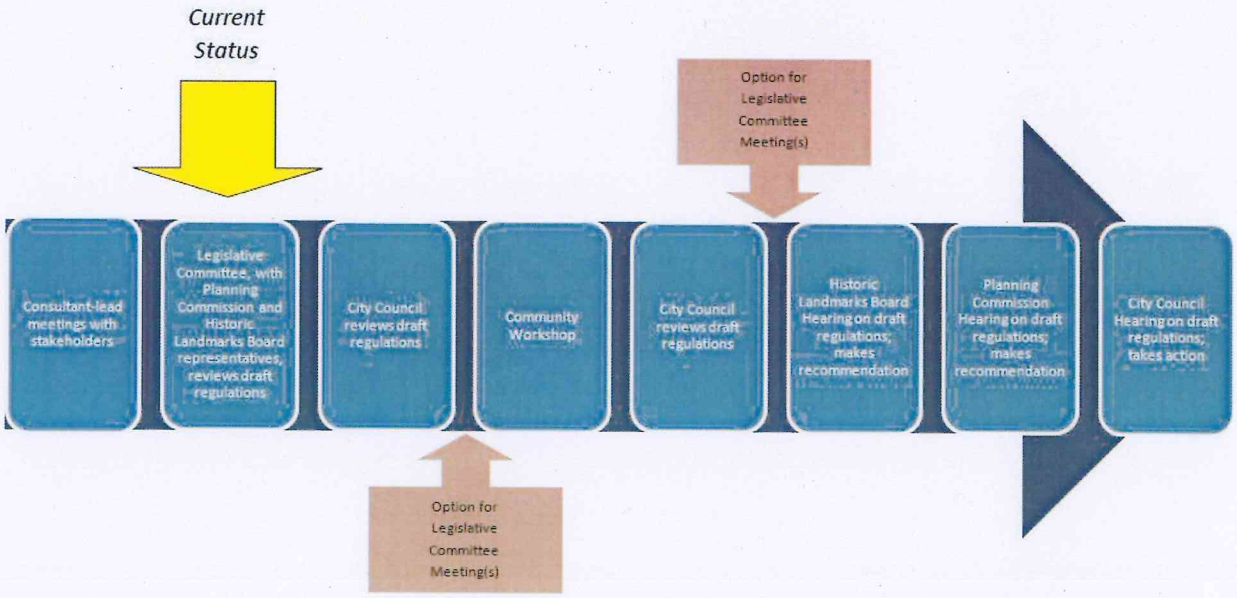
STAFF REPORT
SAUSALITO CITY COUNCIL

AGENDA TITLE
Historic Preservation Regulations Update-Status Report

RECOMMENDED MOTION
- Accept a presentation on the status of the Historic Preservation Regulations Update.
- Provide direction regarding establishment of a new Historic Design Review Permit for properties in the Historic Overlay Zoning District and Register properties.

BACKGROUND
In September 2013, the City Council authorized the execution of a Professional Services Agreement with Dyett and Bhatia for the Historic Preservation Regulations Update. The Council subsequently appointed Historic Landmarks Board (HLB) Chair Pierce and Planning Commissioner Nichols to work with City Council Legislative Committee members (Vice-Mayor Theodores and Councilmember Leone) for review of the draft regulations. A diagram of the major components of public review process and the project's current status is provided below (see **Attachment 1**).



The Legislative Committee has held 12 publicly-noticed meetings with staff and the consultant (9 meetings attended) and is approximately two-thirds through its review of the draft regulations. The Legislative Committee has reached a point where policy

confirmation from the Council is needed regarding the process to be used by the Planning Commission and HLB in the review of projects involving potential historic resources. This staff report describes the current and proposed procedures for the review of projects involving potential historic resources. Following Council review of the proposed procedures, the Legislative Committee will complete its review of the draft regulations, and present a complete draft of the regulations to the Council for review prior to the Community Workshop.

ANALYSIS

The Update proposes significant modifications to Chapter 10.46 and its project review procedures for properties in the Historic Overlay Zoning District and Register properties. Diagrams showing current and proposed procedures under the Historic Preservation Regulations are provided (see **Attachment 2 and 3**, respectively).

Current Design Review Permit Procedures

The following summary of current Design Review Permit procedures corresponds with information provided in numbered boxes on the diagram in **Attachment 2**.

- A Design Review Permit (DRP) application is submitted to the Community Development Department involving a structure in the Historic Overlay Zoning District or listed on National, State, or Local Historic Register *(Box 1)*.
- If the DRP application requires either partial or complete demolition of the structure, additional demolition procedures may be imposed by the Planning Commission or HLB *(Boxes 2 and 3)*.
- If the DRP application is for the modification, addition, or new construction of a structure, the review procedure continues with a joint Planning Commission and HLB hearing *(Boxes 4 and 5)*.
- The Planning Commission and HLB hold a joint hearing to review the DRP application and make respective decisions on the DRP. Each body must individually approve a DRP *(Boxes 5 and 6)*. While it is possible for the bodies to reach conflicting decisions on a DRP, staff and the applicants have been successful in avoiding such an outcome. If the bodies reach conflicting decisions on a DRP, the applicant would need to appeal one of the decisions to the City Council for resolution.
- The decision on the DRP becomes effective, unless it has been appealed to the City Council *(Box 7)*.

In addition to the review of Historic Overlay Zoning District and Register properties, the Historic Landmarks Board currently reviews applications for exterior alterations and/or demolition of structures that are 50 years or older (see **Attachment 4**)[1].

[1] The current 50-year review process requires the HLB members to prepare a report detailing any historic significance of the project site. The proposed Regulations will require the applicant to retain a qualified professional to prepare a Historical Resource Evaluation Report. The completed Report will be subject to the review and approval by the Historic Landmarks Board.

Proposed Project Review Procedures

The proposed Regulations introduce a new Historical Design Review Permit (HDRP) to provide *additional* discretionary review by the HLB for projects on properties in the Historic Overlay Zoning District and Register properties. With this new permit under the purview of the HLB, the HLB would no longer be responsible for acting upon DRPs.

A Venn diagram of the distinct issues addressed by the HDRP and DRP as well as shared issues covered by both permits is included as **Attachment 5**. When there are shared issues between the DRP and HDRP, the Planning Commission and Historic Landmarks Board hold a *joint* hearing. When there are no shared issues between the DRP and HDRP, the Planning Commission and Historic Landmarks Board hold *separate* hearings. In either circumstance, each body makes a decision on the permit under their purview—the Planning Commission reviews the DRP and the Historic Landmarks Board reviews the HDRP. Once decided, the DRP and/or HDRP may be appealed to the City Council.

The following summary of proposed project review procedures corresponds with information provided in numbered boxes on the diagram in **Attachment 3**.

- Design Review Permit (DRP) and Historical Design Review Permit (HDRP) applications are submitted to the Community Development Department involving a structure in the Historic Overlay Zoning District or listed on National, State, or Local Historic Register (*Box 1)*.
- If the DRP and/or HDRP application requires either partial or complete demolition of the structure, additional demolition procedures may be imposed by the Planning Commission or HLB *(Boxes 2 and 3)*.
- If the DRP and/or HDRP application is for the modification, addition, or new construction of a structure, the review procedure continues with a joint Planning Commission and HLB hearing *(Boxes 4 and 5)*.
- The Planning Commission and HLB hold a joint hearing. The Planning Commission reviews the DRP application and makes a decision. The HLB reviews the HDRP application and makes a decision *(Boxes 5, 6, 7, 8, and 9)*. While it is possible for the bodies to reach conflicting decisions on a project, staff suggests that holding a joint hearing reduces the likelihood of conflicting decisions. If the bodies reach conflicting decisions on a project, the applicant would need to appeal one of the decisions to the City Council for resolution.
- The decisions on the DRP and HDRP become effective, unless appealed to the City Council *(Box 10)*.

Additional Update Features

- *Establishment of a Local Historic Resources Inventory and a Local Historic Register*. The HLB must periodically review, amend, and update the Local Inventory. Resources listed on the Local Inventory are eligible for nomination to the Local Historic Register and/or a Historic Overlay District and may be designated as such by the City Council.

- *Preliminary Historic Design Review Permit Review*. Applicants have the option to request a "study session" preliminary review of their proposed project by the HLB to receive general comments and direction. This option requires a fee.

FISCAL IMPACT

There is no fiscal impact.

STAFF RECOMMENDATION

- Accept a presentation on the status of the Historic Preservation Regulations Update.
- Provide direction regarding establishment of a new Historic Design Review Permit for properties in the Historic Overlay Zoning District and Register properties.

ATTACHMENTS

1. Public Process Diagram (Revised September 4, 2014)
2. Project Review Procedures For Historic Overlay Zoning District Properties And Register Properties – CURRENT (Revised September 4, 2014)
3. Project Review Procedures For Historic Overlay Zoning District Properties And Register Properties – PROPOSED (Revised September 4, 2014)
4. Historic Landmarks Board 50-Year Review Process (Revised September 4, 2014)
5. Design Review Permit / Historical Design Review Permit Issues – PROPOSED (Revised September 4, 2014)

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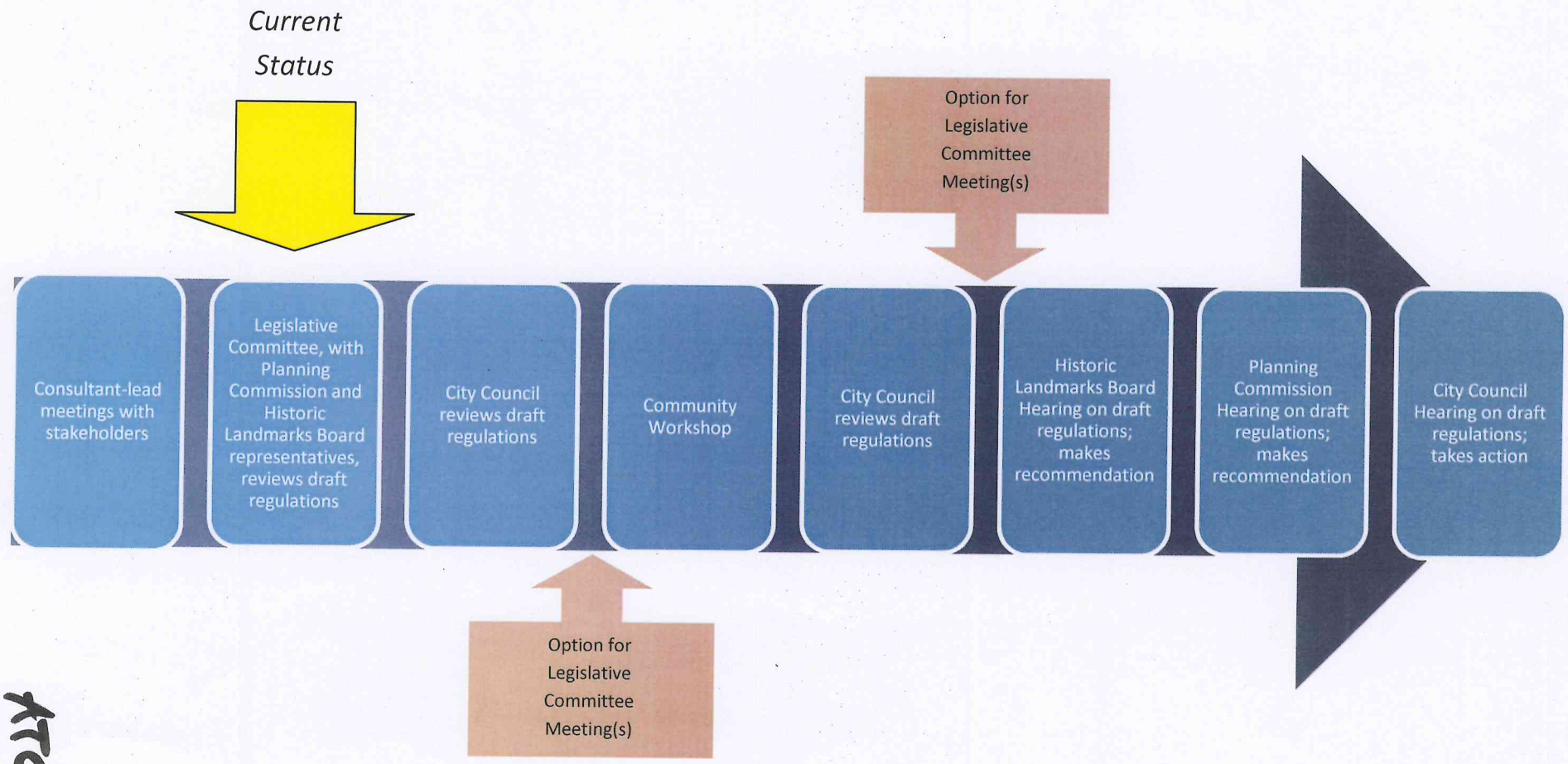
Historic Preservation Regulations Update Process

Revised September 4, 2014



ATCH 1

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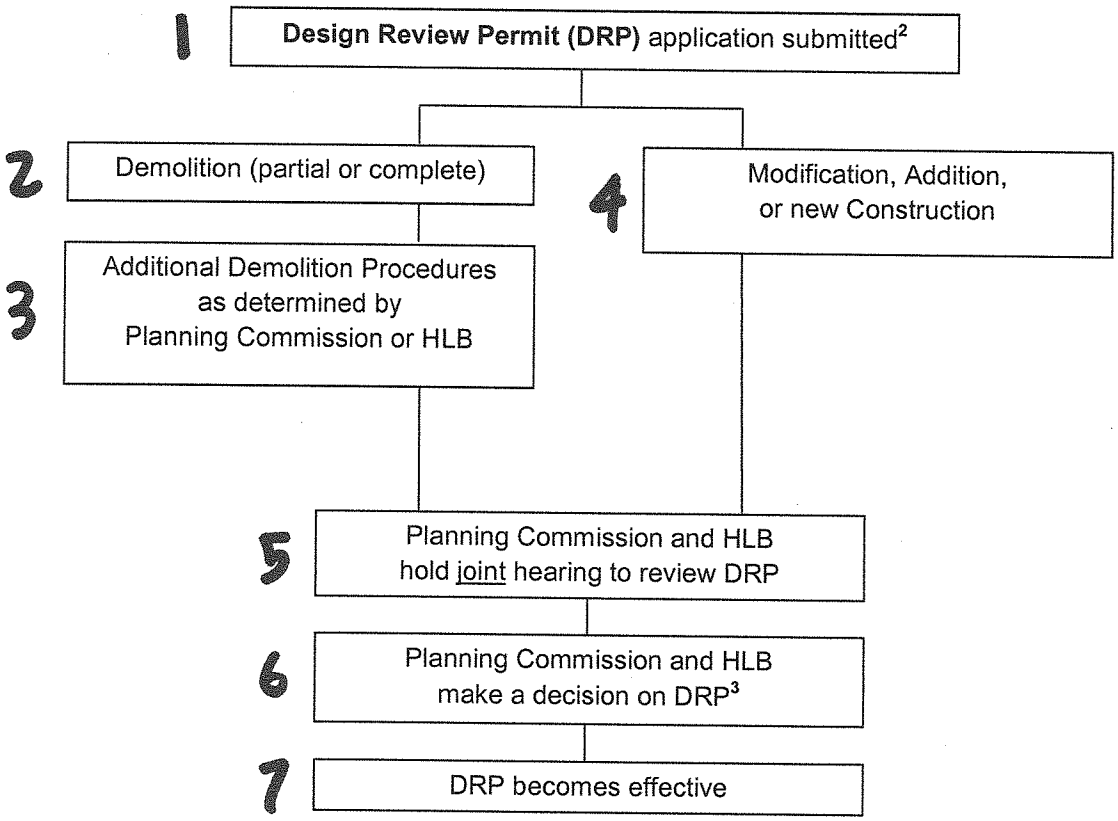
Project Review Procedures For Historic Overlay Zoning District Properties And Register Properties[1]

CURRENT



Notes

1. These procedures also apply to National, State, and Local Historic Register properties
2. HLB may hold a study session to provide general comments and direction for certain projects
3. City Council holds hearing on DRP (if appealed)

Revised September 4, 2014

ATCH 2

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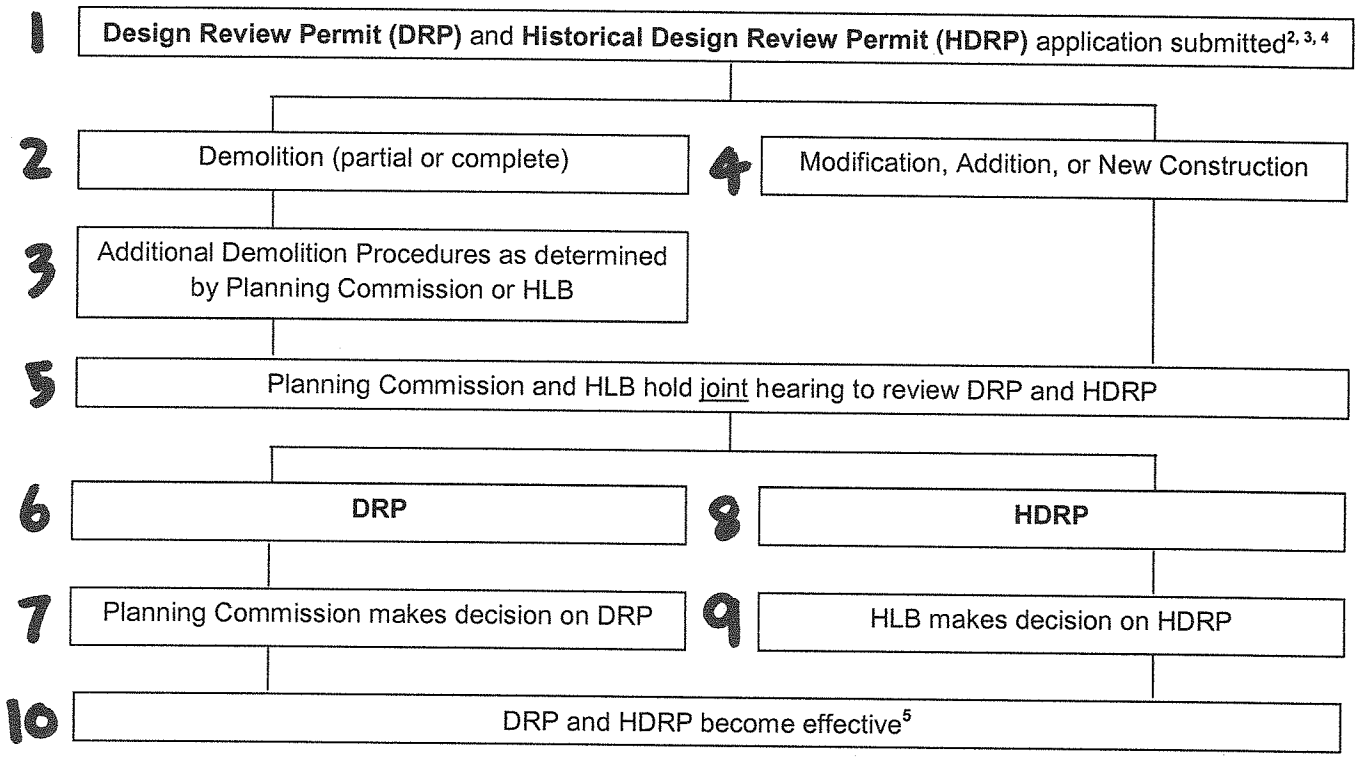
Project Review Procedures For Historic Overlay Zoning District Properties And Register Properties[1]

PROPOSED



Notes

1. These procedures also apply to National, State, and Local Historic Register properties
2. HLB may hold a study session to provide general comments and direction for certain projects
3. All Historic Overlay Zoning District properties must have a historic resource evaluation report
4. HLB may delegate certain minor alterations for administrative decisions
5. Decisions on DRP and/or HDRP may be appealed

ATCH 3

Revised September 4, 2014

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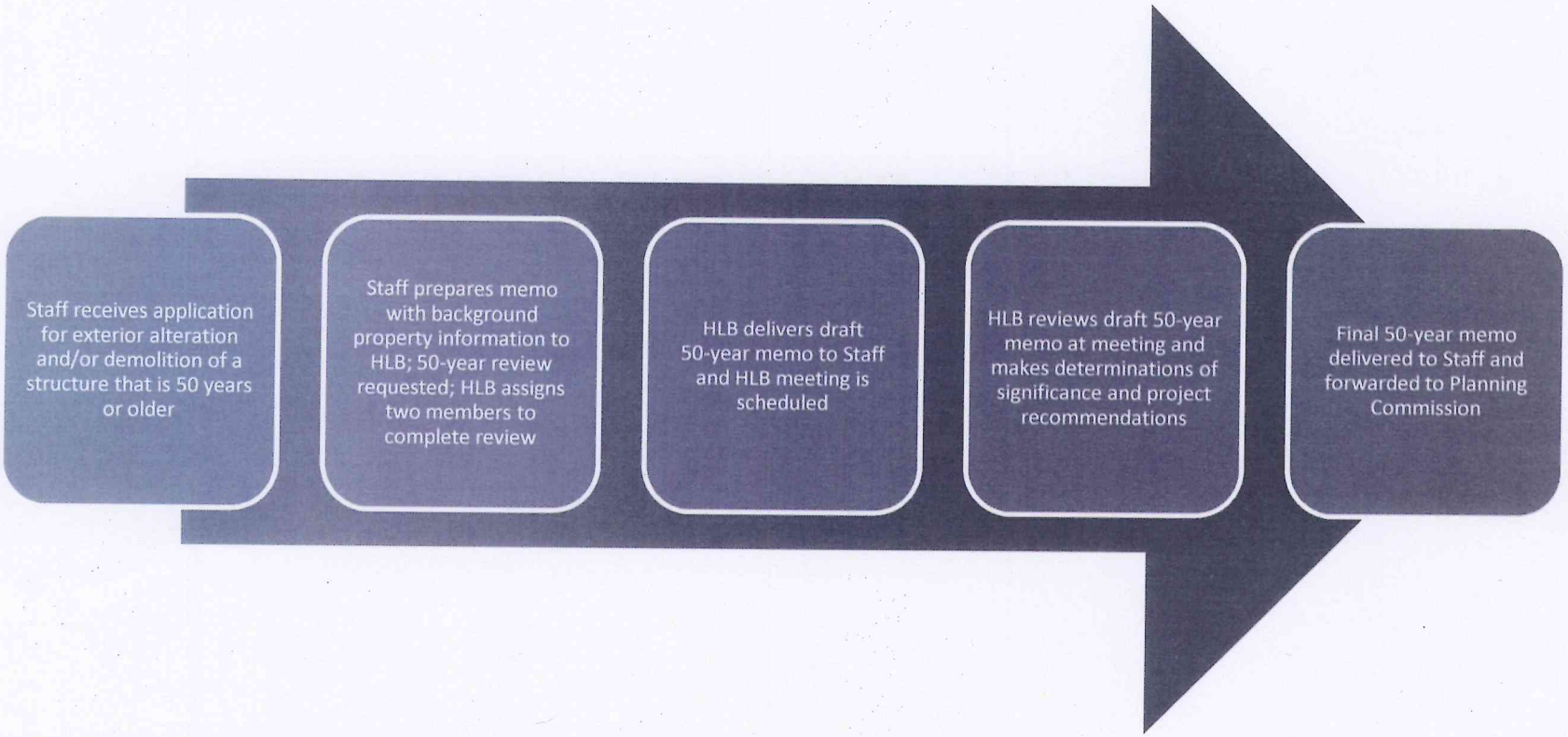
Historic Landmarks Board 50-Year Review Process
CURRENT



ATCH 4

Design Review Permit / Historical Design Review Permit Issues

PROPOSED

DESIGN REVIEW PERMIT (DRP) ISSUES

- Public views and private property primary views
- Building profile (silhouette)
- Maintenance of light and air
- Appropriate design of exterior lighting, mechanical equipment, and chimneys
- Privacy
- Traffic safety and circulation
- Protected Trees and significant natural features
- Crowding or overwhelming of surrounding properties
- Floor Area Ratios (FARs)
- Building coverage
- Height
- Setbacks
- Impervious surface

SHARED ISSUES

- Compatibility of architecture and site design to neighborhood character or district
- Landscaping provides visual relief and is compatible to surroundings
- Sign applications

HISTORICAL DESIGN REVIEW PERMIT (HDRP) ISSUES

- Compliance with Secretary of the Interior's *Standards* as well as applicable and adopted guidelines or policies
- Preservation, enhancement, and restoration or exterior architectural features
- Protection of special character, historic, architectural, or aesthetic features
- Compatibility with Historic Overlay Zoning District
- Compliance with General Plan including Community Design and Historic Preservation Element
- Other historic character defining features

ATCH 5

Revised September 4, 2014