Planning Commission deci-
- sion. Appeals shall be filed and processed in accordance with Chapter 10.84 SMC (Ap-
- 21 peals).
- 22 I. Effective Date. Design review permits shall become effective at the end of the appeal peri-
- od, provided no appeal has been submitted.
- 24 J. Expiration of Permit. Design review permits shall expire two years following the effective
- date of the permit, provided no extension has been filed prior to the expiration date.
- 26 K. Extension. The applicant may request an extension of a design review permit prior to the
- 27 expiration of the permit. The Zoning Administrator or the Planning Commission (upon
- 28 receipt of a referral from the Zoning Administrator) may grant one extension for up to
- one year, in accordance with SMC 10.50.140 (Extension of approved permits).
- 30 L. Modification. A Design Review Permit may not be modified unless the underlying Cer-
- 31 <u>tificate of Appropriateness is modified by the Historical Landmarks Board pursuant to</u>
- 32 XXX (ADD FINAL PROCESS HERE).

33 10.54.070 Additional submittals required.

- 34 Prior to making a final decision, the Community Development Department, Zoning Administra-
- 35 tor, Historical Landmarks Board and/or Planning Commission may require the applicant to pro-
- 36 vide any other data deemed useful or necessary for permit approval. Such requirements may in-
- 37 clude, but not be limited to:

- 1 A. Models;
- 2 B. Photomontages;
- 3 C. Computer-generated imaging; and/or
- 4 D. Reports by expert consultants to address potential issues of concern, such as noise, odor, glare, sunlight, drainage, and traffic.

6 **10.54.080 Referral.**

- 7 Prior to making a final decision, the Community Development Department, Zoning Administra-
- 8 tor, Historical Landmarks Board and/or Planning Commission may refer any design review appli-
- 9 cation for reports and recommendations from the Fire Chief, City Engineer, Building Inspector,
- Health Officer or any other officer of the City or County regarding matters in their fields of com-
- petence or under their jurisdiction and which would be affected by the proposed development.

2	•	y Chapter 10.80, Zoning Ordinance Administration, Section 10.80.060, Historical Land-Board, as follows:
3	10.80	.060 Historical Landmarks Board.
4 5 6	A.	Appointments and Responsibilities. The Historical Landmarks Board (HLB) is hereby established for the City of Sausalito and shall be appointed and serve in accordance with Chapter 2.58 SMC.
7 8 9	В.	Actions. Action to approve any application by the Historical Landmarks Board shall be by a majority vote of the members present and voting. A tie vote, which is not followed by a continuation of the matter for further consideration, shall have the same effect as a denial.
10 11	C.	Duties. The Historical Landmarks Board shall have the following duties: as detailed in Chapter 2.58 SMC.
12 13 14 15		1. Make recommendations to the Planning Commission regarding designation of historic districts and listing properties on the local register, consistent with SMC 10.28.040(F) (Procedures for Historic District Designation) and 10.46.050 (Procedures for listing a site or structure on local register).
16 17 18 19		2. Hear and consider permit applications for construction, alteration, demolition and remedial work on sites listed on the local register or located in the historic overlay district, as provided by SMC 10.46.060 (Procedures for demolition, addition, or modifications).
20 21		3. Make recommendations to the Planning Commission regarding policies related to historic preservation.
22 23 24		4. Suspend action on a permit application to preserve historic structures or other features proposed for demolition or other alterations, consistent with SMC Title 8 (Buildings and Construction).
25 26 27 28 29		5. Advise property owners on proposed work on any structure listed on the local register or on a site located in the historic overlay district, when a permit is otherwise not required and the property owner requests advice. Work may include but not be limited to exterior painting, roofing, fencing, landscaping, glazing (window tinting), and installation of exterior lighting fixtures.
30 31 32 33		6. Review design review permit applications with the Planning Commission for projects listed on the local register, or located in the historic overlay district, and approve, approve with conditions or deny the permit applications, as provided by Chapters 10.28 (Overlay Districts), 10.46 (Historic Overlay District and Local

Register), and 10.54 SMC (Design Review Procedures).

1	/.	Review and approve, approve with conditions or deny design review permit ap
2		plications for exterior renovation, restoration, reconstruction or replacement of a
3		single family ark dwelling, pursuant to SMC 10.44.130 (Arks).
4	8.	Make recommendations to the Planning Commission for projects requesting oth
5		er discretionary permits for properties located in the historic overlay district or
6		listed on the local register.
7	9.	Consult with recognized historic preservation organizations and/or obtain profes
8		sional advice, as deemed appropriate or necessary.
9	10.	Make recommendations to the Planning Commission regarding the environmen
10		tal review of sites or structures that are in the historic overlay district or that are
11		listed on the local register, consistent with Chapter 10.46 SMC (Historic Overlay
12		District and Local Register).
13	11. 	Provide information to staff and the Planning Commission regarding the historic
14		significance of sites or structures over 50 years old deemed potentially historically
15		or archaeologically significant by Community Development Department staff, for
16		purposes of environmental review.
17	12.	Review and adopt sign guidelines and design review guidelines or standards for
18		the historic overlay district.

1 Modify Chapter 10.82, Public Notice and Hearings, Sections 10.82.020 (Public Notice), and 2 10.82.070 (Transcript of Hearing), as follows:

10.82.020 Public notice.

- 4 A. Public Hearing. Notice of a public hearing before the Zoning Administrator, <u>Historical Landmarks Board</u>, Planning Commission or City Council shall be given in accordance with law and as follows:
 - 1. Content. In addition to any other information required by law, notice of a public hearing shall include, but not be limited to: The date, time and place of the hearing; the name of the hearing body; a general explanation of the matter to be considered; and a description of the location of the real property that is the subject of the hearing. If a proposed negative declaration, a final environmental impact report, or any other appropriate environmental document has been prepared for the project pursuant to SMC Title 11 (Environmental Protection) and the California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the hearing body will also consider approval/certification of such document(s).
 - 2. Method of Notice Distribution Title Adoption or Amendment Not Affecting Uses. Notice of a public hearing required by this title for the adoption of the Zoning Ordinance or amendments to the Zoning Ordinance which do not affect the uses of real property shall be published in at least one newspaper of general circulation in the City at least 10 days before the hearing, as required by California Government Code Sections 65090 and 65091.
 - 3. Method of Notice Distribution Title Adoption or Amendment Affecting Uses. Notice of a public hearing required by this title for the adoption of the Zoning Ordinance or amendments to the Zoning Ordinance which affect the uses of real property shall be given as follows, as required by California Government Code Sections 65090 and 65091:
 - a. Notice shall be mailed or delivered at least 10 days before the hearing to the following:
 - i. The applicant, and the subject property owner(s) or the owner's agent, by certified or registered mail.
 - ii. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, and whose ability to provide such facilities and services may be significantly affected.
 - iii. Any person who has filed a written request for notice with the Community Development Director and has paid the fee set by

1 2			the most current Community Development Department fee schedule for such notice.
3 4 5 6 7 8 9		iv.	All owners of real property as shown on the latest equalized assessment roll all occupants within 300 feet of the subject property. The Community Development Director may choose alternate notice procedure when the number of property owners to be noticed exceeds 1,000. Such alternate notice shall be a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Sausalito at least 10 days prior to the public hearing.
11 12 13 14		City the City	ner published in at least one newspaper of general circulation in the y at least 10 days before the hearing or posted at least 10 days prior to hearing in at least three public places within the boundaries of the y, including one public place in the area directly affected by the produing.
16 17 18	4.		Notice Distribution – Other Matters. Notice of a public hearing renis title for discretionary permit, permit modification, or appeal shall be ows:
19 20			tice shall be mailed or delivered at least 10 days before the hearing to following:
21 22		i.	The applicant, and the subject property owner(s) or the owner's agent, by certified or registered mail.
23 24 25 26		ii.	Each local agency expected to provide water, sewage, streets roads, schools, or other essential facilities or services to the project, and whose ability to provide such facilities and services may be significantly affected.
27 28 29 30		iii.	Any person who has filed a written request for notice with the Community Development Director and has paid the fee set by the most current Community Development Department fee schedule for such notice.
31 32 33		iv.	All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property.
34 35 36 37 38		City the City	ner published in at least one newspaper of general circulation in the y at least 10 days before the hearing or posted at least 10 days prior to hearing in at least three public places within the boundaries of the y, including one public place in the area directly affected by the produing.

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- B. Public Notice Administrative Design Review, Administrative Certificate of Appropriateness and Changes to an Approved Project. Notice of a pending administrative decision on a design review or changes to an approved project application shall be given as follows:
- Content. Notice that an administrative design review or changes to an approved project decision is pending shall include: a description of the location of the real property that is the subject of the application; a general explanation of the matter to be considered; an invitation to review plans and provide comments and suggestions; and the date that the decision will be rendered.
- 9 2. Method of Notice Distribution. Notice shall be mailed at least 10 days prior to a final administrative decision to the following:
 - a. The applicant and the subject property owner(s) or the owner's agent.
 - b. All owners of real property as shown on the latest equalized assessment roll and all occupants within 300 feet of the subject property.
 - 3. Administrative Certificate of Appropriateness. In addition to the notice requirements described above, notice that an Administrative Certificate of Appropriateness is pending approval shall be sent to the members of the Historical Landmarks Board and any individuals or organizations who request notice.
- View Determinations. For projects subject to a determination regarding view impairment consistent with SMC 10.54.050(B) (Applicability) (including but not limited to decks, balconies and chimneys), applicant shall submit an affidavit indicating adjacent neighbors (property owners and tenants, as applicable), including those located across a public street or right-of-way, have been notified of the proposal and related application within 10 days of the determination.
- D. Additional Notice. The Community Development Director shall provide additional notice for City-sponsored projects requiring Planning Commission notice and hearing. The Community Development Director may provide any additional notice deemed necessary or appropriate. Such notice shall be in addition to that required by this section and may include additional content and may be distributed differently.
- 29 E. Notice of Decision. The Community Development Department shall prepare a written 30 notice of decision which shall include all findings and applicable conditions of approval. 31 Notice of decision shall be distributed to the owner, applicant and all persons who submitted written comment on the application.
- Failure to Notice. The failure to send notice by mail to any such property owner or occupant, where the address of such owner is not shown upon the latest equalized assessment roll of the County or the City's latest copy of Pacific Telephone "Reverse Telephone Directory" for this area, shall not invalidate any proceedings in connection with any action.

10.82.070 Transcript of hearing.

- 1 Any person interested in a proposed project, amendment, or appeal may, in advance of the hear-
- 2 ing, request the Secretary of the Planning Commission, Secretary of the Historical Landmarks
- 3 Board, or the Clerk of the City Council, as applicable, to provide for recording all testimony in a
- 4 stenographic report. Such request shall be in writing, and the person making the request shall agree
- 5 to pay all costs involved in the taking and preparation of the stenographic report. If two or more
- 6 persons request a stenographic report of the testimony, they shall share the cost equally. Such costs
- 7 shall be in addition to any other fees. Nothing in this section shall prevent any interested person
- 8 from employing a stenographic reporter of his/her own, if he/she so chooses.
- 9 All public hearing bodies shall provide for the recording of testimony in a stenographic report
- within the limits of funds available for such purposes.

- 1 Modify Chapter 10.84, Appeals, Sections 10.84.010, (Purpose and Authorization), 10.84.040
- 2 (Public Notice and Hearing), 10.84.050 (Notice of decision), 10.84.060 (Effect of Failure to Give
- Notice), and 10.84.070 (Effective Date of Appealed Action) as follows:
- 4 10.84.010 Purpose and authorization.
- 5 In the event that an applicant or others affected wish to contest an action made by the Community
- 6 Development Department, Community Development Director, Zoning Administrator, Historical
- 7 Landmarks Board or Planning Commission relevant to the administration of this title, they may
- 8 file an appeal as described below:
- 9 A. Administrative Decision. Any aggrieved party may appeal decisions made by the Commu-10 nity Development Department or Community Development Director to the Planning 11 Commission or Historical Landmarks Board, as applicable. Administrative decisions in-12 clude the following:
- 13 1. Determinations on the meaning or applicability of the provisions of this title, pur-14 suant to SMC 10.12.090 (Nature and interpretation of Zoning Ordinance).
- Determinations that an application or submittal information is incomplete, pursuant to SMC 10.50.060 (Initial review of applications) and California Government Code Section 65943.
- 18 3. Decisions on Zoning Permits or Administrative Design Review Permits. An administrative decision regarding a zoning permit shall be prominently posted on the project site by the applicant within 24 hours of the decision and shall remain posted for a period of 10 days.
- 4. Decisions on an Administrative Certificate of Appropriateness. An administrative decision regarding an Administrative Certificate of Appropriateness shall be prominently posted on the project site by the applicant within 24 hours of the decision and shall remain posted for a period of 10 days. An Administrative Certificate of Appropriateness shall be appealed to the Historical Landmarks Board.
- 27 B. Zoning Administrator Decision. Any aggrieved party may appeal decisions made by the Zoning Administrator to the Planning Commission.
- 29 C. Historical Landmarks Board Decision. Any aggrieved party may appeal decisions made by the Historical Landmarks Board to the City Council.
- D. Planning Commission Decision. Any aggrieved party may appeal decisions made by the Planning Commission to the City Council.
- While an appeal is pending, the establishment of the proposed structure or use shall be held in abeyance.

10.84.040 Public notice and hearing.

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- 2 A. Public Hearing Required. The Planning Commission, Historical Landmarks Board, or
- 3 City Council, as applicable, shall hold a public hearing on an appeal. At the hearing, the
- 4 appellate body shall review the record of the decision and hear testimony of the appellant,
- 5 the applicant, and any other interested party.
- 6 B. Notice. Notice of public hearings shall be given in the manner required for the decision being appealed.

8 10.84.050 Notice of decision.

- 9 Following public hearing, the appellate body shall affirm, modify or reverse the original decision.
- Written notice of the decision shall be mailed to the applicant and to the appellant. The City
- 11 Council may also remand any portion of the appeal to the Planning Commission or Historical
- 12 <u>Landmarks Board</u> for reconsideration.

13 10.84.060 Effect of failure to give notice.

- 14 No action, inaction or recommendation regarding any proposed development by the Planning
- 15 Commission, Historical Landmarks Board, or City Council shall be held void or invalid or be set
- aside by any court by reason of error or omission pertaining to the notices, including the failure to
- 17 give any notice required by this section, unless the Court after an examination of the entire case
- 18 shall be of the opinion that the error or omission complained of was prejudicial, and that by reason
- 19 of such error or omission the party complaining or appealing sustained and suffered substantial in-
- 20 jury, and that a different result would have been probable if such error or omission had not oc-
- 21 curred or existed. There shall be no presumption that error or omission is prejudicial or that injury
- 22 was done if error or omission is shown.

23 10.84.070 Effective date of appealed actions.

- A. A decision by the City Council regarding an appeal shall become final on the date action was taken by the City Council.
- B. A decision by the Planning Commission regarding an appeal shall become final 10 calendar days after the date of the decision, unless appealed to the City Council.
- 28 <u>C. A decision by the Historical Landmarks Board regarding an appeal shall become final 10</u> 29 calendar days after the date of the decision, unless appealed to the City Council.

SIGN AND ARKS

- 2 These two Chapters have been modified to include cross-references to Chapter 10.46 (Historic
- 3 Preservation of Landmark and Historic Districts) and ensure that a Certificate of Appropriateness is
- 4 required for any signs or work on an Ark property. No substantive modifications have been made
- 5 to sign provisions, requirements, or processes.

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- 7 Modify Chapter 10.42, Sign and Awning Regulations, Sections 10.42.070 (Sign Standards for Des-
- 8 ignated Properties), 10.42.080 (Administrative Sign Permits), and 10.42.090 (Sign Permits, Plan-
- 9 ning Commission Review), as follows:

10 **10.42.070** Sign standards for designated properties in the historic overlay district and for properties listed on the local register.

- A. Purpose. In addition to the general purposes of this chapter identified in SMC 10.42.010 (Purpose), the purposes of this section establishing regulations for signs on properties and sites that are designated individual landmarks or are located within a designated historic district, and subject to the provisions of Chapter 10.46 (Historic Preservation of Landmark and Historic Districts) in the historic overlay district and for structures and/or sites listed on the local register are as follows:
- 21 2. To reinforce the historic qualities of <u>buildings and districts of architectural and</u> 22 <u>cultural significance, including but not limited to downtown Sausalito;</u>
- 23 3. To assist property and business owners in understanding community signage expectations;
- 25 4. To encourage creativity within a controlled framework;
- 26 5. To promote economic vitality; and
- 27 <u>6. To ensure that the design of new signage is appropriate to the historic character-</u>
 28 <u>defining features of individual landmarks and properties located within historic districts; and</u>
- To provide a regulatory framework for the historic district sign design guidelines.
- 31 B. Applicability. This section applies to all buildings, sites and businesses located within a des32 ignated historic district or an individual landmark and subject to the provisions of Chapter
 33 10.46 (Historic Preservation of Landmark and Historic Districts) of the SMC the historic
 34 overlay district and/or listed on the local register. In addition, all signs in the applicable ar35 eas are subject to the other applicable sections of this chapter (Sign and Awning Regula-

1 tions) and the Sausalito Historic District Sign Design Guidelines, and any other design 2 guidelines and policies adopted by the Historical Landmarks Board. 3 C. Certificate of Appropriateness Required. Any work involving a sign shall obtain a Certificate of Appropriateness subject to review and approval by the Historical Landmarks Board 4 as provided in Chapter 10.46.060 (Property and Permit Requirement) of the SMC, prior 5 6 to the issuance of any building permits or approval of other planning entitlements. The Historical Landmarks Board, pursuant to Section 10.46.080(F) of the SMC delegates, may 7 8 delegate the review and approval of sign permits to the Community Development De-9 partment staff. 10 Historic District Guidelines. Any sign, awning, or signage program located within the historic district or proposed for a designated structure listed on the local register shall comply 11 12 with SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register), the historic district sign guidelines adopted by the City Coun-13 cil, and the design and performance standards identified in SMC 10.42.060 (Sign and 14 15 awning standards). Where there are differences between SMC 10.42.060 (Sign and awn-16 ing standards), this Section, SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register) and the historic district sign guidelines, the 17 18 most restrictive regulation shall apply. 19 Sign Types Permitted. The following sign types are permitted on properties and sites that 20 are designated individual landmarks or are located within a designated historic district in 21 the historic overlay district and on structures listed on the local register, as determined eli-22 gible by the Planning Commission: 23 1. Wall signs; 24 2. Projecting signs; 3. 25 Awning signs; 26 4. Window signs; 5. 27 Hanging signs; 28 6. Plaque signs; 29 7. Directory signs; 30 8. Address signs; 31 9. Menu signs;

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Temporary signs; and

Special signs.

1 2 3 4 5 6	<u>F</u> Đ.	Sign Types Strongly Discouraged. Signs are strongly discouraged which are considered incompatible with the historic overlay district, which adversely affect the health, safety and/or general welfare of the community, or which might create confusion to the public or to public safety officials responding to community emergencies. In addition, the following sign types are strongly discouraged in the historic overlay district and on structures listed on the local register:			
7		1.	Banner signs (see exception under subsection P of this section (Temporary Signs));		
8		2.	Neon signs;		
9		3.	Roof signs;		
10		4.	Interior illuminated signs;		
11		5.	Freestanding signs;		
12		6.	Electronic and readerboard signs;		
13		7.	A-frame signs;		
14		8.	Changeable letter signs;		
15		9.	Flashing, illuminated, phosphorescent signs;		
16 17		10.	Signs incorporating lights or movement as viewed from the public right-of-way or from any area open to the public;		
18		11.	Off-premises signs;		
19		12.	Floating signs; and		
20		13.	Signs containing glossy finish.		
21 22	<u>G</u> E.	Exempt Signs. The following signs will be allowed in the historic overlay district with a sign permit and shall not be included in the calculation of maximum sign area:			
23 24		1.	Interior signs not visible from any public right-of-way or from any area open to the public;		
25 26		2.	Interior signs located within 15 feet of business frontage and visible by the public that contain lettering of one inch or less;		
27 28		3.	Interior signs visible by the public and located more than 15 feet from the business frontage that contain lettering three inches or less;		
29		4.	Public information signs required by City, State or Federal laws;		

1 5. Nameplate signs on doors not exceeding two inches by 24 inches and administra-2 tively approved by the Community Development Director; and 3 6. One alarm sign not exceeding an aggregate of one square foot, indicating presence of alarm device and identifying representative to be contacted in case of alarm ac-4 5 tivation. 6 HF. General Regulations. The following standards shall apply to all sign types subject to the 7 provisions of this Section in the historic overlay district or on structures listed on the local 8 register: 9 1. Total number of signs shall be at discretion of the Planning Commission and His-10 torical Landmarks Board. 11 2. Commercial signage should be limited to 0.5 square feet of signage per lineal foot 12 of street frontage. Exceptions may be granted for narrow buildings. Store infor-13 mation under one inch in height (e.g., hours of operation) shall not be included in 14 size calculations. 15 3. Materials should be appropriate to historic nature of district and/or structure listed 16 on the local register and may include carved wood signs and individual cast or cut 17 metal letters. 18 4. All signs should be of high quality workmanship, with clean and finished edges 19 and materials. 20 5. Colors should be appropriate to the historic district or structure listed on the local 21 register and relative to the location, size and context of the structure, business or 22 site. 23 6. Lighting should be unobtrusive and controlled by dimmers. 24 7. Upper floor signage should be limited to six square feet. Upper floor signage may 25 include projecting signs at ground floor level entries, projecting signs at upper 26 floor window level, or lettering applied directly to upper floor windows. Upper 27 floor signage should be generally smaller than signage for ground floor tenants. 28 8. The use of historical sign precedents that are generally within the parameters of 29 these guidelines shall be encouraged where appropriate to the building and loca-30 tion. 31 9. Any sign shall be installed in a manner to minimize damage or degradation to his-32 toric buildings, consistent with the Secretary of the Interior Standards. 33 IG. Wall Signs. Wall signs, defined in SMC 10.42.030 (Sign definitions) are subject to the fol-34 lowing guidelines:

Signs should identify building or major tenant's name only.

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1 2		2.		gns should not be painted directly to wall surfaces unless the Historical arks Board finds they are of historic significance.
3 4		3.	_	hould consist of individual solid metal, wood, stone or glass letters, or nounted carved, routed or sandblasted wood plaques.
5 6		4.	_	e area (defined by SMC 10.42.030, Sign definitions) should not exceed 15 t of the business facade.
7		5.	Wall si	gns should be limited in size, as follows:
8			a.	Individual letter size: 12 inches. If all capital letters used: Eight inches.
9			b.	Total signage area: 40 percent of signable area.
10 11			С.	Length of signage: 75 percent of signable area width. For single tenant in multitenant building: Two-thirds of individual tenant storefront.
12			d.	Projection: Four inches maximum from face of wall surface.
13 14 15	J H .	be orio	ented to 1	s. Projecting signs are encouraged in the historic overlay district and should pedestrians on the sidewalk in front of the building. Projecting signs are ale following guidelines:
16		1.	Maxim	um projection from building face: 36 inches.
17		2.	Minim	um clearance between building face and sign: Six inches.
18 19		3.		um area: Six square feet. Irregular-shaped signs should fit within an imagictangle not exceeding nine square feet.
20 21		4.		ing brackets shall be reviewed for design, decorative nature, uniqueness and ring effects on business wall surfaces.
22 23		5.	-	and design of sign shall be reviewed and may include logos, irregular out- nd two- or three-dimensional icon signs.
24 25	<u>K</u> I.	Awnin	ng Signs.	Awning signs shall be reviewed for conformance to the following guide-
26		1.	Size of	awning signs should be limited, as follows:
27			a.	Letter height: Eight inches.
28			b.	Logo height (on sloping awning face): 12 inches.
29 30			С.	Logos and other design elements on sloped awning face: 10 percent of awning face.

1 2 3			d. 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 percent of the awning end panel area.
4 5 6		2.	Upper-level awning signs may be allowed at the discretion of the Historical Landmarks Board and the Planning Commission and should be limited to the business name or type.
7 8	<u>L</u> J.		ow Signs. Window signs shall meet the following guidelines, unless otherwise ap- d by the Historical Landmarks Board or Planning Commission :
9 10		1.	Copy should be limited to business name, address, hours of operation, emergency telephone numbers and business tenant logos.
11 12		2.	Area should not exceed 25 percent of any single window area or 10 percent of aggregate ground floor window area, whichever is less.
13		3.	Copy should be limited to eight inches in height.
14 15 16		4.	Store information copy under one inch in height and credit card logos under two inches in height are included in window coverage, but not maximum sign area allowed.
17		5.	Signs taped to windows or suspended independent of the glass are not allowed.
18 19 20	<u>M</u> K.	ings, b	ng Signs. Hanging signs are similar to projecting signs except they are below awn- alconies or beams and are generally smaller in size. Hanging signs are subject to the ing guidelines:
21		1.	Maximum size: Four square feet.
22		2.	Minimum clearance above pedestrian areas: Eight feet.
23		3.	Designed to be viewed closely by pedestrians.
24		4.	Located perpendicular to pedestrian movement.
25 26 27	<u>N</u> Ł.	entries	e Signs. Plaque signs are smaller wall signs attached to surfaces adjacent to shop front and generally limited to the business name or logo and designed for viewing by rians at close range. Plaque signs are subject to the following guidelines:
28		1.	Placed near tenant entries.
29		2.	Size limited to fit within an imaginary rectangle of three square feet.
30		3.	Limit projection to a maximum of three inches.

1 2 3		4.	Historic designation plaques are encouraged. Historic designation plaques are subject to review and approval by the Historical Landmarks Board but shall not be counted in calculation of maximum sign area.
4 5 6	<u>O</u> M.	withou	ory Signs. Tenant directory signs may be allowed for buildings with multiple tenants at direct public street frontage, including buildings with upper floors and buildings businesses in a courtyard. Directory signs are subject to the following guidelines:
7		1.	Oriented to pedestrians in immediate area.
8 9		2.	Sign copy may include building and project name, project logo, address, business tenant names, suite numbers or letters.
10 11		3.	Project name or logos should be limited to six inches in height. Other sign copy should be limited to two inches in height.
12 13	<u>P</u> N.		ss Signs. Address signs shall be prominently displayed from the street and limited to eet address number. Address signs are also subject to the following guidelines:
14		1.	Placement limited to doors, transoms, or wall surfaces adjacent to entries.
15 16		2.	Script letter strongly discouraged, except where appropriate based on demonstrated historic precedence.
17		3.	Individual numbers on glass surfaces on or above doorways encouraged.
18		4.	Numbers on glass in another color field discouraged.
19 20	Q O .		Signs. Menu signs are encouraged for all restaurants with sit-down dining but are cluded in calculation of maximum sign area. The following guidelines shall apply:
21		1.	Mounted on walls adjacent to restaurant entries.
22 23		2.	Sign boxes or plaques will be reviewed for materials, design features and nighttime lighting.
24 25 26	<u>R</u> ₽.	-	orary Signs. Temporary signs, as defined in SMC 10.42.030 (Sign definitions), must proved by the Community Development Director and are subject to the following ines:
27 28 29 30		1.	The Historical Landmarks Board and Planning Commission may approve the location, supporting brackets and general banner design of signs for changing events. The Community Development Director may approve subsequent or periodic changes.
31 32		2.	Temporary signs announcing retail sales will be reviewed for compatibility with the historic district and are subject to the following:

1			a.	Size: Three square feet.
2			b.	Letters: Six inches in height.
3 4			c.	Aggregate area of all temporary signs on a business tenant frontage: 10 percent of display window area.
5			d.	Illuminated, luminescent and fluorescent signs strongly discouraged.
6 7 8		3.	repair	orary real estate sale or lease information and construction, alteration and signs shall be reviewed for compatibility with the <u>individual landmark</u> historic overlay district and are subject to the following:
9			a.	Size: Three square feet.
10			b.	Letters: Three inches in height.
11			С.	Aggregate area of temporary signs on business frontage: Six square feet.
12			d.	Illuminated, luminescent and fluorescent signs discouraged.
13 14		4.		umber and duration of temporary signs shall be at the discretion of the nunity Development Director, subject to the following:
15			a.	Duration: No greater than 30 days.
16			b.	Frequency: No more than four times per year.
17 18			с.	Period of at least 30 days between any of four display periods, unless waived by the Community Development Director.
19 20	<u>S</u> Q.	-	_	Creative signs that do not fit within another identified category may be alto the following guidelines:
21 22		1.		ble signs require Historical Landmarks Board and Planning Commission al prior to initial use.
23 24 25		2.	sider a	w by the Planning Commission and Historical Landmarks Board shall conppropriateness to and compatibility with the <u>individual landmark and/or</u> ric <u>d</u>District.
26 27		3.	_	signs shall only be approved if the Historical Landmarks Board and Planommission can make one or more of the following findings:
28			a.	Proposal contributes to the vitality of the historic district.
29 30			b.	Proposed sign provides a better visual building and signage relationship for a difficult building or location.

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- 1 c. Proposal maintains a size and character appropriate to the pedestrian scale of the historic district.
- 4. Special signs shall be creative and unique to the business, location, building architecture or neighborhood character.

10.42.080 Administrative sign permits.

- A. Applicability. <u>Certain The following</u> sign applications are subject to the applicable sign standards and may be administratively reviewed and approved by the Community Development Director, or her/his designee. <u>Administrative approval of signs on properties located within a historic district or on an individual landmark are subject to the provisions of Section 10.46.060 (Property and Permit Requirement) of the SMC.; provided, that such signs are not located within any historic district or upon any property or structure listed on the local register: The following sign applications are eligible for administrative approval:</u>
- 13 Text replacement of existing approved signs where a business has changed ownership or use; provided, that the size, color, and location of the sign do not change.
 - 2. In the CN, CR, CC, and CW districts, signs which do not exceed six square feet in area in the aggregate of permanent signs for a business and have no internal illumination.
- In the SC, W, and I districts, signs which do not exceed 20 square feet in area in the aggregate of permanent signs for a business and have no internal illumination.
- 20 B. Procedure and Required Information. An application for an administrative sign permit shall be filed in accordance with SMC 10.42.090(D) (Submittal Requirements).
- C. Findings and Determination. The Community Development Director, or her/his designee, shall determine whether the proposed sign is consistent with the standards (SMC 10.42.060, Sign and awning standards) and findings of approval (SMC 10.42.090(E)). A written determination shall be provided within 10 days after the initial submittal.
- D. Conditions of Approval. In addition to the conditions specified in SMC 10.50.100 (Recommended conditions of approval) the Community Development Director may impose additional conditions as necessary to assure compliance with the standards specified in SMC 10.42.060 (Sign and awning standards).
- 30 E. Appeal. Administrative sign permit decisions may be appealed to the Planning Commis-31 sion within 10 days of the decision date. Appeals must be submitted in writing and shall be 32 processed in accordance with Chapter 10.84 SMC (Appeals).
- F. Effective Date. Community Development Director, or her/his designee, decisions of approval or denial of administrative sign permit applications shall become final 10 days after date of decision, unless an appeal has been filed.

- 1 G. Referral. Upon the discretion of the Community Development Director, signs may be referred to the Planning Commission and, where appropriate, the Historical Landmarks Board. All other signs requiring a permit shall be reviewed by the Planning Commission and, where appropriate when required, the Historical Landmarks Board.
- 5 10.42.090 Sign permits (Planning Commission review).
- A building permit shall also be obtained for any sign if required by SMC Title 8 (Buildings and Construction).
- A. Applicability and Authority. All sign permit applications shall require Planning Commission review and approval, unless specified by SMC 10.42.080 (Administrative sign permits) or exempted by SMC 10.42.040 (Signs allowed without permits). Sign permit applications shall also require concurrent Historical Landmarks Board review and approval and shall be subject to historic district sign guidelines when the property is located in the historic overlay district or is listed on the local register.
- 14 В. Historic District Guidelines. Any sign, awning, or signage program located within the his-15 toric district or proposed for a designated structure or site listed on the local register shall comply with SMC 10.42.070 (Sign standards in the historic overlay district and for prop-16 17 erties listed on the local register), the historic district sign guidelines adopted by the City Council, and the design and performance standards identified in SMC 10.42.060 (Sign and 18 19 awning standards). Where there are differences between SMC 10.42.060 (Sign and awn-20 ing standards), SMC 10.42.070 (Sign standards in the historic overlay district and for prop-21 erties listed on the local register) and the historic district sign guidelines, the most restric-22 tive regulation shall apply.
- 23 C. Public Notice. Sign permit applications that are processed concurrently with another de-24 velopment application requiring Planning Commission public hearing, review and ap-25 proval shall be noticed consistent with Chapter 10.82 SMC (Public Notice and Hearings). 26 Applicant shall post notice of application on subject property for all other sign permit ap-27 plications. Notice shall indicate date application was made, describe the application (in-28 cluding the proposed sign) and be posted at eye level at the subject property.
- D. Submittal Requirements. Applications shall include all information required under SMC 10.50.030 (Application procedure). In addition, applications for Planning Commission sign permits and administrative sign permits shall be accompanied by information specified by administrative guidelines. The administrative guidelines shall be a detailed list of submittal requirements to include, but not be limited to, the following:
- 1. Planning Commission sign permit or administrative sign permit application form;
- 35 2. Applicable fee, as established by resolution of the City Council;
- 36 3. Site plan;
- 37 4. Exterior elevations;

1		5.	Photographs of the existing building, site, and signs; and
2		6.	Sign and/or awning specifications:
3			a. Dimensions;
4			b. Plan view;
5			c. Elevation view;
6			d. Colors;
7			e. Letter size;
8			f. Typeface;
9			g. Illumination details;
10			h. Clearances from sidewalk and curb face;
11			i. Material samples; and
12			j. Support and bracket details.
13 14	E.	Finding can be	gs of Approval. Sign permit applications may be approved if the following findings made:
15		1.	The proposed sign complies with all applicable provisions of this title.
16		2.	The proposed sign is consistent with the applicable sign standards.
17 18		3.	The proposed sign will not adversely impact the public health, safety, or general welfare.
19 20		4.	The proposed color, design, material, and location of the proposed sign are compatible with the architectural design of the building.
21 22		5.	If the property is located within or near a residential area, the sign is harmonious with the character of the residential neighborhood.
23 24		6.	The proposed sign is restrained in character and is no larger than necessary for adequate identification.
25 26		7.	The proposed sign is consistent with the highest graphic standards and composed of durable and appropriate materials.

- 1 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.
- 9. If the proposed sign is oriented toward a residential zoning district and is within 50 feet of the 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.

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- 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.
- 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 Historical Landmarks Board and complies with the historic district sign guidelines and SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register).
- F. Conditions of Approval. In addition to the conditions specified in SMC 10.50.100 (Recommended conditions of approval), the Planning Commission may impose additional conditions as necessary to assure compliance with the standards specified in SMC 10.42.060 (Sign and awning standards).
- 20 G. Resolution and Notice of Decision. The Planning Commission decision shall be in the form of a written resolution and shall include all findings and conditions of approval.
- 22 H. Appeal. All decisions of the Planning Commission, with respect to sign permits, may be appealed to the City Council within 10 days of the Planning Commission decision. Appeals shall be filed and processed in accordance with Chapter 10.84 SMC (Appeals).
- 25 I. Effective Date. Sign permits shall become effective at the end of the appeal period, provided no appeal has been submitted.
- 27 J. Expiration of Permit. Sign permits shall expire one year following the effective date of the permit, provided no extension has been filed prior to the expiration date.
- 29 K. Extension. The applicant may request one extension of a sign permit prior to the expira-30 tion of the permit, for up to one additional year, in accordance with SMC 10.50.140 (Ex-31 tension of approved permits).

1 Modify Chapter 10.44, Specific Use Requirements, Section 10.44.130 (Arks) as follows:

2 10.44.130 Arks.

- A. Purpose and Applicability. In addition to the general purposes of this chapter, Arks have been identified as having architectural and historical significance to the City and have been designated as requiring additional protections and consideration. Tehe specific purposes of this section regulating arks are as follows:
- 7 1. To promote and encourage the maintenance, restoration and preservation of the City's single-family ark dwellings and ark dwelling groups as they existed at the time of adoption of this title;
- 10 2. To provide an environment compatible with surrounding marine and commercial districts;
 - 3. To maintain the ark's existing appearance and characteristics; and
- 13 4. To provide requirements for any future work on the arks.
- 14 B. Sewer. Each single-family ark dwelling shall be provided with a City-approved sewer connection.
- 16 C. <u>Certificate of Appropriateness Required Historical Landmarks Board Review.</u> Any exteri17 or renovation, restoration, reconstruction or replacement of a single-family ark dwelling
 18 shall <u>obtain a Certificate of Appropriateness be</u> subject to review and approval by the His19 torical Landmarks Board as provided in SMC <u>Chapter 10.46 (Historic Preservation of Landmark and Historic Districts)</u> 10.80.060 (Historical Landmarks Board), prior to the
 20 issuance of any permits or approval of other planning entitlements.
- D. Reconstruction or Replacement. Reconstruction or replacement of any single-family ark dwelling that cannot feasibly be repaired may be permitted with a Certificate of Appropriateness, provided the exterior design of the new construction is in character with the historic design of the ark which is being replaced. This section also applies to any alteration required by law, by order of the City of Sausalito, or other governmental agency having jurisdiction.
- 28 E. Parking. Notwithstanding the provisions of SMC 10.40.100 (Parking standards) et seq., no off-street parking spaces shall be required for an existing single-family ark dwelling.

HISTORIC PRESERVATION OF LANDMARKS AND HISTORIC DISTRICTS

- 3 The three Chapters included in this section relate to the creation and designation of landmarks and
- 4 historic districts. All regulations for historic preservation have been consolidated into one Chapter
- 5 (10.46). Chapter 8.44 (Preservation of Local Landmarks), located in Title 8 (Buildings and Con-
- 6 struction) of the SMC, is proposed to be deleted in its entirety. These requirements and regula-
- 7 tions have been located in various Titles and Chapters of the SMC.
- 8 Chapter 10.46 has been rewritten and organized to include all requirements and procedures for
- 9 buildings and areas that are formally designated as individual landmarks and historic districts by the
- 10 City Council. This Chapter outlines the purposes of historic preservation, designation require-
- 11 ments and processes, permit requirements, and preservation incentives. The designation proce-
- 12 dures and requirements follow those required by the State Historic Preservation Office, which
- 13 Sausalito must follow as a Certified Local Government (CLG).
- 14 A new permit type, a Certificate of Appropriateness, is required for all work to designated proper-
- 15 ties and in historic districts. These permits must be reviewed by the Historical Landmarks Board,
- 16 who has final approval authority. Projects with multiple entitlements, such as Design Review or a
- 17 Variance, will still require approval by the Planning Commission. Two options have been provid-
- 18 ed for the review and modification of a Certificate of Appropriateness. In addition, a preliminary
- 19 review process has been added so that the Historical Landmarks Board can review and comment
- 20 upon projects before they come before them for final approval. The findings for approval of a Cer-
- 21 tificate of Appropriateness have been strengthened, with specific findings for sign and demolition
- 22 permits.

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- 23 The preservation incentives have largely been unmodified, as the existing Ordinance already in-
- 24 cludes incentives such as reduced fees, modified uses, and reduced parking requirements. A clause
- 25 has been added for the Mills Act program, which may be utilized if the City Council authorizes
- 26 the program for the City.
- 27 Lastly, the Historic District Overlay regulations have been modified to correlate with Chapter
- 28 10.46.

- 30 Delete Chapter 8.44, Preservation of Historical Landmarks, in its entirety.
- 31 **Chapter 8.44**
- 32 PRESERVATION OF HISTORICAL LANDMARKS

- 1 Modify Chapter 10.28, Overlay Districts, Sections 10.28.020 (Applicability) and 10.28.040 (His-
- 2 toric), as follows:
- 3 **10.28.020** Applicability.
- 4 The requirements of this chapter (Overlay Districts) apply to proposed land uses in addition to all
- 5 applicable requirements of Chapters 10.20 through 10.26 SMC (base zoning district regulations),
- 6 Chapter 10.40 SMC (General Development Regulations), Chapter 10.44 SMC (Specific Use Re-
- 7 quirements), Chapter 10.46 (Historic Preservation of Landmarks and Historic Districts), and any
- 8 other applicable requirements of this title.

9 **10.28.040** Historic (-H).

- 10 A. Purpose and Intent. The City Council may designate an area containing a number of 11 structures having a special character or special historical, architectural, or aesthetic interest or value, and constituting a distinct section of the City, as a Historic District (-H). The 12 13 historic district designation shall have additional protections for the contributing structures and to ensure that physical alterations to properties within this overlay, including those to 14 15 noncontributors, are compatible with the character of the district, but shall not affect the underlying base zoning district regulations. The Historic District (-H) overlay shall have 16 17 the same purposes and procedures as outlined in Chapter 10.46 (Historic Preservation of Landmarks and Historic Districts). In addition to the general purposes of this chapter, the 18 specific purposes of the historic (H) overlay district include the following: 19
- 20 1. 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;
- 23 <u>2. To deter demolition, destruction, alteration, misuse or neglect of historic or architecturally significant buildings;</u>
- 25 3. To stimulate the economic health and quality of the community and stabilize and enhance the value of property;
- 27 4. To encourage development tailored to the character and significance of the histor-28 ic district through sign and design review standards;
- 5. To provide review of projects located in the historic overlay district by the Historical Landmarks Board;
- 51 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;
- 7. To preserve structures that are unique and irreplaceable assets to the City and its neighborhoods; and
- 35 8. To provide appropriate settings and environments for historic structures.

1 В. Zoning Map Indicator. The -H historic overlay district may be combined with any zoning 2 district. Each -H overlay district shall be shown on the zoning map by adding an "-H" 3 designator to the base district designation, followed by the number of the district based on 4 the order of adoption. C. 5 Applicability. All public and private lands within the boundaries of the historic overlay 6 district shall be subject to this chapter, Chapter 10.46 SMC (Historic Preservation of 7 Landmarks and Historic Districts Historic Overlay District and Local Register), any other 8 applicable provisions of this title, and applicable provisions of the Sausalito Municipal 9 Code. D. Land Use and Development Regulations. The land use and development regulations ap-10 11 plicable in an -H district shall be as prescribed for the base district with which it is com-12 bined unless modified by another overlay district. The requirements of any applicable de-13 sign and sign guidelines shall govern where conflicts arise. The requirements and standards 14 that apply to land uses and new development within the -H historic overlay district shall 15 be as provided by Chapters 10.20 through 10.26 SMC (base zoning district regulations) 16 for the applicable base zoning district, unless otherwise provided by a preservation agree-17 ment, pursuant to SMC 10.46.0720(F) (Written Agreement). Alternate uses may be al-18 lowed with a conditional use permit as provided by SMC 10.46.04090(D) (Additional Us-19 es) (Conditional uses) and 10.46.070(D) (Additional Uses). 20 E. Criteria for Establishing H Historic District. The historic overlay district may be applied to areas which are documented as historic districts. Portions of a base zoning district that 21 22 do not meet the criteria may be included in an historic overlay district if inclusion is found 23 to be essential to the integrity of the district. The following criteria shall be used to deter-24 mine application of the historic overlay district: 25 The area possesses character, interest, or value as part of the heritage of the City of 26 Sausalito; 27 The area is the location of a significant historical event; 28 The area is identified with a person or group that contributed significantly to the 29 culture and development of the City of Sausalito; 30 Structures within the area exemplify a particular architectural style or way of life 31 important to the City; 32 Structures within the area are the best remaining examples of an architectural style 33 in a neighborhood; 34 The area or its structures are identified as the work of a person or group whose 35 work has influenced the heritage of the City of Sausalito, the State or the United

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States;

1	/. 11	ie area is related to a designated historic building or district in such a way that
2	its	preservation is essential to the integrity of the building or district;
3	8. Tl	ne area's unique location or singular physical characteristics represent an estab-
4		ned and familiar visual feature of a neighborhood;
5	9. Tł	ne area has potential for yielding information of archaeological interest; and/or
6 7		ne area's integrity as a natural environment strongly contributes to the welling of the people of the City of Sausalito.
8 9	<u>District</u> (-	s for Historic District Designation. <u>The procedures for designation of a Historic H) overlay, including application requirements, criteria for designation, and application requirements.</u>
10 11	0 1	ocesses, are outlined in Chapter 10.46.060 (Landmark and Historic District Des- The following procedures shall be used for designating historic districts.
12 13 14	tia	oplication and Initiation. An H historic overlay district designation may be inited by the Historical Landmarks Board, Planning Commission or City Council. private interested party may also apply for designation of an historic overlay dis-
15	tri	et.
16 17		bmittal Requirements. To process an application for historic overlay district signation, the following information shall be submitted:
18 19	a.	Design Plan or Guidelines Required. The following shall be prepared and considered:
20 21 22 23		i. A map and description of the proposed district, including bound- aries; the age, setting, and character of structures; urban design el- ements and streetscapes; major public improvements; and pro- posed objectives to be achieved.
24 25		ii. A statement of the architectural or historical significance of the proposed district.
26 27 28		iii. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district.
29 30 31		iv. A set of specific design guidelines for new construction and alterations necessary to preserve the character of the proposed district.
32 33	b.	Property Owners' Consent. A form bearing the signatures of owners of 51 percent of the land area within the proposed district.

1		c. Additional Information. Any additional information requested or required
2		by the Community Development Director, including plans or materials
3		deemed necessary to support and process the application.
4		d. Environmental Review. Application of an historic overlay district shall be
5		subject to environmental review, pursuant to SMC Title 11 (Environ-
6		mental Protection) and the California Environmental Quality Act.
7	3.	Public Hearings. The Historical Landmarks Board and Planning Commission shall
8		make a recommendation to the City Council to rezone property with an H His-
9		toric overlay district following a public hearing. In addition to the information
10		prescribed by Chapter 10.82 SMC (Public Notice and Hearings), notice of a pub-
11		lic hearing for the establishment of an historic overlay district shall include a
12		statement that original petitioners have the right to withdraw their support of the
13		district at any time prior to the hearing, and that property owners that have not
14		signed the petition have the right to do so prior to the date of the hearing.
15	4.	Findings. The Historical Landmarks Board and Planning Commission may rec-
16		ommend approval of an historic overlay district if all of the following findings can
17		be made:
18		a. The area proposed for the historic overlay district is significant to local,
19		regional, State or national history.
20		b. The criteria identified in subsection E of this section (Criteria for Estab-
21		lishing H Historic District) have been considered and apply to the pro-
22		posed area.
23		c. Sites within the proposed area that are not individually historic are being
24		included because they are essential to the integrity of the district.
25		d. Designation of the proposed area as an historic overlay district has been
26		subject to environmental review and the appropriate findings have been
27		made.
28		e. Designation of the historic district will preserve historic character and in-
29		tegrity of proposed area.
30		f. Proposed district has a significant architectural or historical character that
31		can be preserved or enhanced through appropriate controls and incentives
32		on new development and alterations to existing buildings and landscaping.
33		g. Special criteria are appropriate and being applied in the form of design
34		guidelines, sign guidelines or a conservation plan.
35	5.	Historical Landmarks Board Hearing and Recommendation. A public hearing
36		shall be noticed and held by the Historical Landmarks Board, consistent with

Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public hearing shall be to receive testimony from persons interested in the proposed historic overlay district, to consider the recommendations of the Community Development Department, and to adopt a recommendation to the Planning Commission. The Historical Landmarks Board shall submit a written report conveying the Board's recommendation on the proposed amendment to the Planning Commission. The report shall provide reasons for the recommendation on the proposed amendment and address the consistency of the proposed amendment with relevant general plan and specific plan policies.

- 6. Planning Commission Hearing and Recommendation. A public hearing shall be noticed and held by the Planning Commission, consistent with Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public hearing shall be to receive testimony from persons interested in the proposed historic overlay district, to consider the recommendations of the Historical Landmarks Board and to adopt a recommendation to the City Council. The Community Development Department, on behalf of the Planning Commission, shall submit a written report conveying the Commission's recommendation on the proposed amendment to the City Council. The report shall provide reasons for the recommendations on the proposed amendment and address the consistency of the proposed amendment with relevant general plan and specific plan policies. The recommendation to the City Council shall be in the form of a resolution and shall include findings, as identified in subsection (F)(4) of this section (Findings) and reasonable conditions of approval.
- 7. City Council. A public hearing shall be noticed and held by the City Council, consistent with SMC 10.80.070 (Ordinance amendments and rezonings) and Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public hearing shall be to hear testimony regarding the proposed historic overlay district and consider the recommendations of the Historical Landmarks Board and the Planning Commission.
- 8. Ordinance. The City Council may approve, approve with conditions or deny a request to apply the H historic overlay district to an area. Approval of an H historic overlay district by the City Council shall be in the form of an ordinance. Any decision to deny an application for an historic overlay district shall be in the form of a resolution. Reasonable conditions of approval or special criteria may be imposed by the City Council for any designation of an historic overlay district, consistent with SMC 10.80.070 (Ordinance amendments and rezonings). Any conditions of approval or criteria applied by the City Council shall be subject to consideration and comment by the Historical Landmarks Board and Planning Commission.
- G. Certificate of Appropriateness Required. Any exterior renovation, restoration, reconstruction or replacement of a property within a designated Historic District (-H) overlay shall obtain a Certificate of Appropriateness subject to review and approval by the Historical Landmarks Board as provided in SMC Chapter 10.46.060 (Property and Permit Require-

ments), prior to the issuance of any building permits or approval of other planning entitlements. 1

- 1 Modify Chapter 10.46, Historic Overlay District and Local Register, as follows:
- 2 Chapter 10.46
- 3 HISTORIC PRESERVATION OF LANDMARKS AND HISTORIC DISTRICTS
- 4 HISTORIC OVERLAY DISTRICT AND LOCAL REGISTER
- 5 **10.46.010 Purpose.**
- 6 In addition to the general purposes established in SMC 10.10.030 (Title and purpose), the purpose
- 7 of this Chapter is to provide the ability to acknowledge, honor, and encourage the continued
- 8 maintenance and preservation of those select properties in the City that contribute to the City's
- 9 <u>cultural history</u>. Further, it is the purpose of this Chapter to promote the public health, safety, and
- 10 general welfare by providing for the identification, recognition, designation, protection, enhance-
- ment, perpetuation, and use of historic resources that reflect associations important in the City's
- 12 <u>history and to:</u> the specific purposes of this chapter establishing regulations for the historic overlay
- 13 district and properties listed on the local register are as follows:
- A. Safeguard the character and history of the City which is reflected in its unique architectural, historical, and cultural heritage. To provide uniform regulations for the historic overlay
- 16 district and sites and structures listed on the local register;
- B. Encourage preservation and adaptive reuse of landmarks and contributing properties in historic districts by allowing changes to historic properties to accommodate new functions, and not to "freeze" historic properties in time To preserve structures that are unique and
- 20 irreplaceable assets to the City and its neighborhoods;
- C. To deter demolition, alteration, misuse or neglect of historic or architecturally significant structures and sites;
- 23 D. Foster civic and neighborhood pride and a sense of identity based on the recognition of
- 24 the City's past accomplishments as reflected through its buildings, structures, objects, land-
- 25 <u>scaping, natural features, infrastructure, and engineering To provide flexible land use and</u>
- 26 development regulations to allow preservation of structures and sites;
- 27 E. Enhance property values, stabilize neighborhoods, and render City landmarks and con-
- 28 <u>tributing properties in historic districts eligible for financial benefits and incentives</u> To
- 29 provide a review process for alterations, modifications and additions to structures within
- 30 the historic overlay district and/or listed on the local register; and
- 31 F. Strengthen the City's economy by protecting and enhancing the City's attractions to resi-
- dents, tourists, visitors, and others, thereby serving as a stimulus and support to local busi-
- 33 ness and industry; and To provide a process for listing a site or structure on the local regis-
- 34 ter.

- 1 G. Identify financial and other incentives that are intended to encourage owners to designate,
 2 maintain, reuse, rehabilitate, and improve landmarks and contributing properties in historic districts.
- 4 10.46.020 Applicability.
- 5 The requirements of this chapter apply to properties and areas that are proposed for designation as
- 6 individual landmarks and/or historic districts, and those that are formally designated as an individu-
- 7 al landmark or are located within a designated historic district, as adopted by the City Council.
- 8 proposed land uses and physical alterations to structures located within the historic overlay district
- 9 and for all sites and structures listed on the local register. In addition, the requirements of this Title
- 10 10, Zoning, and associated regulations and guidelines shall apply. Chapters 10.20 through 10.28
- 11 (Zoning Districts Regulations), 10.40 (General Development Regulations), 10.42 (Sign and Awn-
- 12 ing Regulations), 10.44 (Specific Use Requirements) SMC and any other applicable requirements
- 13 of this title shall apply.
- 14 10.46.030 Conflicts between provisions.
- 15 In the event of any conflict between this chapter and other chapters of this title, the more restric-
- tive regulations shall apply.
- 17 10.46.040 Establishment of Local Register and Local Inventory of Historic Resources.
- 18 Conditional uses.
- A. Establishment of a Local Register of Historic Properties. A Local Register of designated
 landmarks and properties within historic districts is hereby created. The purpose of the
 Local Register is to provide a means to preserve, protect, and enhance the most significant
 historic resources within the City. Properties listed on the Local Register may be identified on site with an exterior marker or plaque displaying pertinent information about the
 resource. A record of properties on the Local Register shall be kept by the City, and shall
 be provided to the regional information center of the State Office of Historic Preservation
- 26 and other agencies as required.
- 27 B. Establishment of a Local Historic Resources Inventory. The Historical Landmarks Board,
- 28 <u>acting with the administrative support of the Director or their designee, shall maintain a</u>
- 29 <u>Local Inventory of individually eligible historic resources and all properties within areas</u> 30 <u>identified to be eligible historic districts within the City as such is defined and provided</u>
- for in the CEQA Guidelines Section 15064.5(a)(2), and shall periodically review, amend,
- and update the Local Inventory. Resources listed on the Local Inventory, or individually
- 33 assessed and identified as potentially eligible, are eligible for nomination to the City's Local
- 34 Register of Historic Properties.
- 35 Notwithstanding SMC 10.46.030 (Conflicts between provisions), alternate uses may be allowed
- 36 for structures and/or sites within the historic overlay district and/or listed on the local register with
- 37 a conditional use permit provided the following findings can be made:

1 2	A.—	Exception to land use regulations is necessary to permit the preservation or restoration of an historic or architecturally significant structure or site;
3	В.	Proposed use of historic or architecturally significant structure or site will require minimal
4 5 6	C.	alterations to structure; Alterations will be consistent with the Secretary of the Interior's Standards for Rehabilitation;
7 8	D.	A preservation agreement has been prepared and recorded specifying the uses allowed on subject property and preserving property from demolition;
9 10	<u>E.</u>	The Historical Landmarks Board has considered the proposed use and recommends approval; and
11 12	F	A public hearing has been noticed and held in accordance with Chapters 10.60 (Conditional Use Permits) and 10.82 (Public Notice and Hearings) SMC.
13 14		050 <u>Landmark and Historic District Designation</u> Procedures for listing a site or ure on local register.
15 16 17	<u>A.</u>	The Historical Landmarks Board shall have the authority to recommend approval, disapproval, or modification of landmark designation and historic district designations under this Title to the City Council.
18 19	В.	Initiation. Initiation of designation of a landmark site or historic district shall be made by one of the following methods:
20		1. City Council or Historical Landmarks Board; or
21 22 23 24		2. Property Owner(s) or Member of the Public. A property owner(s) or a member of the public may initiate designation of a landmark or historic district. If a historic district is proposed, the owners of more than fifty percent of property in the proposed district must demonstrate support for the application.
25 26 27	<u>C.</u>	Notification to Property Owner(s). Within 10 days of initiation of a landmark or historic district, the owner(s), designated agent or agents, and tenants of the subject property(ies), shall be notified consistent with Chapter 10.82 (Public Notice and Hearings).
28 29 30	<u>D.</u>	Application Requirements. Applications for the designation of a landmark or historic district shall be filed with the Community Development Department and include the following:
31 32		1. A statement of architectural, historical, or cultural significance of the building or district describing the character-defining features that should be preserved;
33 34		2. A map showing the location of the individual structure or the area proposed as a district;

1		3. Photographic document of the building(s) and area;
2 3		4. For proposed historic districts, a District Preservation Plan that contains the following:
4 5		1. A narrative description of the proposed district including the age, setting, urban design elements and streetscapes, major public improvements:
6		2. Proposed objectives to be achieved by designation;
7 8		3. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the district; and
9 10		4. Proposed rules and regulations for the review of new construction, alterations, and improvements.
11 12 13		3. Any additional information requested or required by the Historical Landmarks Board, including plans or materials deemed necessary to support and process the application;
14 15		4. Applicants may alternatively submit State Department of Parks and Recreation historic resources inventory form.
16 17 18 19 20	<u>E.</u>	Interim Protection Measures. Upon initiation, no permits shall be issued without prior approval by the Historical Landmarks Board. Pending permit applications may be processed, but no final action shall be taken until after the conclusion of the designation process. Permits may be issued to mitigate an immediate threat to the public health, safety, and welfare.
21 22 23 24 25	<u>F.</u>	Historical Landmarks Board Hearing. The Historical Landmarks Board shall consider the proposed designation at a noticed public hearing and shall recommend approval, in whole or in part, or disapprove the application for the designation of the individual property or historic district. The decision shall be in writing and state the findings of fact and reasons relied upon to reach the decision and forwarded to the City Council.
26 27 28 29 30 31	<u>G.</u>	Hearing and Decision by City Council. The City Council shall consider the proposed designation after receiving the Historical Landmark Board's recommendation and, where applicable, the Planning Commission's comments. The City Council, by written resolution may approve, disapprove, or give modified approval for the designation of a nominated property or district. The City Clerk shall then notify the owner(s) of the property or the owners of property in the district of the City Council's action.
32 33 34	<u>H.</u>	Recordation of Decision. A certified copy of the City Council decision shall be recorded in the office of the County Recorder by the City Clerk immediately following its effective date.
35 36		1. Historic District (-H) Overlay Designation. A designated historic district will be identified on the official man with a "-H" followed by the number of the district

1		based on the order of adoption. Additional land use regulations applying to "-H"
2		districts are outlined in Chapter 10.28.040 (Overlay Districts, Historic).
3 4 5 6 7 8 9	<u>I.</u>	Disapproval of Proposed Designation. Whenever an application for designation of a landmark or historic district has been rejected by the City Council, no application that contains the same or substantially the same information as the one disapproved shall be resubmitted within a period of three years from the date of the final action on the prior application. However, if significant new information is made available and provided by and at the expense of the owner(s), the Director may waive the time limit and permit a new application to be filed.
10 11 12 13 14	<u>J.</u>	Effect of Designation. Upon designation the provisions of this Chapter shall apply to the designated property, historic district, and properties within the historic district. Any removal or demolition, exterior construction, alteration or remodeling, or landscaping of the property, or of contributing properties within historic districts, are subject to the provisions of this Chapter.
15 16 17	<u>K.</u>	Amendment or Rescission of Landmark or Historic District Designation. Once a landmark or historic district designation is made, it shall not be repealed by the City Council unless it is determined at any time that:
18 19 20		1. The landmark or historic district no longer meets the criteria for designation due to damage caused by natural disaster (e.g., flood, earthquake, etc.) or reasons otherwise outside of the control of the owner.
21 22 23		 Changes of use, differences of opinion of subsequent City Councils, desires of property owners, or financial considerations are not sufficient reasons to repeal a designation.
24 25		3. If the determination of landmark or historic district status is repealed, the City's Register of historic properties shall be updated accordingly.
26 27		dual structures, structures and sites with historic or architectural significance may be listed on al register, in accordance with the following procedures:
28 29 30	A	Initiation and Application. The Historical Landmarks Board, Planning Commission or City Council may initiate listing a site or structure on the local register. A private interested party may also request listing a site or structure on the local register.
31 32	B	Submittal Requirements. The following information shall be submitted with any private-party application to list a site or structure on the local register:
33 34		1. A map showing the location of the structure and plans or photographs of the structure's exterior;

1		2. A statement of the architectural or historical significance of the site or structure
2		proposed for listing on the local register and description of the particular features
3		that should be preserved; and
4		3. Any additional information requested or required by the Community Develop-
5		ment Director, including plans or materials deemed necessary to support and pro-
6		cess the application.
7		Applicants may alternatively submit State Department of Parks and Recreation
8		historic resources inventory form.
9	C.	Listing Sites or Structures on the Local Register. Individual structures may be listed on the
10		local register if all of the findings in subsection F of this section (Findings) can be made. A
11		structure or site listed on the local register shall be subject to the same review procedures,
12		and eligible for the same preservation incentives, as structures within the historic overlay
13		district.
14	D.	Public Hearings. The Historical Landmarks Board and Planning Commission shall make a
15		recommendation to the City Council to list a property on the local register following a
16		public hearing.
17	E.	Historical Landmarks Board Hearing and Recommendation. A public hearing shall be
18		noticed and held by the Historical Landmarks Board, consistent with Chapter 10.82 SMC
19		(Public Notice and Hearings). The purpose of the public hearing shall be to receive testi-
20		mony from persons interested in listing the structure or site on the local register, and to
21		adopt a recommendation to the Planning Commission. The Historical Landmarks Board
22		shall submit a written report conveying the Board's recommendation on the proposed
23		amendment to the Planning Commission. The report shall provide reasons for the rec-
24		ommendation to place the structure or site on the local register and address its consistency
25		with relevant general plan and specific plan policies.
26	<u>F </u>	Findings. The Historical Landmarks Board and Planning Commission may recommend,
27		and the City Council may approve, listing a structure or site on the local register if all of
28		the following findings can be made:
29		1. The structure or site proposed for the local register is significant to local, regional,
30		State or national history.
31		2. Listing the proposed structure or site on the local register has been subject to en-
32		vironmental review and the appropriate findings have been made.
33		3. Listing the proposed structure or site on the local register will preserve the historic
34		character or integrity of the structure or site.
35		4. Structure or site proposed to be listed on local register has a significant architec-
36		tural or historical character that can be preserved or enhanced through appropriate

1 controls and incentives on new development and alterations to existing structures 2 and landscaping. 3 Planning Commission Hearing and Recommendation. A public hearing shall be noticed and held by the Planning Commission, consistent with Chapter 10.82 SMC (Public No-4 5 tice and Hearings). The purpose of the public hearing shall be to receive testimony from 6 persons interested in listing the proposed structure or site on the local register, to consider 7 the recommendations of the Historical Landmarks Board and to adopt a recommendation 8 to the City Council. The Community Development Department, on behalf of the Plan-9 ning Commission, shall submit a written report conveying the Commission's recommen-10 dation on listing the proposed structure or site on the local register to the City Council. The report shall address the Historical Landmarks Board's recommendation, provide rea-11 12 sons for the Planning Commission's recommendations on listing the structure or site on 13 the local register, and address its consistency with relevant general plan and specific plan 14 policies. The recommendation to the City Council shall be in the form of a resolution and 15 shall include findings, as identified in subsection F of this section (Findings), and reasona-16 ble conditions of approval, including any special criteria that shall apply to the structure or 17 site. 18 City Council. A public hearing shall be noticed and held by the City Council, consistent 19 with Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public hear-20 ing shall be to hear testimony regarding listing the proposed structure or site on the local register and consider the recommendations of the Historical Landmarks Board and the 21 22 Planning Commission. 23 Resolution. The City Council may approve, approve with conditions or deny a request to 24 list a structure or site on the local register. Any decision shall be in the form of a resolution and shall include findings. The City Council may also specify special design or other crite-25 26 ria to be applied to listing the structure or site on the local register. Any application of 27 conditions or criteria shall be subject to review and comment by the Historical Landmarks 28 Board and Planning Commission. 29 10.46.060 Property and Permit Requirements-Procedures for demolition, addition or 30 modifications. 31 Minimum Maintenance Requirements. Every owner in possession or control of a landmark property or a property in a historic district shall maintain and keep the property in 32 33 good repair. In the case that a property constitutes a public nuisance or is subject to van-34 dalism, the City may enforce to prevent further vandalism or public nuisance pursuant to 35 Chapter 12.20 (Nuisance Abatement) of SMC. 36 Certificate of Appropriateness Required. No person, owner, or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove, or change the exterior appear-37 38 ance of a designated landmark or to a property within a designated historic district without 39 first having applied for and been granted a Certificate of Appropriateness unless the work 40 proposed is exempt as follows:

1 2		1.	Interior Alterations. Interior alterations on a privately-owned structure or on a publicly-owned structure may be approved unless it has been included as part of
3			the designation. If any proposed interior alteration(s) would result in any visual or
4			material impact to the exterior of the subject building, a Certificate of Appropri-
5			ateness shall be required.
6		2.	Ordinary Maintenance and Repair. Ordinary maintenance and repairs may be ap-
7			proved. For the purposes of this Chapter, 'ordinary maintenance and repairs' shall
8			mean regular, customary, or usual care of an existing building, structure, object,
9			or site, for the purposes of preserving said property and maintaining it in a safe
10			and sanitary condition and does not involve a change of design, material, or ap-
11			pearance of the property.
12		3.	Dangerous and Immediately Dangerous Properties. Unsafe or dangerous condi-
13			tions that present an imminent threat to the public of bodily harm or of damage
14			to adjacent property may be approved. The Building Official shall notify the Di-
15			rector in writing that the proposed action is necessary in order to mitigate the un-
16			safe or dangerous condition.
17 18	<u>C</u> .	Applica	ation Requirements. An application for a Certificate of Appropriateness shall con-
19 20		1.	Plans and specifications showing the existing and proposed exterior appearance, including detailed drawings;
21		2.	Details on materials to be used, where applicable;
22		3.	Photographs showing the property; and
23		4.	Any additional material required by the Historical Landmarks Board.
24	<u>D.</u>	-	le Planning Approvals. For projects that require multiple planning approvals, in-
25		_	g but not limited to Zoning Permit, Minor Use Permit, Conditional Use Permit,
26		_	Review, and Variances, the Historical Landmarks Board shall review and act on
27		any Ce	ertificate of Appropriateness before any other planning approval action. Where
28		there as	re multiple planning approvals, the
29	OPTIO	ON #1:	
30		Plannin	ng Commission may modify any decision on a Certificate of Appropriateness by
31		majorit	by vote, provided that the Planning Commission shall apply all applicable historic
32		resourc	es provisions of Section 10.47.080(K) of this Chapter, and make a finding that the
33			meets relevant General Plan and Planning Code policies, in addition to all applica-
34			coric preservation provisions.
35	OPTIO	ON #2:	

1 2 3 4 5 6		The Historical Landmark Board's action on a Certificate of Appropriateness is final and cannot be modified by the Planning Commission. The Planning Commission may, through a majority vote of the members, refer the Certificate of Appropriateness back to the Historical Landmarks Board for reconsideration. The Historical Landmarks Board shall conduct a hearing to review the Planning Commission's request and shall vote to modify or approve the project as originally approved.
7 8	<u>E.</u>	Review Procedures. Certificates of Appropriateness applications must be reviewed and approved by the Historical Landmarks Board at a noticed public hearing.
9 10 11 12 13 14		1. Administrative Certificates of Appropriateness. The Historical Landmarks Board may define certain categories of work as Minor Alterations and delegate approval of an Administrative Certificate of Appropriateness for such alterations to Community Development Department staff. If the Historical Landmarks Board delegates minor scopes of work to the Department, an Administrative Certificate of Appropriateness may be approved without a hearing before the Historical Landmarks Board.
16 17 18 19		a. The Department shall provide notice of its decision on an Administrative Certificate of Appropriateness to the members of the Historical Landmarks Board, the applicant, and to any individuals or organizations who so request.
20 21 22 23 24 25		b. Any Departmental decision on an Administrative Certificate of Appropriateness may be appealed to the Historical Landmarks Board within 10 days of the date of the written decision. The Historical Landmarks Board may also request review of any Departmental decision on an Administrative Certificate of Appropriateness by its own motion within 10 days of the written decision.
26 27 28 29		2. Preliminary Certificate of Appropriateness Review. Preliminary Review of a Certificate of Appropriateness by some or all of the Historical Landmarks Board is required for certain projects to provide general comments and direction to applicants.
30		a. The following projects require Preliminary Review:
31		i. New construction within a historic district:
32 33		ii. Façade changes that would alter more than 10 percent of the surface area;
34 35		iii. Additions that increase the total floor area of the building by more than 10 percent or more than 300 square feet, whichever is less;
36 37		iv. Roof dormers, decks, porches, and fences that are visible from the public right of way; and

1			v. Other projects as directed by the Director or applicant.
2			b. Preliminary Review shall occur at a noticed public hearing scheduled af-
3			ter the formal application has been submitted to the Department. The
4			Historical Landmarks Board may require changes to the project or con-
5			tinue the item for consideration at a future hearing.
3			tinue the hem for consideration at a future hearing.
6		3.	Certificate of Appropriateness Review. Final Review of a Certificate of Appropri-
7			ateness by the Historical Landmarks Board shall occur at a noticed public hearing
8			and is required to make a final action on a project. Revisions based on recom-
9			mendations from the Preliminary Review hearing(s) may be considered. The
10			Historical Landmarks Board shall approve, conditionally approve, or disapprove
11			the application.
12		4	Combined Review of a Certificate of Appropriateness. If a project is scheduled
13		<u>4.</u>	for Preliminary Review, the Historical Landmarks Board may grant Final Review
			,
14			approval of a Certificate of Appropriateness without a second hearing if:
15			a. The application has conducted notification of a Final Review hearing
16			pursuant to Chapter 10.82 (Public Notice and Hearings); and
17			b. The project meets the findings outlined in Section 10.46.080(K) below.
L /			b. The project meets the findings outlined in Section 10.46.060(K) below.
18		<u>5.</u>	Public Notice of Hearing(s). Public hearing notification shall be consistent with
19			Chapter 10.82 (Public Notice and Hearings) and when applicable, identify that
20			Final Review Approval may occur at the Preliminary Review Hearing.
21	F.	R equ	ired Findings. The Historical Landmarks Board shall issue a Certificate of Appropri-
22	1	-	ss if it finds that the work:
		<u></u>	THE MILES WAY WE WORK.
23		1.	Complies with the Secretary of The Interior's Standards For The Treatment of His-
24			toric Properties With Guidelines For Preserving, Rehabilitating, Restoring, and Recon-
25			structing Historic Buildings as well as any applicable guidelines, local interpretations,
26			bulletins, or other policies; or
27		2	If the project does not demonstrate strict compliance with the Secretary of The
28		<u> </u>	Interior's Standards For The Treatment of Historic Properties With Guidelines For Pre-
29			serving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, but nonetheless
30			
			protects and preserves the historic and architectural qualities and the character de-
31			fining features of the landmark or property in a historic district;
32		3.	Additional findings for Landmark Sites:
33			a. The proposed work shall preserve, enhance or restore, and shall not dam-
34			age or destroy, the exterior architectural features of the landmark and,
35			where specified in the designating ordinance, its major interior architec-
36			tural features; and
,0			tarar reatures, and

1 2 3 4		b. The proposed work shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the historic district in applicable cases;
5	<u>4.</u>	Additional findings for Properties in Historic Districts:
6 7 8		a. Any new construction, addition or exterior change shall be compatible with the character of the historic district as described in the designating ordinance;
9 10 11 12		b. With any exterior change, reasonable efforts shall be made to preserve, enhance or restore, and not to damage or destroy, the exterior architectural features of the subject property which are compatible with the character of the historic district; and
13 14 15 16		c. For any exterior change where the subject property is not already compatible with the character of the historic district, reasonable efforts shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.
17	<u>5.</u>	Additional findings for Sign Applications:
18 19		a. The proposed sign complies with all applicable provisions of Chapter 10.42 (Sign and Awning Regulations);
20		b. Is consistent with the applicable sign standards;
21		c. Will not adversely impact the public health, safety, or general welfare; and
22 23		d. The proposed color, design, material, and location of the proposed sign are compatible with the architectural design of the building.
24	<u>6.</u>	Additional findings for Demolition Applications:
25 26		a. The requirements of the California Environmental Quality Act and SMC Title 11 (Environmental Protection) have been met:
27 28 29		b. Alternatives to demolition have been considered, including re-using the structure with an alternate use that may not be consistent with existing zoning.
30 31		c. All financial alternatives have been evaluated, including use of historic tax credit and acquisition by a third party.
32		

1 2	Design review shall be required for any proposal to demolish, make an addition to				
3	modify an existing structure that is located in the historic overlay district or is listed on the local register. Design review shall be conducted in accordance with Chapter 10.54 SMC (Design Re-				
4	view Procedures) and the following:	o (Design Re-			
5	A. Submittal Requirements. In addition to the submittal requirements establish	ned by Chapter			
6	10.54 SMC (Design Review Procedures), any application for demolitic	n, addition or			
7	modification to existing structures in the historic overlay district, or listed o	n the local reg			
8	ister, shall include the following:				
9	1. Plans showing all historic elements of structure or site, including	5 materials and			
10	date of construction;				
11	2. Plans showing proposed alterations of all historic elements of struc-				
12	cluding materials to be removed, materials to be added, and mat	erials to be al			
13	tered;				
14	3. Explanation of proposed changes to historic structure or site, include	ling the reasons			
15	for alterations, addition or demolition;				
16	4. Explanation of use of State Historic Building Code and the way th	e code is being			
17	applied to the project, if applicable; and				
18	5. Explanation of the use of the Secretary of the Interior's Standards, i	f applicable.			
19	B. Joint Meeting. Design review shall be subject to review and approval by	the Historical			
20	Landmarks Board and Planning Commission. A joint meeting shall be held				
21	sign review. A subcommittee of the Historical Landmarks Board and Plan	ning Commis			
22	sion may be formed and convene to review design review permit applica	tions and work			
23	with applicants.				
24	C. Prior Approval Required. Prior approval by the Historical Landmarks Bo				
25	quired for any permit issued by the Building Official for construction, alter	, ,			
26	ment, or demolition of a structure located in an historic overlay district or l	isted on the lo			
27	cal register.				
28	D. Review Criteria. In addition to the requirements of Chapter 10.54 SMC (Design Review			
29	Procedures), the Community Development Director and Historical Landma				
30	use the following when reviewing and approving any proposed demolition,	new construc			
31	tion or alteration to existing structures or landscaping:				
32	1. Applicable design or other guidelines;				
33	2. The architectural or historical value and significance of the site a	nd structure in			
34	relation to the overlay district; and				
35	3. The visual relationship of proposed architectural design elements to				
36	ing area, including scale, height, rhythm of spacing, pattern of	· windows and			

1 2		doorways, structure siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors and textures.
3 4 5		The Historical Landmarks Board and Planning Commission shall review removal and/or alteration of landscape materials for consistency with any applicable design guidelines.
6 7 8	<u>G.</u>	Conditions. The Historical Landmarks Board may impose such conditions that are necessary to accomplish the purposes of this Chapter and prevent or minimize adverse impacts upon the individual landmark, contributing building, or historic district.
9 10 11	<u>H</u> E.	Additional Demolition Procedures. The following procedures shall also apply to any application for a demolition permit for an individual landmark or a property structure that is listed on the Local Register or located in an historic overlay district:
12 13 14 15 16 17 18 19 20 21 22 23		1. If, after review of request for a demolition permit, the Historical Landmarks Board or Planning Commission determines the structure itself has historic, architectural or cultural interest or value, the Historical Landmarks Board and Commission may withhold approval of demolition for 180 days (from the date of Board or Commission action) or until environmental review, whichever occurs later. The 180-day delay shall be for the purpose of providing time to explore alternatives to demolition. During the 180 days, the Historical Landmarks Board Planning Commission may direct the Community Development Department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features, and take any other reasonable measures.
24 25 26		2. At the end of the 180-day period, the demolition permit shall be issued if the requirements of the California Environmental Quality Act and SMC Title 11 (Environmental Protection) have been met.
27 28 29 30	F.	Design Review Findings. The Historical Landmarks Board and Planning Commission may approve a design review permit to allow new construction or alterations to a property within the historic overlay district or listed on the local register, if all of the following findings can be made, to the extent applicable:
31 32		1. The proposed new construction or alteration is compatible with the architectural and historical features of the structure and/or district.
33 34		2. The historical context of the original structure or district has been considered during the development and review of the proposal.
35 36 37		3. The criteria for listing the structure or site on the local register do not apply, or the historic overlay district will not be affected by the new construction or alterations.

1 2		4. The State Historic Building Code is being applied to minimize alterations to the original historic structure.
3 4 5		5. The Secretary of the Interior's Standards for Treatment of Historic Properties have been used to review and consider the new construction and proposed alterations.
6 7		6. Alternative uses and configurations have been considered as part of the design review process.
8 9		7. Findings specified by Chapter 10.54 SMC (Design Review Procedures) can be made.
10 11		8. The proposed new construction or alteration will be compatible with, and help achieve the purposes of, the historic overlay district.
12 13 14	G.	Landscaping Findings. The Historical Landmarks Board and Planning Commission may approve a design review permit to allow landscaping beyond routine maintenance if the following findings can be made:
15 16		1. Proposed removal or alterations will not affect the character of the historic overlay district or structure listed on the local register; or
17		2. The safety of persons or property requires the removal or alteration.
18 19 20 21	H.	Demolition Findings. The Historical Landmarks Board and Planning Commission may approve a design review permit to allow partial or complete demolition of a structure listed on the local register or located in the historic overlay district if the following findings can be made:
22 23		1. The requirements of the California Environmental Quality Act and SMC Title 11 (Environmental Protection) have been met.
24 25		2. Alternatives to demolition have been considered, including re using the structure with an alternate use that may not be consistent with existing zoning.
26 27		3. All financial alternatives have been evaluated, including use of historic tax credit and acquisition by a third party.
28 29	Į.	Effective Date. Decisions of the Historical Landmarks Board and Planning Commission shall become effective 10 days after the decision date, provided no appeals have been filed.
30 31	<u>I.</u>	Effective Date. Certificate of Appropriateness' shall become effective at the end of the appeal period, provided no appeal has been submitted.
32 33 34	J	Expiration of Permit. Certificate of Appropriateness' shall expire in two years following the effective date of the permit, provided no extension has been filed prior to the expiration date.

- K. Extension. The applicant may request an extension to a Certificate of Appropriateness
 prior to expiration of the permit. The Historical Landmarks Board may grant one extension for up to two years, in accordance with Section 10.50.140 (Extension of Approved Permits).
- Appeals. All decisions of the Historical Landmarks Board and Planning Commission may be appealed to the City Council within 10 days of the decision date. City Council appeal considerations shall be subject to the same requirements of the Historical Landmarks Board and Planning Commission and shall include consideration of any applicable plans or guidelines. Any significant change to a permit by the City Council shall be referred to the Historical Landmarks Board and Planning Commission for review and comment prior to final action.

10.46.070090 Incentives for preservation.

- Owners of property within the downtown historic overlay a historic district, or owners of an indi-
- 14 <u>vidual landmark, property listed on the local register</u>, are eligible to apply for the following preser-
- 15 vation benefits:

- A. Fees. <u>Certificate of Appropriateness Design review</u> application fees, for structures located in the downtown historic overlay a historic district or listed on the local register designated an individual landmark, may be waived by the Community Development Director for those applications which restore and rehabilitate the significant character of the structure.
- B. Building Code Exceptions. Deviations from SMC Title 8, Buildings and Construction, will be allowed when the construction is in conformance with the State of California Historic Building Code.
- 23 C. Development Standards. Exceptions to development standards (including but not limited 24 to setback, height, parking, coverage, or floor area ratio (FAR)) may be granted for legal 25 nonconforming structures. The Planning Commission may grant an exception if the fol-26 lowing findings can be made:
- The exception is the continuation of an existing condition and the exception will not exceed the deviation already existing on the structure.
- 29 2. The exception would be more in character with the architectural character of the structure than adhering to the standard requirements.
- 31 3. The exception would not be in violation of the State Historic Building Code 32 provisions for health and safety, would not be detrimental to any adjacent proper-33 ty and would not be injurious to public health, safety or welfare.
- D. Additional Uses. Uses that are not normally allowed in a base zoning district may be allowed in structures that are located in the historic overlay district or listed on the local register designated an individual landmark, subject to a conditional use permit (Chapter 10.60 SMC). The Historical Landmarks Board shall review and make a recommendation

1 2	on the proposed use(s) to the Planning Commission. and The Planning Commission shall			
3	consider the recommendation of the Historical Landmarks Board, the impact of adaptive			
4	reuse proposals on the integrity of the historic structure and the neighborhood and shall			
4		make findings specified in SMC 10.46.040 (Conditional uses).		
5		1. Required Findings. The Planning Commission shall not approve alternative uses		
6		pursuant to this Section unless the following findings are made:		
7		a. Exception to land use regulations is necessary to permit the preservation		
8		a. Exception to land use regulations is necessary to permit the preservation or restoration of an historic or architecturally significant structure or site;		
9		b. Proposed use of historic or architecturally significant structure or site will		
10		require minimal alterations to structure;		
11 12		c. Alterations will be consistent with the Secretary of the Interior's Standards for Rehabilitation;		
13		d. A preservation agreement has been prepared and recorded specifying the		
14		uses allowed on subject property and preserving property from demoli-		
15		tion;		
16		e. The Historical Landmarks Board has considered the proposed use and		
17		recommends approval; and		
18		f. A public hearing has been noticed and held in accordance with Chapters		
19 20		10.60 (Conditional Use Permits) and 10.82 (Public Notice and Hearings) SMC.		
20		SIVIC.		
21	E.	Parking. Uses in sites or structures within the historic overlay district or listed on the local		
22		register designated an individual landmark may be eligible for reduced parking require-		
23		ments, consistent with SMC 10.40.110(D)(3) (Historic District Overlay) and 10.40.110(G)		
24		(Other Reductions).		
25	F.	Written Agreement. The granting of any exceptions shall be conditional upon a written		
26		agreement between the City and the property owner that ensures preservation of the		
27		structure's significant character. The agreement shall give the City the right to revoke the		
28		approval at any time the applicant has not complied with the conditions of approval. The		
29		agreement shall be recorded with the County Recorder.		
30	G.	Termination. The approval of exceptions from the standard code provisions for structures		
31	0.	in an historic overlay district or listed on the local register designated an individual land-		
32		mark is terminated when the structure is demolished, or when the structure is altered in a		
33		manner that destroys or diminishes the significant character of the structure. All benefits		
34		derived from approval shall be removed.		
25	11	Mills Ast Historical Decorate Contracts 16 or 17 11 of Circ Co. 21 21 of Circ Co. 21 22 of Circ Co. 21 23 of Circ Co		
35	<u>H.</u>	Mills Act Historical Property Contracts. If applicable, the City Council may authorize a		
36		property in a historic district or designated an individual landmark to enter into a Mills Act		

1	Historical Property contract with the City pursuant to California Government Code Sec-
2	tions 50280-50290 and California Taxation Code Article 1.9, Sections 439-439.4. All
3	policies and procedures regarding the Mills Act contract will be provided by the City
4	Council, but the Historical Landmarks Board shall recommend approval, disapproval, or
5	modification of a Mills Act contract to the City Council prior to the City Council hearing
5	on the matter.

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Urban and Regional Planners