

CITY OF

Sausalito

HISTORIC PRESERVATION
REGULATIONS UPDATE

Draft Regulations

**REVISED
DRAFT
FOR STAFF REVIEW**

Prepared for
CITY OF SAUSALITO by:

DYETT & BHATIA
Urban and Regional Planners

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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 Historic 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 Chapters 10.28 (Overlay Districts) and 10.46 (Historic Overlay District and Local Register, now Historic Preservation) where processes and requirements for Landmark Structures and Historic Overlay Districts have been updated.

HOW TO READ THIS DOCUMENT

Each Chapter of the Municipal Code with proposed amendments is presented in its own section. It will open with a brief introduction summarizing the overall goal(s) of the proposed amendments. Below the introduction, 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. Moved text is shown in green.
- If only portions of a Chapter is proposed for amendment (versus each section of a whole Chapter), only those sections are included.

1 **Draft Code Amendments**

2 **HISTORIC LANDMARKS BOARD**

3 Title 2, Administration and Personnel of the SMC, has two Chapters that relate to the role and
4 function of the Historical Landmarks Board. These chapters have been consolidated along with
5 the powers and duties of the Board from other Titles of the SMC. A new section for Board quali-
6 fications has been added, providing requirements for three of the five members. Finally, a clause
7 has been inserted to assign the Director of the Community Development Department as Secretary
8 of the Board.

9

10 *Delete Chapter 2.24, Historical Landmarks Committee, in it's entirety.*

11 ~~Chapter 2.24~~

12 ~~HISTORICAL LANDMARKS COMMITTEE~~

1 **Modify Chapter 2.28, Historical Landmarks Board, as follows:**

2 **Chapter 2.28**

3 ~~HISTORICAL LANDMARKS BOARD~~

4 **Sections:**

5 **2.28.010 Established.**

6 **2.28.020 Powers and Duties. ~~Purpose.~~**

7 **2.28.030 Membership and term of office.**

8 **2.28.040 Qualifications.**

9 **2.28.050 Organization.**

10 **2.28.060 Secretary of the Board.**

11

12 **2.28.010 Established.**

13 There is established a Historical Landmarks Board, which shall advise the City on historic preser-
14 vation matters, participate in processes that involve historic or cultural resources, and take other
15 such actions concerning historic preservation as may be prescribed by ordinance and shall be ap-
16 pointed and serve in accordance with Chapter 2.58 SMC. ~~in and for the City.~~

17 **2.28.020 Powers and Duties ~~Purpose.~~**

18 The Historic Landmarks Board shall have and exercise the powers and perform the duties set forth
19 in this Section and in Title 10, Zoning, of the SMC with respect to historic preservation. The
20 Historic Landmarks Board shall have as its purpose:

21 A. Recommend to the City Council, after public hearing, on the designation of properties to
22 the Local Historic Register and/or Historic Overlay District pursuant to Chapters 10.46
23 (Historic Preservation) and 10.28 (Overlay Districts), and make any preliminary or sup-
24 plemental determinations or conclusions in order to make a recommendation; ~~To pro-~~
25 mot ~~promote preservation of historic sites, landmarks, documents, paintings and objects associated~~
26 ~~with the history of Sausalito;~~

27 B. Review and decide on Historic Design Review Permit applications for construction, al-
28 teration, demolition and other features pertaining to Landmark Structures and Historic
29 Overlay Districts; ~~To recommend to the Planning Commission that certain historic sites,~~
30 ~~landmarks, and historic districts be designated and/or acquired by the City;~~

- 1 C. Compile or cause to be compiled and maintained a Local Register listing and describing
2 all designated Landmark Structures, Historic Overlay Districts, and contributing properties
3 and sites within the City; ~~To administer the committee's responsibilities as denoted by the~~
4 historic preservation ordinance of the City;
- 5 D. Review a citywide survey of historic resources, which is periodically updated, and other
6 surveys on a case by case basis, and recommend adoption of the survey conclusions to the
7 City Council; ~~To advise the City Council on the administration of historic sites and~~
8 landmarks as may be acquired by the City;
- 9 E. Create policies, procedures, and guidelines to carry out the intent of this Chapter and of
10 Title 10 (Zoning) of SMC, as relates to historic preservation, for review and adoption by
11 the City Council;
- 12 F. Act as the City's local historic preservation review commission for the purposes of the
13 Certified Local Government Program, recommend properties for inclusion in the Califor-
14 nia and the National Register of Historic Places, and review and comment on federal un-
15 dertakings where authorized under the National Historic Preservation Act;
- 16 G. Review and comment upon environmental documents under the California Environmen-
17 tal Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"), includ-
18 ing determining whether sites and structures qualify as historic resources under CEQA;
- 19 H. Review and provide written reports to the Planning Commission and the City Council
20 on policies, ordinances, and resolutions concerning historic preservation issues, historic re-
21 sources, and other such matters as may be prescribed by ordinance;
- 22 I. Review and make recommendations to the City Council on Mills Act contracts, if adopt-
23 ed;
- 24 J. Provide recommendations to the City Council regarding the utilization and promotion of
25 incentives and grants from federal and state agencies, private groups, and individuals, and
26 regarding budgetary appropriations to advance the preservation of historic resources in the
27 City;
- 28 K. Participate in, promote, and conduct public information, educational, and interpretative
29 programs pertaining to historic resources, and provide public participation in all aspects of
30 the City's historic preservation program;
- 31 ~~E. To advise the City Council on the acceptance of gifts consisting of documents, paintings,~~
32 ~~and other objects of historic value, as well as money when the same is given to be used for~~
33 ~~the acquisition of property, real or personal, of historic interest;~~
- 34 ~~F. To recommend to the City Council the documents, paintings, and objects of special his-~~
35 ~~toric value associated with the history of the City to be acquired by the City;~~

- 1 ~~LG.~~ To advise the City Council on all matters relating to the historic and cultural preservation
2 of the City, in particular State and Federal designations and registration of Historic Land-
3 marks ~~historical landmarks;~~
- 4 ~~H.~~ ~~To consider methods other than those provided for in this chapter and Chapters 2.24 and~~
5 ~~8.44 SMC, for encouraging and achieving historical preservation;~~
- 6 ~~I.~~ ~~To annually submit to the Planning Commission and City Council a report of its activities~~
7 ~~in the preceding year.~~
- 8 M. To recommend to the City Council the documents, paintings, and objects of special his-
9 toric value associated with the history of the City and advise on items to be acquired by
10 the City and the acceptance of gifts of such items, as well as money when the same is giv-
11 en to be used for the acquisition of property, real or personal, of historic interest; and
- 12 ~~N.~~ The Community Development Department staff shall provide staff support to the Historic
13 Landmarks Board.

14 **2.28.030 Membership and term of office.**

15 The Historic Landmarks Board shall consist of five members ~~with qualified training or experience,~~
16 ~~or with a demonstrated interest in historic preservation,~~ to be appointed by the City Council. City
17 Council appointments to the Board shall be governed by the provisions set forth in Chapter 2.58
18 SMC. The term of office for each member shall be for ~~two~~ three years, with terms staggered so
19 that the terms of not more than three members expire in a single year to the extent possible. Board
20 members may serve consecutive terms.

21 **2.28.040 Qualifications.**

22 ~~A.~~ The Historic Landmarks Board members shall have a demonstrated interest in, compe-
23 tence in, experience in, or knowledge of the historic, architectural, aesthetic, and cultural
24 traditions of the City.

25 1. In order to meet the requirements of the Certified Local Government program,
26 three members shall meet one of the following qualifications.

27 a. A licensed architect meeting the Secretary of the Interior's Professional
28 Qualifications Standards for historic Architecture, a licensed landscape ar-
29 chitect, or licensed structural engineer with experience in historic preser-
30 vation;

31 b. A historic preservation professional or professional in a field such as law,
32 land use, community planning or urban design with experience in historic
33 preservation;

34 c. A historian meeting the Secretary of the Interior's Professional Qualifica-
35 tions Standards for history;

1 2. Two members shall be at large members subject to the minimum qualifications set
2 forth above to the extent feasible.

3 **2.28.050 Organization.**

4 Within 10 days after the appointment of the Board, they shall meet in regular session and organize
5 by electing from members of the Board, a Chairperson and ~~Vice Chair Secretary~~, who will hold
6 office for a term of one year. Thereafter, the Board shall meet in regular session not less than once
7 every 60 days. ~~at a time and place selected by vote of its members. Any member absent for five~~
8 ~~consecutive meetings shall automatically be removed from the Board, and the vacancy caused by~~
9 ~~such removal shall be filled by a new appointment.~~

10 **2.28.060 Secretary of the Board.**

11 The Director of the Community Development Department, or their designee, shall serve as Secre-
12 tary of the Historic Landmarks Board. The Secretary shall attend meetings and keep a record of
13 the proceedings and transactions of the Historic Landmarks Board, specifying the names of the
14 Board members in attendance at each meeting and the ayes and noes upon all roll calls. The Sec-
15 retary shall, among other duties, post and publish all required notices of the Historic Landmarks
16 Board.

August 25, 2014

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1 **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 50 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
10 of minor scopes of work that now trigger a Historic Design Review Permit, will ensure that more
11 properties are being reviewed for compliance with CEQA and that less inappropriate alterations
12 are made 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
23 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 tion) and are over 50 years old:
 - 30 1. Property’s permit and construction history;
 - 31 2. History of owners and occupants, to the extent available;
 - 32 3. Photographs that show all buildings on the property; and

1 4. Additional information as determined by the Community Development Director
2 and Historic Landmarks Board.

3 **10.50.080 Environmental review.**

4 A. Additional Information. After an application has been accepted as complete pursuant to
5 SMC 10.50.060 (Initial review of applications), the Community Development Depart-
6 ment may require the applicant to submit additional information needed for the environ-
7 mental review of the project pursuant to the provisions of CEQA.

8 B. Environmental Review Procedure. After an application has been accepted as complete
9 pursuant to SMC 10.50.060 (Initial review of applications), the application shall undergo
10 environmental review, as required by the California Environmental Quality Act (CEQA)
11 and SMC Title 11 (Environmental Protection). The review shall determine whether or
12 not the proposed project is subject to the California Environmental Quality Act and if so
13 whether a negative declaration or environmental impact report must be prepared.

14 This determination and the preparation of appropriate documents (including negative dec-
15 larations and EIRs) shall be subject to the provisions of CEQA and SMC Ti-
16 tle 11 (Environmental Protection).

17 C. Designated Landmark Structures and properties in Historic Overlay Districts. ~~Historic~~
18 ~~Overlay District and Local Register.~~ Projects involving the demolition or interior or exte-
19 rior alterations of sites or structures that are ~~in the a designated Landmark Structure or a~~
20 ~~property within a Historic Overlay District historic overlay district or that are listed on the~~
21 ~~local register~~ shall be subject to environmental review, consistent with SMC 10.46.060(~~E~~)
22 (Property and Permit Requirements ~~Additional Demolition Procedures~~). The Historical
23 Landmarks Board shall review such projects.

24 D. Structures over 50 years of age. ~~Potential Historic Resources.~~ When an application results
25 in the alteration to the exterior or public accessible spaces of, addition to, or demolition of
26 an existing structure that is over 50 years of age and may be a potential historic resource,
27 or when an application involves new construction on a previously undeveloped site, staff
28 shall review the structure's or site's potential as an historic resource, consistent with Public
29 Resources Code Section 15064.5. The Community Development Director shall review
30 the information submitted pursuant to Section 10.50.050(G) to determine whether the
31 property may qualify as a historic resource under CEQA. ~~If the site or structure is a poten-~~
32 ~~tial historic resource and is not listed on the local register nor located within the historic~~
33 ~~overlay district, the Historical Landmarks Board (HLB) shall evaluate the historic signifi-~~
34 ~~cance of the structure or site and shall forward that evaluation to Community Develop-~~
35 ~~ment staff.~~

36 1. Does Not Qualify as Historic Resource. If the Director determines that the prop-
37 erty does not qualify as a historic resource, that decision shall be in writing and
38 forwarded to the Historic Landmarks Board for final determination. If the Historic
39 Landmarks Board finds the property may qualify as a historic resource, then #2
40 below applies.

1 2. May Qualify as a Historic Resource. If the Community Development Director
2 determines that a property may qualify as a historic resource under CEQA, a for-
3 mal historic resource evaluation report shall be prepared by a qualified professional
4 who meets the Secretary of Interior's Professional Qualifications Standards for
5 Historic Architecture, Architectural History, and/or History (36 CFR Part 61
6 Appendix A) and forwarded to the Historic Landmarks Board.

7 a. Report Contents. The historic resource evaluation report shall describe
8 the property and building(s), list any alterations, and include a photo-
9 graphic record and description of the structure and its context. It shall ad-
10 dress the age of the structure, evaluate its architectural and structural in-
11 tegrity, the historic significance of the structure, both individually and as a
12 contributor to the City's designated Historic Overlay District(s), and shall
13 make a determination as to whether the structure meets the definition of
14 a historic resource as defined in CEQA Guidelines Section 15064.5.

15 b. Historic Landmarks Board Review. The Historic Landmarks Board shall
16 review the final historic resource evaluation report and based on infor-
17 mation presented, , shall concur or disagree with the findings and make a
18 determination of whether the property qualifies as a historic resource un-
19 der CEQA. The Historic Landmarks Board may require additional analy-
20 sis by a qualified third party.

21 E. The Planning Commission shall make an environmental determination consistent with
22 subsection B of this section (Environmental Review Procedure) except that historic re-
23 source determinations which are made by the Historic Landmarks Board.

24

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 de-
6 sign review. Administrative design review permits shall be required and processed in accordance
7 with SMC 10.54.040 (Administrative design review permits). Planning Commission design review
8 permits shall be required and processed in accordance with SMC 10.54.050 (Design review per-
9 mits). Properties on the Local Historic Register and/or in a Historic Overlay District shall also
10 receive a Historic Design Review Permit pursuant to SMC 10.46.060 (Property and Permit Re-
11 quirements). No design review shall be required for projects that fall under the design review
12 thresholds contained in this chapter. Minor revisions to approved projects are not subject to this
13 chapter and are instead governed by SMC 10.50.180 (Changes to an approved project).

14 **10.54.040 Administrative design review permits.**

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

19 A. Purpose and Authority. Administrative design review permits allow for administrative de-
20 sign review of selected projects where clear design review guidelines and criteria exist.
21 Administrative design review permits may be approved, conditionally approved or denied
22 by the Community Development Department. When administrative design review per-
23 mits are requested in conjunction with one or more permits requiring Zoning Administra-
24 tor review, administrative design review permits may be approved, conditionally ap-
25 proved, or denied by the Zoning Administrator. If a proposal meets the requirements of
26 subsection B of this section (Applicability) and requires Planning Commission review for a
27 concurrent application, the proposal shall be subject to design review, pursuant to SMC
28 10.54.050 (Design review permits).

29 B. Applicability. Selected project proposals require a lesser level of design review which shall
30 be conducted by the Community Development Department (or Zoning Administrator
31 where applicable). The Community Development Department shall review and act on
32 applications which are made solely for the following classifications of projects, for which
33 Planning Commission review is not required for another concurrent application, and for
34 sites that are not subject to the provisions of Chapter 10.46 (Historic Preservation) or con-
35 sidered a historic resource under CEQA. ~~listed on the local register and/or are located~~
36 ~~outside the boundaries of any officially designated historic district.~~

- 37 1. Additions to single-family or two-family (duplex) residences where the addition
38 results in a setback from any adjacent structure on a neighboring property of less
39 than 10 feet.

- 1 13. Applications to construct terraced or multiple retaining walls or slope stabilization
2 projects that retain an aggregate of six feet or more of slope within any 10-foot
3 horizontal interval.
- 4 14. Applications to construct vehicular traffic safety guardrails deemed necessary by
5 the City Engineer.
- 6 15. For buildings over 50 years of age:
- 7 a. Demolition or removal of non-original features of a building or site, in-
8 cluding, but not limited to, additions, garages, and accessory structures.
- 9 b. Replacement of incompatible, previously replaced windows, doors or fa-
10 çade siding material if the replacement material is not compatible in ap-
11 pearance, color and profile to the existing or original material.
- 12 c. Removal or modification of original window or door openings not on
13 the primary or visible secondary facades.
- 14 d. Replacement or modification of side or rear stairs and railings.
- 15 e. The installation of rooftop feature that is not visible from the public right-
16 of-way, including HVAC systems, and skylights.
- 17 f. Any other work determined by the Director that will materially alter the
18 significant features of a building.
- 19 C. Public Notice. The Community Development Department shall give public notice of the
20 application, pursuant to SMC 10.82.020(B) (Public Notice – Administrative Design Re-
21 view and Changes to an Approved Project).
- 22 D. Conditions. The Community Development Department may apply reasonable conditions
23 of approval, in addition to those identified in SMC 10.54.090 (Conditions of approval)
24 and consistent with SMC 10.50.100 (Recommended conditions of approval).
- 25 E. Findings. The Community Development Department may approve or conditionally ap-
26 prove an administrative design review permit if the findings specified in SMC
27 10.54.050(D) (Findings), and SMC 10.54.050(E) (Heightened Review Findings) as appli-
28 cable, can be made.
- 29 F. Resolution and Notice of Decision. The Community Development Department shall
30 prepare a written resolution which shall include all findings and applicable conditions of
31 approval. Notice of decision shall be distributed to applicant and all persons who received
32 public notice.
- 33 G. Appeal. Administrative design review permit decisions may be appealed to the Planning
34 Commission within 10 days of the decision date. Appeals must be submitted in writing
35 and shall be processed in accordance with Chapter 10.84 SMC (Appeals). Notice of ap-

1 peals of staff decisions to the Planning Commission and the City Council shall be sent to
2 all properties within 300 feet of the subject property.

3 H. Effective Date. Community Development Department staff and Zoning Administrator
4 decisions of approval or denial of administrative design review permit applications shall
5 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.

17 **10.54.050 Design review permits.**

18 Proposals that do not require an administrative design review permit, are not subject to the provi-
19 sions of Chapter 10.46 (Historic Preservation) or considered a historic resource under CEQA, and
20 fall below the design review thresholds contained herein, either incrementally or cumulatively
21 over a three-year period, and meet or exceed all zoning requirements shall require a building per-
22 mit, are subject only to Chapter 10.52 SMC (Zoning Permits), and are exempt from design re-
23 view.

24 A. Purpose and Authority. Design review permits provide for discretionary review of the
25 architectural and design features of selected projects for which design review is required, as
26 established by this section. ~~The Historical Landmarks Board shall provide concurrent re-~~
27 ~~view and recommendations for projects that are proposed and/or located in an historic~~
28 ~~district and/or are listed on the local register.~~ The Planning Commission may approve,
29 conditionally approve or deny design review permit applications.

30 B. Applicability. Design review permits shall be required for the following applications:

31 Building Permits:

32 1. Any single-family, two-family (duplex), or any multifamily residential structure
33 proposed for construction.

34 2. Any replacement or substantial reconstruction of a single-family, two-family (du-
35 plex), or multifamily residential structure which does not substantially replicate the
36 original structure.

- 1 3. Any alteration to existing secondary dwellings.
- 2 4. Projects for any two-family (duplex) or any multifamily residence which have any
3 of the following effects:
 - 4 a. Add more than 10 percent of the total floor area of the structure(s) or
5 more than 300 square feet of floor area to the structure(s) (whichever is
6 less with respect to adding new floor area square footage); or
 - 7 b. Increase the height of the structure(s); or
 - 8 c. Have the potential to impair views from other properties.
- 9 5. Projects for exterior remodeling of any commercial or industrial structure which
10 have any of the following effects:
 - 11 a. Add more than 10 percent of the total floor area to the structure(s) or add
12 more than 300 square feet of floor area to the structure(s) (whichever is
13 less with respect to adding new floor area square footage); or
 - 14 b. Increase the height of the structure(s); or
 - 15 c. Have the potential to impair views from other properties.
- 16 6. Projects for existing single-family residence or construction or expansion of an ac-
17 cessory structure which have any of the following effects:
 - 18 a. Add more than 300 square feet of floor area to any building on the parcel
19 where the additional floor area will add new building coverage to the
20 subject parcel where building coverage did not previously exist; or
 - 21 b. Add more than 25 percent of the total floor area of the existing structure
22 or add more than 600 square feet of floor area (whichever is less with re-
23 spect to adding new floor area square footage) to any building on the par-
24 cel where the addition will not add any new building coverage to the
25 subject parcel where building coverage did not previously exist; or
 - 26 c. Have the potential to impair views from other properties; or
 - 27 d. Increase the height of any building.
- 28 7. Construction of structures with a distance of more than six feet from the ground
29 to the lowest point of complete enclosure. (Design review shall address the poten-
30 tial visual impact of unsightly exposed underframing and utility ducts.)
- 31 8. Any addition or remodeling that causes the structure to exceed the height limits
32 established by SMC 10.40.060 (Height requirements).

1 9. Covering parking spaces, causing the existing structure to exceed the maximum
2 height limit pursuant to SMC 10.40.060(C)(3) (downhill parcels).

3 10. Construction of a structure on an uphill parcel which will have a sloped roof in
4 excess of the maximum height limit within the first 15 feet of the property pursu-
5 ant to SMC 10.40.060(C)(1) (uphill parcels).

6 ~~11. Exterior renovation, modification, or remodeling of any structure listed on the~~
7 ~~National (or State) Register of Historic Places, or on the local register or structure~~
8 ~~located within a City-designated historic district.~~

9 Signs and Awnings:

10 12. Signs and awnings subject to design review as specified by Chapter 10.42 SMC
11 (Sign and Awning Regulations).

12 Capital Improvement Projects:

13 13. Local public capital improvement projects and local public enhancement projects
14 excluding:

15 a. Capital improvement projects which are maintenance projects or do not
16 appreciably change the appearance of the area being maintained; and

17 b. Vehicular traffic safety guardrails deemed necessary by the City Engineer.

18 Other Permits:

19 14. Encroachment agreements for garages, fences, buildings, dwelling units, structures,
20 and parking spaces.

21 15. Demolition permits to demolish 51 percent or more of any single-family, two-
22 family, or multifamily structure as defined in Chapter 10.88 SMC (Definitions)
23 except where the structure has been irreparably damaged due to forces of nature.

24 16. Permits to construct wireless communication facilities (antennas and ground
25 equipment).

26 17. Permits to install satellite dish antennas which have a diameter greater than 40
27 inches (one meter).

28 18. Administrative design review for proposals made in conjunction with other appli-
29 cations requiring Planning Commission review and approval.

30 19. Administrative design review when the Community Development Director de-
31 termines a project warrants Planning Commission review and approval.

32 20. Any project proposing side yard structural projections (see SMC 10.40.090(D)).

- 1 C. Public Notice and Hearing. Design review permit applications require public hearing by
2 the Planning Commission. Public hearing shall be noticed and conducted consistent with
3 Chapter 10.82 SMC (Public Notice and Hearings). Design review for signs and awnings
4 shall not be subject to the noticing requirement.
- 5 D. Findings. The Planning Commission shall approve design review permit applications only
6 if the following findings can be made:
- 7 1. The proposed project is consistent with the General Plan, any applicable specific
8 plans, any applicable design guidelines, and this chapter. (The adopted historic de-
9 sign guidelines can be found in the Community Development Department or the
10 office of the City Clerk.)
- 11 2. The proposed architecture and site design complements the surrounding neigh-
12 borhood and/or district by either:
- 13 a. Maintaining the prevailing design character of the neighborhood and/or
14 district; or
- 15 b. Introducing a distinctive and creative solution which takes advantage of
16 the unique characteristics of the site and contributes to the design diversi-
17 ty of Sausalito.
- 18 3. The proposed project is consistent with the general scale of structures and build-
19 ings in the surrounding neighborhood and/or district.
- 20 4. The proposed project has been located and designed to minimize obstruction of
21 public views and primary views from private property.
- 22 5. The proposed project will not result in a prominent building profile (silhouette)
23 above a ridgeline.
- 24 6. The proposed landscaping provides appropriate visual relief, complements the
25 buildings and structures on the site, and provides an attractive environment for the
26 enjoyment of the public.
- 27 7. The design and location of buildings provide adequate light and air for the project
28 site, adjacent properties, and the general public.
- 29 8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed
30 and located to minimize visual, noise, and air quality impacts to adjacent proper-
31 ties and the general public.
- 32 9. The project provides a reasonable level of privacy to the site and adjacent proper-
33 ties, taking into consideration the density of the neighborhood, by appropriate
34 landscaping, fencing, and window, deck and patio configurations.

- 1 10. Proposed entrances, exits, internal circulation, and parking spaces are configured
2 to provide an appropriate level of traffic safety and ease of movement.
- 3 11. The proposed design preserves protected trees and significant natural features on
4 the site to a reasonable extent and minimizes site degradation from construction
5 activities and other potential impacts.
- 6 12. The project site is consistent with the guidelines for heightened review for pro-
7 jects which exceed 80 percent of the maximum allowed floor area ratio and/or
8 site coverage, as specified in subsection E of this section (Heightened Review
9 Findings).
- 10 E. Heightened Review Findings. The site development standards contained in Table 10.22-2
11 are not entitlements; the approved size, setbacks or other physical conditions of a proposed
12 new home or expansion of an existing home subject to design review shall be at the dis-
13 cretion of the Planning Commission. In order to meet the findings of design review, in-
14 cluding the following heightened review findings, the Planning Commission may approve
15 a home smaller, or with greater setbacks, or otherwise impose requirements that are more
16 restrictive than those set forth in this chapter. For residential projects that require a discre-
17 tionary design review (either Administrative Design Review or a Design Review Permit)
18 and exceed 80 percent of the permitted floor area ratio (FAR) and/or building coverage
19 limitations, the decision-making body must determine whether or not the site can support
20 maximum build-out, consistent with the following:
 - 21 1. Proposed development of the site maximizes preservation of protected trees.
 - 22 2. The site is configured with adequate width and depth to provide yard spaces and
23 setbacks, proportional to the size of the structure.
 - 24 3. The site will be developed in a manner that minimizes the obstruction of views
25 from surrounding properties and public vantage points, with particular care taken
26 to protect primary views.
 - 27 4. The proposed development of the site presents no potential hazard to public safety
28 in terms of vehicle traffic, pedestrian circulation, slope and tree stability, runoff,
29 and public utilities.
 - 30 5. The slope and topography of the site allow for limited excavation and minimal al-
31 teration to the site topography outside the footprint of structures.
 - 32 6. The site will provide adequate guest parking either on site or within the immedi-
33 ate street frontage.
 - 34 7. The proposed plan provides adequate landscaping to maximize privacy and mini-
35 mize the appearance of bulk.

1 Although these findings are only required for projects that would otherwise require a discretionary
2 design review public hearing, all projects that result in or exacerbate floor area and/or building
3 coverage of over 80 percent shall require the Community Development Department to give pub-
4 lic notice of the application, pursuant to SMC 10.82.020(A) (Public Hearing). If such notice is
5 required for a project that does not require a public hearing, the notice shall be mailed to notify
6 neighbors that a zoning permit has been issued, including a description of the project, and shall
7 include information regarding the appeal period for the zoning permit.

8 F. Conditions. The Planning Commission may impose conditions on design review permits,
9 to meet the purposes of this title, the general plan and any applicable specific plan. Condi-
10 tions may include but not be limited to maximum floor area, building coverage limit,
11 maximum height, and minimum open space. In addition, the conditions specified in SMC
12 10.54.090 (Conditions of approval) and SMC 10.50.100 (Recommended conditions of
13 approval) shall be imposed.

14 G. Resolution. Planning Commission decision shall be in the form of a written resolution
15 and shall include all findings and conditions of approval.

16 H. Appeal. All decisions of the Planning Commission, with respect to design review permits,
17 may be appealed to the City Council within 10 days of the Planning Commission deci-
18 sion. Appeals shall be filed and processed in accordance with Chapter 10.84 SMC (Ap-
19 peals).

20 I. Effective Date. Design review permits shall become effective at the end of the appeal peri-
21 od, provided no appeal has been submitted.

22 J. Expiration of Permit. Design review permits shall expire two years following the effective
23 date of the permit, provided no extension has been filed prior to the expiration date.

24 K. Extension. The applicant may request an extension of a design review permit prior to the
25 expiration of the permit. The Zoning Administrator or the Planning Commission (upon
26 receipt of a referral from the Zoning Administrator) may grant one extension for up to
27 one year, in accordance with SMC 10.50.140 (Extension of approved permits).

28 **10.54.070 Additional submittals required.**

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

33 A. Models;

34 B. Photomontages;

35 C. Computer-generated imaging; and/or

1 D. Reports by expert consultants to address potential issues of concern, such as noise, odor,
2 glare, sunlight, drainage, and traffic.

3 **10.54.080 Referral.**

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

1 **Modify Chapter 10.80, Zoning Ordinance Administration, Section 10.80.060, Historical Land-**
2 **marks Board, as follows:**

3 **10.80.060 Historical Landmarks Board.**

4 A. Appointments and Responsibilities. The Historical Landmarks Board (HLB) is hereby es-
5 tablished for the City of Sausalito and shall be appointed and serve in accordance with
6 Chapter 2.58 SMC.

7 B. Actions. Action to approve any application by the Historical Landmarks Board shall be by
8 a majority vote of the members present and voting. A tie vote, which is not followed by a
9 continuation of the matter for further consideration, shall have the same effect as a denial.

10 C. Duties. The Historical Landmarks Board shall have the ~~following~~ duties: as detailed in
11 Chapter 2.28 SMC.

12 ~~1. Make recommendations to the Planning Commission regarding designation of~~
13 ~~historic districts and listing properties on the local register, consistent with SMC~~
14 ~~10.28.040(F) (Procedures for Historic District Designation) and 10.46.050 (Proce-~~
15 ~~dures for listing a site or structure on local register).~~

16 ~~2. Hear and consider permit applications for construction, alteration, demolition and~~
17 ~~remedial work on sites listed on the local register or located in the historic overlay~~
18 ~~district, as provided by SMC 10.46.060 (Procedures for demolition, addition, or~~
19 ~~modifications).~~

20 ~~3. Make recommendations to the Planning Commission regarding policies related to~~
21 ~~historic preservation.~~

22 ~~4. Suspend action on a permit application to preserve historic structures or other fea-~~
23 ~~tures proposed for demolition or other alterations, consistent with SMC Title 8~~
24 ~~(Buildings and Construction).~~

25 ~~5. Advise property owners on proposed work on any structure listed on the local~~
26 ~~register or on a site located in the historic overlay district, when a permit is oth-~~
27 ~~erwise not required and the property owner requests advice. Work may include~~
28 ~~but not be limited to exterior painting, roofing, fencing, landscaping, glazing~~
29 ~~(window tinting), and installation of exterior lighting fixtures.~~

30 ~~6. Review design review permit applications with the Planning Commission for~~
31 ~~projects listed on the local register, or located in the historic overlay district, and~~
32 ~~approve, approve with conditions or deny the permit applications, as provided by~~
33 ~~Chapters 10.28 (Overlay Districts), 10.46 (Historic Overlay District and Local~~
34 ~~Register), and 10.54 SMC (Design Review Procedures).~~

- 1 7. ~~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:**

3 **10.82.020 Public notice.**

4 A. Public Hearing. Notice of a public hearing before the Zoning Administrator, Historic
5 Landmarks Board, Planning Commission or City Council shall be given in accordance
6 with law and as follows:

7 1. Content. In addition to any other information required by law, notice of a public
8 hearing shall include, but not be limited to: The date, time and place of the hear-
9 ing; the name of the hearing body; a general explanation of the matter to be con-
10 sidered; and a description of the location of the real property that is the subject of
11 the hearing. If a proposed negative declaration, a final environmental impact re-
12 port, or any other appropriate environmental document has been prepared for the
13 project pursuant to SMC Title 11 (Environmental Protection) and the California
14 Environmental Quality Act (CEQA), the hearing notice shall include a statement
15 that the hearing body will also consider approval/certification of such docu-
16 ment(s).

17 2. Method of Notice Distribution – Title Adoption or Amendment Not Affecting
18 Uses. Notice of a public hearing required by this title for the adoption of the
19 Zoning Ordinance or amendments to the Zoning Ordinance which do not affect
20 the uses of real property shall be published in at least one newspaper of general
21 circulation in the City at least 10 days before the hearing, as required by Califor-
22 nia Government Code Sections 65090 and 65091.

23 3. Method of Notice Distribution – Title Adoption or Amendment Affecting Uses.
24 Notice of a public hearing required by this title for the adoption of the Zoning
25 Ordinance or amendments to the Zoning Ordinance which affect the uses of real
26 property shall be given as follows, as required by California Government Code
27 Sections 65090 and 65091:

28 a. Notice shall be mailed or delivered at least 10 days before the hearing to
29 the following:

30 i. The applicant, and the subject property owner(s) or the owner's
31 agent, by certified or registered mail.

32 ii. Each local agency expected to provide water, sewage, streets,
33 roads, schools, or other essential facilities or services to the pro-
34 ject, and whose ability to provide such facilities and services may
35 be significantly affected.

36 iii. Any person who has filed a written request for notice with the
37 Community Development Director and has paid the fee set by

- 1 the most current Community Development Department fee
2 schedule for such notice.
- 3 iv. All owners of real property as shown on the latest equalized as-
4 sessment roll all occupants within 300 feet of the subject proper-
5 ty. The Community Development Director may choose alternate
6 notice procedure when the number of property owners to be no-
7 ticed exceeds 1,000. Such alternate notice shall be a display ad-
8 vertisement of at least one-eighth page in at least one newspaper
9 of general circulation within Sausalito at least 10 days prior to the
10 public hearing.
- 11 b. Either published in at least one newspaper of general circulation in the
12 City at least 10 days before the hearing or posted at least 10 days prior to
13 the hearing in at least three public places within the boundaries of the
14 City, including one public place in the area directly affected by the pro-
15 ceeding.
- 16 4. Method of Notice Distribution – Other Matters. Notice of a public hearing re-
17 quired by this title for discretionary permit, permit modification, or appeal shall be
18 given as follows:
- 19 a. Notice shall be mailed or delivered at least 10 days before the hearing to
20 the following:
- 21 i. The applicant, and the subject property owner(s) or the owner’s
22 agent, by certified or registered mail.
- 23 ii. Each local agency expected to provide water, sewage, streets,
24 roads, schools, or other essential facilities or services to the pro-
25 ject, and whose ability to provide such facilities and services may
26 be significantly affected.
- 27 iii. Any person who has filed a written request for notice with the
28 Community Development Director and has paid the fee set by
29 the most current Community Development Department fee
30 schedule for such notice.
- 31 iv. All owners of real property as shown on the latest equalized as-
32 sessment roll and all occupants within 300 feet of the subject
33 property.
- 34 b. Either published in at least one newspaper of general circulation in the
35 City at least 10 days before the hearing or posted at least 10 days prior to
36 the hearing in at least three public places within the boundaries of the
37 City, including one public place in the area directly affected by the pro-
38 ceeding.

- 1 B. Public Notice – Administrative Design Review, Administrative Historic Design Review
2 Permits and Changes to an Approved Project. Notice of a pending administrative decision
3 on a design review or changes to an approved project application shall be given as follows:
- 4 1. Content. Notice that an administrative design review or changes to an approved
5 project decision is pending shall include: a description of the location of the real
6 property that is the subject of the application; a general explanation of the matter
7 to be considered; an invitation to review plans and provide comments and sugges-
8 tions; 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
10 final administrative decision to the following:
- 11 a. The applicant and the subject property owner(s) or the owner’s agent.
- 12 b. All owners of real property as shown on the latest equalized assessment
13 roll and all occupants within 300 feet of the subject property.
- 14 3. Administrative Historic Design Review Permits. In addition to the notice re-
15 quirements described above, notice that an Administrative Historic Design Re-
16 view Permit is pending approval shall be sent to the members of the Historic
17 Landmarks Board and any individuals or organizations who request notice.
- 18 C. View Determinations. For projects subject to a determination regarding view impairment
19 consistent with SMC 10.54.050(B) (Applicability) (including but not limited to decks, bal-
20 conies and chimneys), applicant shall submit an affidavit indicating adjacent neighbors
21 (property owners and tenants, as applicable), including those located across a public street
22 or right-of-way, have been notified of the proposal and related application within 10 days
23 of the determination.
- 24 D. Additional Notice. The Community Development Director shall provide additional no-
25 tice for City-sponsored projects requiring Planning Commission notice and hearing. The
26 Community Development Director may provide any additional notice deemed necessary
27 or appropriate. Such notice shall be in addition to that required by this section and may
28 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 submit-
32 ted written comment on the application.
- 33 F. Failure to Notice. The failure to send notice by mail to any such property owner or occu-
34 pant, where the address of such owner is not shown upon the latest equalized assessment
35 roll of the County or the City’s latest copy of Pacific Telephone “Reverse Telephone Di-
36 rectory” for this area, shall not invalidate any proceedings in connection with any action.

1 **10.82.070 Transcript of hearing.**

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

10 All public hearing bodies shall provide for the recording of testimony in a stenographic report
11 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**
3 **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 Historic Landmarks Board, as applicable. Administrative decisions include
12 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).

15 2. Determinations that an application or submittal information is incomplete, pursu-
16 ant to SMC 10.50.060 (Initial review of applications) and California Government
17 Code Section 65943.

18 3. Decisions on Zoning Permits or Administrative Design Review Permits. An ad-
19 ministrative decision regarding a zoning permit shall be prominently posted on the
20 project site by the applicant within 24 hours of the decision and shall remain post-
21 ed for a period of 10 days.

22 4. Decisions on an Administrative Historic Design Review Permits. An administra-
23 tive decision regarding an Administrative Historic Design Review Permit shall be
24 prominently posted on the project site by the applicant within 24 hours of the de-
25 cision and shall remain posted for a period of 10 days. An Administrative Historic
26 Design Review Permit shall be appealed to the Historic Landmarks Board.

27 B. Zoning Administrator Decision. Any aggrieved party may appeal decisions made by the
28 Zoning Administrator to the Planning Commission.

29 C. Historical Landmarks Board Decision. Any aggrieved party may appeal decisions made by
30 the Historical Landmarks Board to the City Council.

31 D. Planning Commission Decision. Any aggrieved party may appeal decisions made by the
32 Planning Commission to the City Council.

33 While an appeal is pending, the establishment of the proposed structure or use shall be held in
34 abeyance.

1 **10.84.040 Public notice and hearing.**

- 2 A. Public Hearing Required. The Planning Commission, Historic Landmarks Board, or City
3 Council, as applicable, shall hold a public hearing on an appeal. At the hearing, the appel-
4 late body shall review the record of the decision and hear testimony of the appellant, the
5 applicant, and any other interested party. For appeals of decisions by the Historic Land-
6 marks Board, City Council appeal considerations shall be subject to the same requirements
7 of the ~~Historical Landmarks Board and Planning Commission~~ and shall include considera-
8 tion of any applicable plans or guidelines. Any significant change to a permit by the City
9 Council shall be referred to the ~~Historical Landmarks Board and Planning Commission~~
10 for review and comment prior to final action.
- 11 B. Notice. Notice of public hearings shall be given in the manner required for the decision
12 being appealed.

13 **10.84.050 Notice of decision.**

14 Following public hearing, the appellate body shall affirm, modify or reverse the original decision.
15 Written notice of the decision shall be mailed to the applicant and to the appellant. The City
16 Council may also remand any portion of the appeal to the Planning Commission or Historic
17 Landmarks Board for reconsideration.

18 **10.84.060 Effect of failure to give notice.**

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

28 **10.84.070 Effective date of appealed actions.**

- 29 A. A decision by the City Council regarding an appeal shall become final on the date action
30 was taken by the City Council.
- 31 B. A decision by the Planning Commission regarding an appeal shall become final 10 calen-
32 dar days after the date of the decision, unless appealed to the City Council.
- 33 C. A decision by the Historic Landmarks Board regarding an appeal shall become final 10
34 calendar days after the date of the decision, unless appealed to the City Council.

August 25, 2014

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1 **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 Historic Design Review Permit
4 is required for any signs or work on an Ark property. No substantive modifications have been
5 made to sign provisions, requirements, or processes.

6
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 Landmark Structures and properties within a ~~in the His-~~**
11 **~~toric Overlay District and for properties listed on the local register.~~**

12 A. Purpose. In addition to the general purposes of this chapter identified in SMC 10.42.010
13 (Purpose), the purposes of this section establishing regulations for signs on properties and
14 sites that are designated Landmark Structures or are located within a Historic Overlay Dis-
15 trict, and subject to the provisions of Chapter 10.46 (Historic Preservation) ~~in the historic~~
16 ~~overlay district and for structures and/or sites listed on the local register~~ are as follows:.

- 17 1. To establish reasonable standards for business identification on properties and sites
18 that are designated Landmark Structures or are located within a Historic Overlay
19 District ~~in the historic district and for properties listed on the local register;~~
- 20 2. To reinforce the historic qualities of buildings and districts of architectural and
21 cultural significance, including but not limited to downtown Sausalito;
- 22 3. To assist property and business owners in understanding community signage ex-
23 pectations;
- 24 4. To encourage creativity within a controlled framework;
- 25 5. To promote economic vitality; ~~and~~
- 26 6. To ensure that the design of new signage is appropriate to the historic character-
27 defining features of Landmark Structures and properties located within Historic
28 Overlay Districts; and
- 29 ~~7-6-~~ 7. To provide a regulatory framework for the Historic Overlay District ~~historic dis-~~
30 ~~trict~~ sign design guidelines.

31 B. Applicability. This section applies to all buildings, sites and businesses located within a
32 Historic Overlay District or Landmark Structure and subject to the provisions of Chapter
33 10.46 (Historic Preservation) of the SMC ~~the historic overlay district and/or listed on the~~
34 ~~local register~~. In addition, all signs in the applicable areas are subject to the other applicable
35 sections of this chapter (Sign and Awning Regulations) ~~and~~ the Sausalito Historic District

1 Sign Design Guidelines, and any other design guidelines and policies adopted by the His-
2 toric Landmarks Board.

3 C. Historic Design Review Permit Required. Any work involving a sign shall obtain a His-
4 toric Design Review Permit subject to review and approval by the Historic Landmarks
5 Board as provided in Chapter 10.46.060 (Property and Permit Requirement) of the SMC,
6 prior to the issuance of any building permits or approval of other planning entitlements.

7 ~~C.D.~~ Historic District Guidelines. Any sign, awning, or signage program located within a His-
8 toric Overlay District or proposed for a Landmark Structure shall comply with SMC
9 10.42.070 (Sign standards in the historic overlay district and for properties listed on the lo-
10 cal register), the historic district sign guidelines adopted by the City Council, and the de-
11 sign and performance standards identified in SMC 10.42.060 (Sign and awning standards).
12 Where there are differences between SMC 10.42.060 (Sign and awning standards), this
13 Section, SMC 10.42.070 (Sign standards in the historic overlay district and for properties
14 listed on the local register) and the historic district sign guidelines, the most restrictive reg-
15 ulation shall apply.

16 ~~E.~~ Sign Types Permitted. The following sign types are permitted on properties and sites that
17 are designated Landmark Structure or in a Historic Overlay District in the historic overlay
18 district and on structures listed on the local register, as determined eligible by the Planning
19 Commission:

- 20 1. Wall signs;
- 21 2. Projecting signs;
- 22 3. Awning signs;
- 23 4. Window signs;
- 24 5. Hanging signs;
- 25 6. Plaque signs;
- 26 7. Directory signs;
- 27 8. Address signs;
- 28 9. Menu signs;
- 29 10. Temporary signs; and
- 30 11. Special signs.

31 ~~F.D.~~ Sign Types Strongly Discouraged. Signs are strongly discouraged which are considered
32 incompatible with the Historic Overlay District historic overlay district, which adversely
33 affect the health, safety and/or general welfare of the community, or which might create

1 confusion to the public or to public safety officials responding to community emergencies.
2 In addition, the following sign types are strongly discouraged in the Historic Overlay Dis-
3 trict ~~historic overlay district~~ and on structures listed on the local register:

- 4 1. Banner signs (see exception under subsection P of this section (Temporary Signs));
- 5 2. Neon signs;
- 6 3. Roof signs;
- 7 4. Interior illuminated signs;
- 8 5. Freestanding signs;
- 9 6. Electronic and readerboard signs;
- 10 7. A-frame signs;
- 11 8. Changeable letter signs;
- 12 9. Flashing, illuminated, phosphorescent signs;
- 13 10. Signs incorporating lights or movement as viewed from the public right-of-way
14 or from any area open to the public;
- 15 11. Off-premises signs;
- 16 12. Floating signs; and
- 17 13. Signs containing glossy finish.

18 GE. Exempt Signs. The following signs will be allowed in the Historic Overlay District ~~histor-~~
19 ~~ic overlay district~~ without a sign permit and shall not be included in the calculation of
20 maximum sign area:

- 21 1. Interior signs not visible from any public right-of-way or from any area open to
22 the public;
- 23 2. Interior signs located within 15 feet of business frontage and visible by the public
24 that contain lettering of one inch or less;
- 25 3. Interior signs visible by the public and located more than 15 feet from the business
26 frontage that contain lettering three inches or less;
- 27 4. Public information signs required by City, State or Federal laws;
- 28 5. Nameplate signs on doors not exceeding two inches by 24 inches and administra-
29 tively approved by the Community Development Director; and

1 6. One alarm sign not exceeding an aggregate of one square foot, indicating presence
2 of alarm device and identifying representative to be contacted in case of alarm ac-
3 tivation.

4 HF. General Regulations. The following standards shall apply to all sign types subject to the
5 provisions of this Section ~~in the historic overlay district or on structures listed on the local~~
6 ~~register:~~

7 1. Total number of signs shall be at discretion of ~~the Planning Commission and His-~~
8 ~~torical Landmarks Board.~~

9 2. Commercial signage should be limited to 0.5 square feet of signage per lineal foot
10 of street frontage. Exceptions may be granted for narrow buildings. Store infor-
11 mation under one inch in height (e.g., hours of operation) shall not be included in
12 size calculations.

13 3. Materials should be appropriate to historic nature of district and/or structure listed
14 on the local register and may include carved wood signs and individual cast or cut
15 metal letters.

16 4. All signs should be of high quality workmanship, with clean and finished edges
17 and materials.

18 5. Colors should be appropriate to the Historic Overlay District ~~historic district~~ or
19 ~~structure listed on the local register~~ Landmark Structure and relative to the loca-
20 tion, size and context of the structure, business or site.

21 6. Lighting should be unobtrusive and controlled by dimmers.

22 7. Upper floor signage should be limited to six square feet. Upper floor signage may
23 include projecting signs at ground floor level entries, projecting signs at upper
24 floor window level, or lettering applied directly to upper floor windows. Upper
25 floor signage should be generally smaller than signage for ground floor tenants.

26 8. The use of ~~historical~~ sign precedents that are generally within the parameters of
27 these guidelines shall be encouraged where appropriate to the building and loca-
28 tion.

29 9. Any sign shall be installed in a manner to minimize damage or degradation to his-
30 toric buildings, consistent with the Secretary of the Interior Standards.

31 IG. Wall Signs. Wall signs, defined in SMC 10.42.030 (Sign definitions) are subject to the fol-
32 lowing guidelines:

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

34 2. Wall signs should not be painted directly to wall surfaces unless the ~~Historical~~
35 Landmarks Board finds they are of historic significance.

- 1 3. Signs should consist of individual solid metal, wood, stone or glass letters, or
2 flush-mounted carved, routed or sandblasted wood plaques.
- 3 4. Signable area (defined by SMC 10.42.030, Sign definitions) should not exceed 15
4 percent of the business facade.
- 5 5. Wall signs should be limited in size, as follows:
 - 6 a. Individual letter size: 12 inches. If all capital letters used: Eight inches.
 - 7 b. Total signage area: 40 percent of signable area.
 - 8 c. Length of signage: 75 percent of signable area width. For single tenant in
9 multitenant building: Two-thirds of individual tenant storefront.
 - 10 d. Projection: Four inches maximum from face of wall surface.
- 11 JH. Projecting Signs. Projecting signs are encouraged in the Historic Overlay District ~~historic~~
12 ~~overlay district~~ and should be oriented to pedestrians on the sidewalk in front of the build-
13 ing. Projecting signs are also subject to the following guidelines:
 - 14 1. Maximum projection from building face: 36 inches.
 - 15 2. Minimum clearance between building face and sign: Six inches.
 - 16 3. Maximum area: Six square feet. Irregular-shaped signs should fit within an imagi-
17 nary rectangle not exceeding nine square feet.
 - 18 4. Mounting brackets shall be reviewed for design, decorative nature, uniqueness and
19 shadowing effects on business wall surfaces.
 - 20 5. Shape and design of sign shall be reviewed and may include logos, irregular out-
21 lines, and two- or three-dimensional icon signs.
- 22 KI. Awning Signs. Awning signs shall be reviewed for conformance to the following guide-
23 lines:
 - 24 1. Size of awning signs should be limited, as follows:
 - 25 a. Letter height: Eight inches.
 - 26 b. Logo height (on sloping awning face): 12 inches.
 - 27 c. Logos and other design elements on sloped awning face: 10 percent of
28 awning face.

1 d. Letters, logos and other design elements may be allowed on the sides
2 (closed ends of awnings) provided they are smaller than those on the front
3 and do not exceed 40 percent of the awning end panel area.

4 2. Upper-level awning signs may be allowed at the discretion of the Historical
5 Landmarks Board ~~and the Planning Commission~~ and should be limited to the
6 business name or type.

7 LJ. Window Signs. Window signs shall meet the following guidelines, unless otherwise ap-
8 proved by the Historical Landmarks Board ~~or Planning Commission~~:

9 1. Copy should be limited to business name, address, hours of operation, emergency
10 telephone numbers and business tenant logos.

11 2. Area should not exceed 25 percent of any single window area or 10 percent of
12 aggregate ground floor window area, whichever is less.

13 3. Copy should be limited to eight inches in height.

14 4. Store information copy under one inch in height and credit card logos under two
15 inches in height are included in window coverage, but not maximum sign area al-
16 lowed.

17 5. Signs taped to windows or suspended independent of the glass are not allowed.

18 MK. Hanging Signs. Hanging signs are similar to projecting signs except they are below awn-
19 ings, balconies or beams and are generally smaller in size. Hanging signs are subject to the
20 following 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 NL. Plaque Signs. Plaque signs are smaller wall signs attached to surfaces adjacent to shop front
26 entries and generally limited to the business name or logo and designed for viewing by
27 pedestrians 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 a. Size: Three square feet.
- 2 b. Letters: Six inches in height.
- 3 c. Aggregate area of all temporary signs on a business tenant frontage: 10
- 4 percent of display window area.
- 5 d. Illuminated, luminescent and fluorescent signs strongly discouraged.
- 6 3. Temporary real estate sale or lease information and construction, alteration and
- 7 repair signs shall be reviewed for compatibility with the Landmark Structure
- 8 and/or Historic Overlay District ~~historic overlay district~~ and are subject to the fol-
- 9 lowing:
 - 10 a. Size: Three square feet.
 - 11 b. Letters: Three inches in height.
 - 12 c. Aggregate area of temporary signs on business frontage: Six square feet.
 - 13 d. Illuminated, luminescent and fluorescent signs discouraged.
- 14 4. The number and duration of temporary signs shall be at the discretion of the
- 15 Community Development Director, subject to the following:
 - 16 a. Duration: No greater than 30 days.
 - 17 b. Frequency: No more than four times per year.
 - 18 c. Period of at least 30 days between any of four display periods, unless
 - 19 waived by the Community Development Director.
- 20 SQ. Special Signs. Creative signs that do not fit within another identified category may be al-
- 21 lowed, subject to the following guidelines:
 - 22 1. Moveable signs require ~~Historical Landmarks Board and Planning Commission~~
 - 23 approval prior to initial use.
 - 24 2. Review by the ~~Planning Commission and Historical Landmarks Board~~ shall con-
 - 25 sider appropriateness to and compatibility with the Landmark Structure and/or
 - 26 Historic Overlay District.
 - 27 3. Special signs shall only be approved if the ~~Historical Landmarks Board and Plan-~~
 - 28 ~~ning Commission~~ can make one or more of the following findings:
 - 29 a. Proposal contributes to the vitality of the Historic Overlay District ~~histor-~~
 - 30 ~~ic district~~.

- 1 b. Proposed sign provides a better visual building and signage relationship
2 for a difficult building or location.
- 3 c. Proposal maintains a size and character appropriate to the pedestrian scale
4 of the Historic Overlay District ~~historic district~~.
- 5 4. Special signs shall be creative and unique to the business, location, building archi-
6 tecture or neighborhood character.

7 **10.42.080 Administrative sign permits.**

8 A. Applicability. ~~Certain~~ ~~The following~~ sign applications are subject to the applicable sign
9 standards and may be administratively reviewed and approved by the Community Devel-
10 opment Director, or her/his designee. ~~Administrative approval of signs on properties lo-~~
11 ~~cated within a Historic Overlay District or on a Landmark Structure are subject to the~~
12 ~~provisions of Section 10.46.060 (Property and Permit Requirement) of the SMC. ; pro-~~
13 ~~vided, that such signs are not located within any historic district or upon any property or~~
14 ~~structure listed on the local register. The following sign applications are eligible for admin-~~
15 ~~istrative approval:~~

- 16 1. Text replacement of existing approved signs where a business has changed owner-
17 ship or use; provided, that the size, color, and location of the sign do not change.
- 18 2. In the CN, CR, CC, and CW districts, signs which do not exceed six square feet
19 in area in the aggregate of permanent signs for a business and have no internal il-
20 lumination.
- 21 3. In the SC, W, and I districts, signs which do not exceed 20 square feet in area in
22 the aggregate of permanent signs for a business and have no internal illumination.

23 B. Procedure and Required Information. An application for an administrative sign permit
24 shall be filed in accordance with SMC 10.42.090(D) (Submittal Requirements).

25 C. Findings and Determination. The Community Development Director, or her/his design-
26 ee, shall determine whether the proposed sign is consistent with the standards (SMC
27 10.42.060, Sign and awning standards) and findings of approval (SMC 10.42.090(E)). A
28 written determination shall be provided within 10 days after the initial submittal.

29 D. Conditions of Approval. In addition to the conditions specified in SMC 10.50.100 (Rec-
30 ommended conditions of approval) the Community Development Director may impose
31 additional conditions as necessary to assure compliance with the standards specified in
32 SMC 10.42.060 (Sign and awning standards).

33 E. Appeal. Administrative sign permit decisions may be appealed to the Planning Commis-
34 sion within 10 days of the decision date. Appeals must be submitted in writing and shall be
35 processed in accordance with Chapter 10.84 SMC (Appeals).

1 F. Effective Date. Community Development Director, or her/his designee, decisions of ap-
2 approval or denial of administrative sign permit applications shall become final 10 days after
3 date of decision, unless an appeal has been filed.

4 G. Referral. Upon the discretion of the Community Development Director, signs may be
5 referred to the Planning Commission and, where appropriate, the Historical Landmarks
6 Board. All other signs requiring a permit shall be reviewed by the Planning Commission
7 and, ~~where appropriate when required,~~ the Historical Landmarks Board.

8 **10.42.090 Sign permits (Planning Commission review).**

9 A building permit shall also be obtained for any sign if required by SMC Title 8 (Buildings and
10 Construction).

11 A. Applicability and Authority. All sign permit applications shall require Planning Commis-
12 sion review and approval, unless specified by SMC 10.42.080 (Administrative sign per-
13 mits) or exempted by SMC 10.42.040 (Signs allowed without permits). ~~Sign permit appli-~~
14 ~~cations shall also require concurrent Historical Landmarks Board review and approval and~~
15 ~~shall be subject to historic district sign guidelines when the property is located in the his-~~
16 ~~toric overlay district or is listed on the local register.~~

17 B. ~~Historic District Guidelines. Any sign, awning, or signage program located within the his-~~
18 ~~toric district or proposed for a designated structure or site listed on the local register shall~~
19 ~~comply with SMC 10.42.070 (Sign standards in the historic overlay district and for prop-~~
20 ~~erties listed on the local register), the historic district sign guidelines adopted by the City~~
21 ~~Council, and the design and performance standards identified in SMC 10.42.060 (Sign and~~
22 ~~awning standards). Where there are differences between SMC 10.42.060 (Sign and awn-~~
23 ~~ing standards), SMC 10.42.070 (Sign standards in the historic overlay district and for prop-~~
24 ~~erties listed on the local register) and the historic district sign guidelines, the most restric-~~
25 ~~tive regulation shall apply.~~

26 C. Public Notice. Sign permit applications that are processed concurrently with another de-
27 velopment application requiring Planning Commission public hearing, review and ap-
28 proval shall be noticed consistent with Chapter 10.82 SMC (Public Notice and Hearings).
29 Applicant shall post notice of application on subject property for all other sign permit ap-
30 plications. Notice shall indicate date application was made, describe the application (in-
31 cluding the proposed sign) and be posted at eye level at the subject property.

32 D. Submittal Requirements. Applications shall include all information required under SMC
33 10.50.030 (Application procedure). In addition, applications for Planning Commission
34 sign permits and administrative sign permits shall be accompanied by information specified
35 by administrative guidelines. The administrative guidelines shall be a detailed list of sub-
36 mittal requirements to include, but not be limited to, the following:

37 1. Planning Commission sign permit or administrative sign permit application form;

38 2. Applicable fee, as established by resolution of the City Council;

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

- 1 7. The proposed sign is consistent with the highest graphic standards and composed
2 of durable and appropriate materials.
- 3 8. If the proposed sign is for an establishment within a commercial or industrial center,
4 the sign is harmonious with the entire center's signage and has been subject to
5 the commercial or industrial center's design review.
- 6 9. If the proposed sign is oriented toward a residential zoning district and is within
7 50 feet of the district, the signage is necessary for minimum business identification
8 and will not have an adverse aesthetic effect on the residential character of the adjacent residential neighborhood.
- 9
- 10 10. Proposed sign serves to primarily identify the business or type of activity being
11 conducted on the same premises, or the product, service or interest being offered
12 for sale or lease on-site.
- 13 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).~~
- 14
- 15
- 16
- 17
- 18 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
19 conditions as necessary to assure compliance with the standards specified in SMC
20 10.42.060 (Sign and awning standards).
- 21
- 22 G. Resolution and Notice of Decision. The Planning Commission decision shall be in the
23 form of a written resolution and shall include all findings and conditions of approval.
- 24 H. Appeal. All decisions of the Planning Commission, with respect to sign permits, may be
25 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).
- 26
- 27 I. Effective Date. Sign permits shall become effective at the end of the appeal period, provided no appeal has been submitted.
- 28
- 29 J. Expiration of Permit. Sign permits shall expire one year following the effective date of the
30 permit, provided no extension has been filed prior to the expiration date.
- 31 K. Extension. The applicant may request one extension of a sign permit prior to the expiration
32 of the permit, for up to one additional year, in accordance with SMC 10.50.140 (Extension of approved permits).
- 33

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

2 **10.44.130 Arks.**

3 A. Purpose and Applicability. In addition to the general purposes of this chapter, Arks have
4 been identified as having architectural and historic significance to the City and have been
5 designated as requiring additional protections and consideration. ~~The~~ specific purposes of
6 this section regulating arks are as follows:

7 1. To promote and encourage the maintenance, restoration and preservation of the
8 City's single-family ark dwellings and ark dwelling groups as they existed at the
9 time of adoption of this title;

10 2. To provide an environment compatible with surrounding marine and commercial
11 districts;

12 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
15 connection.

16 C. ~~Historic Design Review Permit Required Historical Landmarks Board Review.~~ Any exte-
17 rior renovation, restoration, reconstruction or replacement of a single-family ark dwelling
18 shall obtain a Historic Design Review Permit ~~be~~ subject to review and approval by the
19 ~~Historical Landmarks Board~~ as provided in SMC Chapter 10.46 (Historic Preservation)
20 10.80.060 (Historical Landmarks Board), prior to the issuance of any permits or approval
21 of other planning entitlements.

22 D. Reconstruction or Replacement. Reconstruction or replacement of any single-family ark
23 dwelling that cannot feasibly be repaired may be permitted with a Historic Design Review
24 Permit, provided the exterior design of the new construction is in character with the his-
25 toric design of the ark which is being replaced. This section also applies to any alteration
26 required by law, by order of the City of Sausalito, or other governmental agency having
27 jurisdiction.

28 E. Parking. Notwithstanding the provisions of SMC 10.40.100 (Parking standards) et seq., no
29 off-street parking spaces shall be required for an existing single-family ark dwelling.

August 25, 2014

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1 **HISTORIC PRESERVATION OF LANDMARKS AND HISTORIC**
2 **DISTRICTS**

3 The three Chapters included in this section relate to the creation and designation of landmarks and
4 historic districts. Chapter 8.44 (Preservation of Local Landmarks), located in Title 8 (Buildings and
5 Construction) of the SMC, is proposed to be deleted in its entirety. These requirements and regu-
6 lations have been located in various Titles and Chapters of the SMC.

7 Chapters 10.28 and 10.46 have been revised and organized to include all requirements and proce-
8 dures for buildings and areas that are formally designated as Landmark Structures and Historic
9 Overlay Districts by the City Council. These chapters outline the purposes of historic preserva-
10 tion, designation requirements and processes, permit requirements, and preservation incentives.
11 The designation procedures and requirements follow those required by the State Historic Preserva-
12 tion Office, which Sausalito must follow as a Certified Local Government (CLG).

13 A new permit type, a Historic Design Review Permit, is required for all work to Landmark Struc-
14 tures and in Historic Overlay District. These permits must be reviewed by the Historic Landmarks
15 Board, who has final approval authority. Projects with multiple entitlements, such as Design Re-
16 view or a Variance, will still require approval by the Planning Commission. Two options have
17 been provided for the review and modification of a Historic Design Review Permit. In addition,
18 an optional preliminary review process has been added so that the Historical Landmarks Board can
19 review and comment upon projects before they come before them for final approval. The findings
20 for approval of a Historic Design Review Permit have been strengthened, with specific findings
21 for sign and demolition permits.

22 The preservation incentives have largely been unmodified, as the existing Ordinance already in-
23 cludes incentives such as reduced fees, modified uses, and reduced parking requirements

24
25 *Delete Chapter 8.44, Preservation of Historical Landmarks, in its entirety.*

26 ~~Chapter 8.44~~

27 ~~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), and any other applicable requirements of this
8 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 historic, architectural, or aesthetic interest or
12 value, and constituting a distinct section of the City, as a Historic Overlay District (-H).
13 The Historic Overlay District designation shall have additional protections for the con-
14 tributing structures and to ensure that physical alterations to properties within this overlay,
15 including those to noncontributors, are compatible with the character of the district, but
16 shall not affect the underlying base zoning district regulations. In addition to the general
17 purposes of this chapter, the specific purposes of the Historic Overlay District is to provide
18 the ability to acknowledge, honor, and encourage the continued maintenance and preser-
19 vation of those select properties in the City that contribute to the City's architectural and
20 cultural history. Further, it is the purpose of this Chapter to promote the public health,
21 safety, and general welfare by providing for the identification, recognition, designation,
22 protection, enhancement, perpetuation, and use of historic resources that reflect associa-
23 tions important in the City's history and to: ~~historic (-H) overlay district include the fol-~~
24 lowing:

25 1. Safeguard the character and history of the City which is reflected in its unique ar-
26 chitectural, historic, and cultural heritage through the designation of Historic
27 Overlay Districts;

28 2. Provide a method for the identification and designation of Historic Overlay Dis-
29 tricts;

30 3. Deter the demolition, alteration, misuse or neglect of historic or architecturally
31 significant structures and sites;

32 4. Encourage preservation and adaptive reuse of properties in Historic Overlay Dis-
33 tricts by allowing changes to accommodate new functions and uses;

34 5. Provide a review process for alterations, modifications and additions on properties
35 within a Historic Overlay District, including applying applicable adopted guide-
36 lines and policies as adopted by the Historic Landmarks Board and City Council;

- 1 6. Enhance property values, stabilize neighborhoods, and render City properties in
2 Historic Overlay Districts eligible for benefits and incentives;
- 3 7. Foster civic and neighborhood pride and a sense of identity based on the recogni-
4 tion of the City's past accomplishments as reflected through its buildings, struc-
5 tures, objects, landscape, natural features, infrastructure, and engineering;
- 6 8. Strengthen the City's economy by protecting and enhancing the City's attraction
7 to residents, tourists, visitors, and others, thereby serving as a stimulus and support
8 to local business and industry; and
- 9 9. Identify incentives that are intended to encourage owners to designate, maintain,
10 reuse, rehabilitate, and improve properties in Historic Overlay Districts.
- 11 ~~1. To promote the conservation, preservation, and enhancement of the historic or~~
12 ~~architecturally significant structures and sites that form an important link to Sausal-~~
13 ~~ito's past;~~
- 14 ~~2. To deter demolition, destruction, alteration, misuse or neglect of historic or archi-~~
15 ~~tecturally significant buildings;~~
- 16 ~~3. To stimulate the economic health and quality of the community and stabilize and~~
17 ~~enhance the value of property;~~
- 18 ~~4. To encourage development tailored to the character and significance of the histor-~~
19 ~~ic district through sign and design review standards;~~
- 20 ~~5. To provide review of projects located in the historic overlay district by the His-~~
21 ~~torical Landmarks Board;~~
- 22 ~~6. To encourage the protection and reuse of structures, sites and areas that provide~~
23 ~~significant examples of the past or that are landmarks in the history of architecture;~~
- 24 ~~7. To preserve structures that are unique and irreplaceable assets to the City and its~~
25 ~~neighborhoods; and~~
- 26 ~~8. To provide appropriate settings and environments for historic structures.~~
- 27 B. Zoning Map Indicator. The ~~-H Historic Overlay District~~ historic overlay district may be
28 combined with any zoning district. Each ~~-H Historic Overlay District~~ overlay district shall
29 be shown on the zoning map by adding an “-H” designator to the base district designa-
30 tion, followed by the number of the district based on the order of adoption.
- 31 C. Applicability. All public and private lands within the boundaries of the Historic Overlay
32 District ~~historic overlay district~~ shall be subject to this chapter, Chapter 10.46 SMC (His-
33 toric Preservation ~~Historic Overlay District and Local Register~~), any other applicable pro-
34 visions of this title, and applicable provisions of the Sausalito Municipal Code.

- 1 D. Land Use and Development Regulations. The land use and development regulations ap-
2 plicable in an -H district shall be as prescribed for the base district with which it is com-
3 bined unless modified by another overlay district. The requirements of any applicable de-
4 sign and sign guidelines shall govern where conflicts arise. The requirements and standards
5 that apply to land uses and new development within the Historic Overlay District ~~-H his-~~
6 ~~toric overlay district~~ shall be as provided by Chapters 10.20 through 10.26 SMC (base
7 zoning district regulations) for the applicable base zoning district, unless otherwise provid-
8 ed by a preservation agreement, pursuant to SMC 10.46.0790(F) (Written Agreement).
9 Alternate uses may be allowed with a conditional use permit as provided by SMC
10 10.46.04090(D) (Additional Uses) ~~(Conditional uses)~~ and 10.46.070(D) ~~(Additional Uses)~~.
- 11 E. Establishment of Historic Overlay Districts. Historic Overlay Districts are areas, both con-
12 tiguous and non-contiguous, of the City that have a special architectural, cultural, or his-
13 toric significance, and designated by the City Council. Properties included in a Historic
14 Overlay District may be both contributing and non-contributing, and those contributing
15 properties may be identified on site with an exterior marker or plaque in accordance with
16 City guidelines displaying pertinent information about the resource. A record of properties
17 in each Historic Overlay District shall be kept by the City, and be provided to the region-
18 al information center of the State Office of Historic Preservation and other agencies as re-
19 quired.
- 20 F. Criteria for Establishing -H Historic Overlay District. The Historic Overlay District ~~his-~~
21 ~~toric overlay district~~ may be applied to areas which are documented as historic districts.
22 Portions of a base zoning district that do not meet the criteria may be included in an His-
23 toric Overlay District ~~historic overlay district~~ if inclusion is found to be essential to the in-
24 tegrity of the district. The following criteria shall be used to determine application of the
25 historic overlay district:
- 26 1. The area possesses character, interest, or value as part of the heritage of the City of
27 Sausalito;
 - 28 2. The area is the location of a significant historical event;
 - 29 3. The area is identified with a person or group that contributed significantly to the
30 culture and development of the City of Sausalito;
 - 31 4. Structures within the area exemplify a particular architectural style or way of life
32 important to the City;
 - 33 5. Structures within the area are the best remaining examples of an architectural style
34 in a neighborhood;
 - 35 6. The area or its structures are identified as the work of a person or group whose
36 work has influenced the heritage of the City of Sausalito, the State or the United
37 States;

- 1 7. The 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. The area's unique location or singular physical characteristics represent an estab-
4 lished and familiar visual feature of a neighborhood;
- 5 9. The area has potential for yielding information of archaeological interest; and/or
- 6 10. The area's integrity as a natural environment strongly contributes to the well-
7 being of the people of the City of Sausalito.

8 F. Procedures for Historic Overlay District Designation. ~~The following procedures shall be~~
9 ~~used for designating historic districts.~~

10 1. The Historic Landmarks Board shall have the authority to recommend approval,
11 disapproval, or modification of properties within a Historic Overlay District to the
12 City Council.

13 2. Initiation. Initiation of designation of properties within a Historic Overlay Dis-
14 trict shall be made by one of the following methods:

15 a. City Council or Historic Landmarks Board; or

16 b. Property Owner(s) or Member of the Public.

17 ~~4. Application and Initiation. An H historic overlay district designation may be ini-~~
18 ~~tiated by the Historical Landmarks Board, Planning Commission or City Council.~~
19 ~~A private interested party may also apply for designation of an historic overlay dis-~~
20 ~~trict.~~

21 3. Notification to Property Owner(s). Within 10 days of initiation to a Historic
22 Overlay District, the owner(s), designated agent or agents, and tenants of the sub-
23 ject property(ies), shall be notified consistent with Chapter 10.82 (Public Notice
24 and Hearings).

25 4. Application Requirements. Applications for the designation of a Historic Overlay
26 District shall be filed with the Community Development Department and include
27 the following:

28 a. A statement of architectural, historic, or cultural significance of the district
29 and a description of the character-defining features that should be pre-
30 served;

31 b. A map showing the location of the area proposed as a district;

32 c. Photographic document of the building(s) and area;

33 d. A District Preservation Plan may be prepared that contains the following:

- 1 i. A narrative description of the proposed district including the age,
2 setting, urban design elements and streetscapes, major public im-
3 provements;
- 4 ii. Proposed objectives to be achieved by designation;
- 5 iii. A set of specific performance guidelines for new construction and
6 alterations necessary to preserve the character of the district; and
- 7 iv. Proposed rules and regulations for the review of new construc-
8 tion, alterations, and improvements.
- 9 e. In lieu of items a through d above, applicants may alternatively submit
10 State Department of Parks and Recreation historic resources inventory
11 form;
- 12 f. Any additional information requested or required by the Community
13 Development Department or the Historic Landmarks Board, including
14 plans or materials deemed necessary to support and process the applica-
15 tion.
- 16 2. ~~Submittal Requirements. To process an application for historic overlay district~~
17 ~~designation, the following information shall be submitted:~~
- 18 a. ~~Design Plan or Guidelines Required. The following shall be prepared and~~
19 ~~considered:~~
- 20 i. ~~A map and description of the proposed district, including bound-~~
21 ~~aries; the age, setting, and character of structures; urban design el-~~
22 ~~ements and streetscapes; major public improvements; and pro-~~
23 ~~posed objectives to be achieved.~~
- 24 ii. ~~A statement of the architectural or historical significance of the~~
25 ~~proposed district.~~
- 26 iii. ~~A list of specific alterations that should be subject to design re-~~
27 ~~view in order to protect the architectural or historical character of~~
28 ~~the proposed district.~~
- 29 iv. ~~A set of specific design guidelines for new construction and al-~~
30 ~~terations necessary to preserve the character of the proposed dis-~~
31 ~~trict.~~
- 32 b. ~~Property Owners' Consent. A form bearing the signatures of owners of~~
33 ~~51 percent of the land area within the proposed district.~~

- 1 e. ~~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 5. Interim Protection Measures. No permits for exterior alterations shall be issued for
8 180 days from the date of initiation without prior approval by the Historic Land-
9 marks Board. Pending permit applications may be processed, but no final action
10 shall be taken until after the conclusion of the designation process or the 180 days
11 has passed, whichever occurs first. The following permits may be processed dur-
12 ing the designation process:
- 13 a. Ordinary Maintenance and Repair. Ordinary maintenance and repairs
14 may be approved. For the purposes of this Chapter, ‘ordinary mainte-
15 nance and repairs’ shall mean regular, customary, or usual care of an exist-
16 ing building, structure, object, or site, for the purposes of preserving said
17 property and maintaining it in a safe and sanitary condition and does not
18 involve a change of design, material, or appearance of the property.
- 19 b. Dangerous and Immediately Dangerous Properties. Unsafe or dangerous
20 conditions that present an imminent threat to the public of bodily harm
21 or of damage to adjacent property may be approved. The Building Offi-
22 cial shall notify the Director in writing that the proposed action is neces-
23 sary in order to mitigate the unsafe or dangerous condition.
- 24 6. Public Hearings. The Historical Landmarks Board and Planning Commission shall
25 make a recommendation to the City Council to designate a Historic Overlay Dis-
26 trict ~~rezone property with an H Historic overlay district following a public hear-~~
27 ~~ing. In addition to the information prescribed by Chapter 10.82 SMC (Public~~
28 ~~Notice and Hearings), notice of a public hearing for the establishment of an his-~~
29 ~~toric overlay district shall include a statement that original petitioners have the~~
30 ~~right to withdraw their support of the district at any time prior to the hearing, and~~
31 ~~that property owners that have not signed the petition have the right to do so pri-~~
32 ~~or to the date of the hearing.~~
- 33 4. ~~Findings. The Historical Landmarks Board and Planning Commission may rec-~~
34 ~~ommend approval of an historic overlay district if all of the following findings can~~
35 ~~be made:~~
- 36 a. ~~The area proposed for the historic overlay district is significant to local,~~
37 ~~regional, State or national history.~~

- 1 ~~b. The criteria identified in subsection E of this section (Criteria for Estab-~~
2 ~~lishing II Historic District) have been considered and apply to the pro-~~
3 ~~posed area.~~
- 4 ~~e. Sites within the proposed area that are not individually historic are being~~
5 ~~included because they are essential to the integrity of the district.~~
- 6 ~~d. Designation of the proposed area as an historic overlay district has been~~
7 ~~subject to environmental review and the appropriate findings have been~~
8 ~~made.~~
- 9 ~~e. Designation of the historic district will preserve historic character and in-~~
10 ~~tegrity of proposed area.~~
- 11 ~~f. Proposed district has a significant architectural or historical character that~~
12 ~~can be preserved or enhanced through appropriate controls and incentives~~
13 ~~on new development and alterations to existing buildings and landscaping.~~
- 14 ~~g. Special criteria are appropriate and being applied in the form of design~~
15 ~~guidelines, sign guidelines or a conservation plan.~~
- 16 a. Historic Landmarks Board Hearing. The Historic Landmarks Board shall
17 consider the proposed designation at a noticed public hearing and shall
18 recommend approval, in whole or in part, or disapproval the application
19 for the designation of a Historic Overlay District. The decision shall be
20 in writing and state the findings of fact and reasons relied upon to reach
21 the decision and forwarded to the City Council.
- 22 5. ~~Historical Landmarks Board Hearing and Recommendation.~~ A public hearing
23 ~~shall be noticed and held by the Historical Landmarks Board, consistent with~~
24 ~~Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public~~
25 ~~hearing shall be to receive testimony from persons interested in the proposed his-~~
26 ~~toric overlay district, to consider the recommendations of the Community Devel-~~
27 ~~opment Department, and to adopt a recommendation to the Planning Commis-~~
28 ~~sion. The Historical Landmarks Board shall submit a written report conveying the~~
29 ~~Board's recommendation on the proposed amendment to the Planning Commis-~~
30 ~~sion. The report shall provide reasons for the recommendation on the proposed~~
31 ~~amendment and address the consistency of the proposed amendment with relevant~~
32 ~~general plan and specific plan policies.~~
- 33 b. Planning Commission Review. The Planning Commission shall consider
34 the proposed designation at a noticed public hearing and shall recommend
35 approval, in whole or in part, or disapproval, to the City Council. The
36 decision shall be in writing and state the findings of fact and reasons relied
37 upon to reach the decision and forwarded to the City Council.

1 6. ~~Planning Commission Hearing and Recommendation. A public hearing shall be~~
2 ~~noticed and held by the Planning Commission, consistent with Chapter 10.82~~
3 ~~SMC (Public Notice and Hearings). The purpose of the public hearing shall be to~~
4 ~~receive testimony from persons interested in the proposed historic overlay district,~~
5 ~~to consider the recommendations of the Historical Landmarks Board and to adopt~~
6 ~~a recommendation to the City Council. The Community Development Depart-~~
7 ~~ment, on behalf of the Planning Commission, shall submit a written report con-~~
8 ~~veying the Commission's recommendation on the proposed amendment to the~~
9 ~~City Council. The report shall provide reasons for the recommendations on the~~
10 ~~proposed amendment and address the consistency of the proposed amendment~~
11 ~~with relevant general plan and specific plan policies. The recommendation to the~~
12 ~~City Council shall be in the form of a resolution and shall include findings, as~~
13 ~~identified in subsection (F)(4) of this section (Findings) and reasonable conditions~~
14 ~~of approval.~~

15 c. Hearing and Decision by City Council. The City Council shall consider
16 the proposed designation after receiving the Historic Landmarks Board's
17 and Planning Commission's recommendations. The City Council may
18 approve, disapprove, or give modified approval for the Historic Overlay
19 District. The City Clerk shall then notify the owner(s) of the property or
20 the owners of property in the district of the City Council's action.

21 7. ~~City Council. A public hearing shall be noticed and held by the City Council,~~
22 ~~consistent with SMC 10.80.070 (Ordinance amendments and rezonings) and~~
23 ~~Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public~~
24 ~~hearing shall be to hear testimony regarding the proposed historic overlay district~~
25 ~~and consider the recommendations of the Historical Landmarks Board and the~~
26 ~~Planning Commission.~~

27 8. ~~Ordinance. The City Council may approve, approve with conditions or deny a~~
28 ~~request to apply the H historic overlay district to an area. Approval of an H his-~~
29 ~~toric overlay district by the City Council shall be in the form of an ordinance.~~
30 ~~Any decision to deny an application for an historic overlay district shall be in the~~
31 ~~form of a resolution. Reasonable conditions of approval or special criteria may be~~
32 ~~imposed by the City Council for any designation of an historic overlay district,~~
33 ~~consistent with SMC 10.80.070 (Ordinance amendments and rezonings). Any~~
34 ~~conditions of approval or criteria applied by the City Council shall be subject to~~
35 ~~consideration and comment by the Historical Landmarks Board and Planning~~
36 ~~Commission.~~

37 7.4. Findings. The Historical Landmarks Board and Planning Commission may rec-
38 ommend approval of a Historic Overlay District ~~an historic overlay district~~ if all of
39 the following findings can be made:

40 a. The area proposed for the historic overlay district is significant to local,
41 regional, State or national history.

- 1 b. The criteria identified in subsection ~~F E~~ of this section (Criteria for Estab-
2 lishing -H Historic Overlay District) have been considered and apply to
3 the proposed area.
- 4 c. Sites within the proposed area that are not individually historic are being
5 included because they are essential to the integrity of the district.
- 6 d. Designation of the proposed area as a Historic Overlay District ~~an historic~~
7 ~~overlay district~~ has been subject to environmental review and the appro-
8 priate findings have been made.
- 9 e. Designation of the Historic Overlay District ~~historic district~~ will preserve
10 historic character and integrity of proposed area.
- 11 f. Proposed district has a significant architectural or historical character that
12 can be preserved or enhanced through appropriate controls and incentives
13 on new development and alterations to existing buildings and landscaping.
- 14 g. Special criteria are appropriate and being applied in the form of design
15 guidelines, sign guidelines or a conservation plan.
- 16 8. Recordation of Decision. A certified copy of the City Council decision shall be
17 recorded in the office of the County Recorder by the City Clerk immediately fol-
18 lowing its effective date. A Historic Overlay District well be identified on the of-
19 ficial map with a “-H”, followed by the number of the district based on the order
20 of adoption.
- 21 9. Disapproval of Proposed Designation. Whenever an application for designation
22 of a Historic Overlay District has been rejected by the City Council, no applica-
23 tion that contains the same or substantially the same information as the one disap-
24 proved shall be resubmitted within a period of three years from the date of the fi-
25 nal action on the prior application. However, if significant new information is
26 made available and provided by and at the expense of the owner(s), the Director
27 may waive the time limit and permit a new application to be filed.
- 28 10. Effect of Designation. Upon designation the provisions of this Chapter shall apply
29 to the designated property in the Historic Overlay District. Any removal or
30 demolition, exterior construction, addition, alteration, or modification, including
31 modifications to landscapes, are subject to the provisions of this Chapter.
- 32 11. Amendment or Rescission of a Historic Overlay District. Once a designation is
33 made, it shall not be repealed by the City Council unless it is determined at any
34 time that:
- 35 a. The Historic Overlay District no longer meets the criteria for designation
36 due to damage caused by natural disaster (e.g., flood, earthquake, etc.) or
37 reasons otherwise outside of the control of the owner.

1 b. Changes of use, differences of opinion of subsequent City Councils, de-
2 sires of property owners, or financial considerations are not sufficient rea-
3 sons to repeal a designation.

4 c. If the Historic Overlay District is repealed, the City's records shall be up-
5 dated accordingly.

6 G. Historic Design Review Permit Required. No person, owner, or other entity shall re-
7 store, rehabilitate, alter, develop, construct, demolish, remove, or change the exterior ap-
8 pearance to a property within a designated Historic Overlay District without first having
9 applied for and been granted a Historic Design Review Permit as provided in SMC Chap-
10 ter 10.46.060 (Property and Permit Requirements).

11

1 **Modify Chapter 10.46, Historic Overlay District and Local Register, as follows:**

2 **Chapter 10.46**

3 HISTORIC PRESERVATION ~~HISTORIC OVERLAY DISTRICT AND LOCAL~~
4 ~~REGISTER~~

5 **Sections:**

6 **10.46.010 Purpose**

7 **10.46.020 Applicability**

8 **10.46.030 Conflicts between provisions**

9 **10.46.040** ~~Conditional uses~~ Establishment of Local Historic Register and Local Invento-
10 ry of Historic Resources

11 **10.46.050** ~~Procedures for listing a site or structure on the local register~~ Local Historic
12 Register Designation

13 **10.46.060** ~~Procedures for demolition, addition, or modifications~~ Property and Permit
14 Requirements

15 **10.46.070 Incentives for preservation**

16

17 **10.46.010 Purpose.**

18 In addition to the general purposes established in SMC 10.10.030 (Title and purpose), the purpose
19 of this Chapter is to provide the ability to acknowledge, honor, and encourage the continued
20 maintenance and preservation of those select properties in the City that contribute to the City's
21 architectural and cultural history. Further, it is the purpose of this Chapter to promote the public
22 health, safety, and general welfare by providing for the identification, recognition, designation,
23 protection, enhancement, perpetuation, and use of historic resources that reflect associations im-
24 portant in the City's history and to: ~~the specific purposes of this chapter establishing regulations~~
25 ~~for the historic overlay district and properties listed on the local register are as follows:~~

26 A. Safeguard the character and history of the City which is reflected in its unique architectur-
27 al, historic, and cultural heritage through the designation of properties to the Local Histor-
28 ic Register ~~To provide uniform regulations for the historic overlay district and sites and~~
29 ~~structures listed on the local register;~~

30 B. Provide a method for the identification and designation of properties to the Local Historic
31 Register ~~To preserve structures that are unique and irreplaceable assets to the City and its~~
32 ~~neighborhoods;~~

33 C. ~~To d~~ Deter the demolition, alteration, misuse or neglect of historic or architecturally sig-
34 nificant structures and sites;

- 1 D. Encourage preservation and adaptive reuse of properties on the Local Historic Register
2 and in Historic Overlay Districts by allowing changes to accommodate new functions and
3 uses; ~~To provide flexible land use and development regulations to allow preservation of~~
4 structures and sites;
- 5 E. ~~To p~~Provide a review process for alterations, modifications and additions on Local Regis-
6 ter Properties and properties within a Historic Overlay District, including applying appli-
7 cable adopted guidelines and policies as adopted by the Historic Landmarks Board and
8 City Council; ~~to structures within the historic overlay district and/or listed on the local~~
9 register; and
- 10 F. Enhance property values, stabilize neighborhoods, and render City properties on the Local
11 Historic Register and in Historic Overlay Districts eligible for benefits and incentives;
- 12 G. Ensure that properties and areas in the City that are located on the National Register of
13 Historic Places and/or the California Register of Historic Resources are protected
14 through the review of exterior alterations by the Historic Landmarks Board;
- 15 H. Foster civic and neighborhood pride and a sense of identity based on the recognition of
16 the City's past accomplishments as reflected through its buildings, structures, objects, land-
17 scape, natural features, infrastructure, and engineering;
- 18 I. Strengthen the City's economy by protecting and enhancing the City's attraction to resi-
19 dents, tourists, visitors, and others, thereby serving as a stimulus and support to local busi-
20 ness and industry; and ~~To provide a process for listing a site or structure on the local regis-~~
21 ter.
- 22 J. Identify incentives that are intended to encourage owners to designate, maintain, reuse,
23 rehabilitate, and improve properties on the Local Historic Register and in Historic Over-
24 lay Districts.

25 **10.46.020 Applicability.**

26 The requirements of this chapter apply to properties and areas that are proposed for designation to
27 the Local Historic Register and/or in Historic Overlay Districts, and those that are formally listed
28 on the Local Historic Register and in Historic Overlay Districts. ~~proposed land uses and physical~~
29 alterations to structures located within the historic overlay district and for all sites and structures
30 listed on the local register. In addition, the requirements of this Title 10, Zoning, and associated
31 regulations and adopted guidelines shall apply. ~~Chapters 10.20 through 10.28 (Zoning Districts~~
32 ~~Regulations), 10.40 (General Development Regulations), 10.42 (Sign and Awning Regulations),~~
33 ~~10.44 (Specific Use Requirements) SMC and any other applicable requirements of this title shall~~
34 ~~apply.~~

35 **10.46.030 Conflicts between provisions.**

36 In the event of any conflict between this chapter and other chapters of this title, the more restric-
37 tive regulations shall apply.

1 **10.46.040 Establishment of Local Historic Register and Local Inventory of Historic Re-**
2 **sources. ~~Conditional uses.~~**

3 ~~A. Establishment of a Local Historic Register of Historic Properties. A Local Historic Regis-~~
4 ~~ter of individually-designated buildings and properties by the City Council is hereby cre-~~
5 ~~ated. The purpose of the Local Historic Register is to provide a means to preserve, pro-~~
6 ~~tect, and enhance the most significant historic resources within the City. Properties listed~~
7 ~~on the Local Historic Register may be identified on site with an exterior marker or plaque~~
8 ~~in accordance with adopted City guidelines displaying pertinent information about the re-~~
9 ~~source. A record of properties on the Local Historic Register shall be kept by the City,~~
10 ~~and be provided to the regional information center of the State Office of Historic Preser-~~
11 ~~vation and other agencies as required.~~

12 ~~B. Establishment of a Local Historic Resources Inventory. The Historic Landmarks Board,~~
13 ~~acting with the administrative support of the Director, shall maintain a Local Inventory of~~
14 ~~individually eligible historic resources within the City as defined and provided for in the~~
15 ~~CEQA Guidelines Section 15064.5(a)(2). The Historic Landmarks Board shall periodical-~~
16 ~~ly review, amend, and update the Local Inventory. Resources listed on the Local Inven-~~
17 ~~tory are eligible for nomination to the City's Local Historic Register and may be designat-~~
18 ~~ed as such by the City Council.~~

19 ~~Notwithstanding SMC 10.46.030 (Conflicts between provisions), alternate uses may be allowed~~
20 ~~for structures and/or sites within the historic overlay district and/or listed on the local register with~~
21 ~~a conditional use permit provided the following findings can be made:~~

22 ~~A. Exception to land use regulations is necessary to permit the preservation or restoration of~~
23 ~~an historic or architecturally significant structure or site;~~

24 ~~B. Proposed use of historic or architecturally significant structure or site will require minimal~~
25 ~~alterations to structure;~~

26 ~~C. Alterations will be consistent with the Secretary of the Interior's Standards for Rehabilita-~~
27 ~~tion;~~

28 ~~D. A preservation agreement has been prepared and recorded specifying the uses allowed on~~
29 ~~subject property and preserving property from demolition;~~

30 ~~E. The Historical Landmarks Board has considered the proposed use and recommends ap-~~
31 ~~proval; and~~

32 ~~F. A public hearing has been noticed and held in accordance with Chapters 10.60 (Condi-~~
33 ~~tional Use Permits) and 10.82 (Public Notice and Hearings) SMC.~~

34 **10.46.050 Local Historic Register Procedures for listing a site or structure on local reg-**
35 **ister.**

1 A. The Historic Landmarks Board shall have the authority to recommend approval, disap-
2 proval, or modification of properties to the Local Historic Register to the City Council.

3 B. Initiation. Initiation of designation of properties to the Local Historic Register shall be
4 made by one of the following methods:

5 1. City Council or Historic Landmarks Board; or

6 2. Property Owner(s) or Member of the Public.

7 C. Notification to Property Owner(s). Within 10 days of initiation of a property to the Local
8 Historic Register, the owner(s), designated agent or agents, and tenants of the subject
9 property(ies), shall be notified consistent with Chapter 10.82 (Public Notice and Hear-
10 ings).

11 ~~Individual structures, structures and sites with historic or architectural significance may be listed on~~
12 ~~the local register, in accordance with the following procedures:~~

13 ~~A. Initiation and Application. The Historical Landmarks Board, Planning Commission or~~
14 ~~City Council may initiate listing a site or structure on the local register. A private interest-~~
15 ~~ed party may also request listing a site or structure on the local register.~~

16 D. Application Requirements. Applications for the designation of a property to the Local
17 Historic Register shall be filed with the Community Development Department and in-
18 clude the following:

19 1. A statement of architectural, historic, or cultural significance of the building or
20 district and a description of the character-defining features that should be pre-
21 served;

22 2. A map showing the location of the individual structure or the area proposed as a
23 district;

24 3. Photographic document of the building(s) and area;

25 4. In lieu of items 1 through 3 above, applicants may alternatively submit State De-
26 partment of Parks and Recreation historic resources inventory form;

27 5. Any additional information requested or required by the Community Develop-
28 ment Department or the Historic Landmarks Board, including plans or materials
29 deemed necessary to support and process the application.

30 ~~B. Submittal Requirements. The following information shall be submitted with any private-~~
31 ~~party application to list a site or structure on the local register:~~

32 ~~1. A map showing the location of the structure and plans or photographs of the~~
33 ~~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 E. Interim Protection Measures. No permits for exterior alterations shall be issued for 180
15 days from the date of initiation without prior approval by the Historic Landmarks Board.
16 Pending permit applications may be processed, but no final action shall be taken until after
17 the conclusion of the designation process or the 180 days has passed, whichever occurs
18 first. The following permits may be processed during the designation process:

19 1. Ordinary Maintenance and Repair. Ordinary maintenance and repairs may be ap-
20 proved. For the purposes of this Chapter, 'ordinary maintenance and repairs' shall
21 mean regular, customary, or usual care of an existing building, structure, object,
22 or site, for the purposes of preserving said property and maintaining it in a safe
23 and sanitary condition and does not involve a change of design, material, or ap-
24 pearance of the property.

25 2. Dangerous and Immediately Dangerous Properties. Unsafe or dangerous condi-
26 tions that present an imminent threat to the public of bodily harm or of damage
27 to adjacent property may be approved. The Building Official shall notify the Di-
28 rector in writing that the proposed action is necessary in order to mitigate the un-
29 safe or dangerous condition.

30 ~~F. D.~~ Public Hearings. The Historical Landmarks Board and Planning Commission shall make a
31 recommendation to the City Council to list a property on the Local Register local register
32 following a public hearing.

33 1. Historic Landmarks Board Hearing. The Historic Landmarks Board shall consider
34 the proposed designation at a noticed public hearing and shall recommend ap-
35 proval, in whole or in part, or disapproval the application for the designation of a
36 property(s) to the Local Historic Register. The decision shall be in writing and
37 state the findings of fact and reasons relied upon to reach the decision and for-
38 warded to the City Council.

1 ~~E. — Historical Landmarks Board Hearing and Recommendation. A public hearing shall be~~
2 ~~noticed and held by the Historical Landmarks Board, consistent with Chapter 10.82 SMC~~
3 ~~(Public Notice and Hearings). The purpose of the public hearing shall be to receive testi-~~
4 ~~mony from persons interested in listing the structure or site on the local register, and to~~
5 ~~adopt a recommendation to the Planning Commission. The Historical Landmarks Board~~
6 ~~shall submit a written report conveying the Board's recommendation on the proposed~~
7 ~~amendment to the Planning Commission. The report shall provide reasons for the rec-~~
8 ~~ommendation to place the structure or site on the local register and address its consistency~~
9 ~~with relevant general plan and specific plan policies.~~

10 ~~F. — Findings. The Historical Landmarks Board and Planning Commission may recommend,~~
11 ~~and the City Council may approve, listing a structure or site on the local register if all of~~
12 ~~the following findings can be made:~~

13 ~~1. — The structure or site proposed for the local register is significant to local, regional,~~
14 ~~State or national history.~~

15 ~~2. — Listing the proposed structure or site on the local register has been subject to en-~~
16 ~~vironmental review and the appropriate findings have been made.~~

17 ~~3. — Listing the proposed structure or site on the local register will preserve the historic~~
18 ~~character or integrity of the structure or site.~~

19 ~~4. — Structure or site proposed to be listed on local register has a significant architec-~~
20 ~~tural or historical character that can be preserved or enhanced through appropriate~~
21 ~~controls and incentives on new development and alterations to existing structures~~
22 ~~and landscaping.~~

23 ~~G. — Planning Commission Hearing and Recommendation. A public hearing shall be noticed~~
24 ~~and held by the Planning Commission, consistent with Chapter 10.82 SMC (Public No-~~
25 ~~tice and Hearings). The purpose of the public hearing shall be to receive testimony from~~
26 ~~persons interested in listing the proposed structure or site on the local register, to consider~~
27 ~~the recommendations of the Historical Landmarks Board and to adopt a recommendation~~
28 ~~to the City Council. The Community Development Department, on behalf of the Plan-~~
29 ~~ning Commission, shall submit a written report conveying the Commission's recommen-~~
30 ~~dation on listing the proposed structure or site on the local register to the City Council.~~
31 ~~The report shall address the Historical Landmarks Board's recommendation, provide re-~~
32 ~~asons for the Planning Commission's recommendations on listing the structure or site on~~
33 ~~the local register, and address its consistency with relevant general plan and specific plan~~
34 ~~policies. The recommendation to the City Council shall be in the form of a resolution and~~
35 ~~shall include findings, as identified in subsection F of this section (Findings), and reason-~~
36 ~~able conditions of approval, including any special criteria that shall apply to the structure or~~
37 ~~site.~~

38 ~~2. Hearing and Decision by City Council. The City Council shall consider the pro-~~
39 ~~posed designation after receiving the Historic Landmarks Board's recommenda-~~
40 ~~tion. The City Council may approve, disapprove, or give modified approval for~~

1 the Local Historic Register. The City Clerk shall then notify the owner(s) of the
2 property or the owners of property in the district of the City Council's action.

3 ~~H. City Council. A public hearing shall be noticed and held by the City Council, consistent~~
4 ~~with Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public hear-~~
5 ~~ing shall be to hear testimony regarding listing the proposed structure or site on the local~~
6 ~~register and consider the recommendations of the Historical Landmarks Board and the~~
7 ~~Planning Commission.~~

8 G.F. Findings. The Historical Landmarks Board and Planning Commission may recommend,
9 and the City Council may approve, listing a structure or site on the Local Register local
10 register if all of the following findings can be made:

- 11 1. The structure or site proposed for the Local Register local register is significant to
12 local, regional, State or national history.
- 13 2. Listing the proposed structure or site on the Local Register local register has been
14 subject to environmental review and the appropriate findings have been made.
- 15 3. Listing the proposed structure or site on the Local Register local register will pre-
16 serve the historic character or integrity of the structure or site.
- 17 4. Structure or site proposed to be listed on the Local Register local register has a
18 significant architectural or historical character that can be preserved or enhanced
19 through appropriate controls and incentives on new development and alterations
20 to existing structures and landscaping.

21 ~~H. Recordation of Decision. A certified copy of the City Council decision shall be recorded~~
22 ~~in the office of the County Recorder by the City Clerk immediately following its effec-~~
23 ~~tive date. The property shall be added to the Local Historic Register kept by the City and~~
24 ~~provided to the regional information center of the State Office if Historic Preservation.~~

25 ~~I. Resolution. The City Council may approve, approve with conditions or deny a request to~~
26 ~~list a structure or site on the local register. Any decision shall be in the form of a resolution~~
27 ~~and shall include findings. The City Council may also specify special design or other crite-~~
28 ~~ria to be applied to listing the structure or site on the local register. Any application of~~
29 ~~conditions or criteria shall be subject to review and comment by the Historical Landmarks~~
30 ~~Board and Planning Commission.~~

31 I. Disapproval of Proposed Designation. Whenever an application for designation of a prop-
32 erty to the Local Historic Register has been rejected by the City Council, no application
33 that contains the same or substantially the same information as the one disapproved shall
34 be resubmitted within a period of three years from the date of the final action on the prior
35 application. However, if significant new information is made available and provided by
36 and at the expense of the owner(s), the Director may waive the time limit and permit a
37 new application to be filed.

1 J. Effect of Designation. Upon designation the provisions of this Chapter shall apply to the
2 designated property on the Local Historic Register. Any removal or demolition, exterior
3 construction, addition, alteration, or modification, including modifications to landscapes,
4 are subject to the provisions of this Chapter.

5 K. Amendment or Rescission of a Local Historic Register property. Once a designation is
6 made, it shall not be repealed by the City Council unless it is determined at any time that:

7 1. The Local Historic Register property no longer meets the criteria for designation
8 due to damage caused by natural disaster (e.g., flood, earthquake, etc.) or reasons
9 otherwise outside of the control of the owner.

10 2. Changes of use, differences of opinion of subsequent City Councils, desires of
11 property owners, or financial considerations are not sufficient reasons to repeal a
12 designation.

13 3. If the Local Historic Register property status is repealed, the City's records shall be
14 updated accordingly.

15 **10.46.060 Property and Permit Requirements—Procedures for demolition, addition or**
16 **modifications.**

17 A. Minimum Maintenance Requirements. Every owner in possession or control of a Local
18 Historic Register property shall take measures to ensure that the property does not fall into
19 disrepair or become a public health and safety hazard. Measures shall include ordinary re-
20 pair and maintenance activities consisting of regular, customary, or usual care of an exist-
21 ing building, structure, object, or site, for the purposes of preserving said property and
22 maintaining it in a safe and sanitary condition and does not involve a change of design,
23 material, or appearance of the property. In the case that a property constitutes a public
24 nuisance, the City may take enforcement action to prevent further vandalism or public
25 nuisance pursuant to Chapter 12.20 (Nuisance Abatement) of SMC.

26 B. Historic Design Review Permit Required. No person, owner, or other entity shall re-
27 store, rehabilitate, alter, develop, construct, demolish, remove, or change the exterior ap-
28 pearance of a designated Local Historic Register property without first having applied for
29 and been granted a Historic Design Review Permit unless the work proposed is exempt as
30 follows:

31 1. Interior Alterations. If any proposed interior alteration(s) would result in any visu-
32 al or material impact to the exterior of the subject building, a Historic Design Re-
33 view Permit shall be required. Interior alterations on a privately-owned structure
34 or on a publicly-owned structure do not require a Historic Design Review Permit
35 unless the interior has been included as part of the designation.

36 2. Ordinary Maintenance and Repair. Ordinary maintenance and repairs do not re-
37 quire a Historic Design Review Permit. For the purposes of this Chapter, ‘ordi-
38 nary maintenance and repairs’ shall mean regular, customary, or usual care of an
39 existing building, structure, object, or site, for the purposes of preserving said

1 property and maintaining it in a safe and sanitary condition and does not involve a
2 change of design, material, or appearance of the property.

3 3. Dangerous and Immediately Dangerous Properties. Unsafe or dangerous condi-
4 tions due to damage caused by natural disaster (e.g., flood, earthquake, etc.) or
5 reasons otherwise outside the control of the owner do not require a Historic De-
6 sign Review Permit. The Building Official shall notify the Director in writing
7 that the proposed action is necessary in order to mitigate any unsafe or dangerous
8 condition.

9 C. Application Requirements. An application for a Historic Design Review Permit shall
10 contain:

11 1. Plans and specifications showing the existing and proposed exterior appearance,
12 including detailed drawings;

13 2. Details and samples of materials to be used, where applicable;

14 3. Photographs showing the property; and

15 4. Any additional material required by the Director or the Historic Landmarks
16 Board.

17 D. Multiple Planning Approvals. For projects that require multiple planning approvals, in-
18 cluding but not limited to a Zoning Permit, Minor Use Permit, Conditional Use Permit,
19 Design Review, and Variances, the Historic Landmarks Board shall review and act on any
20 Historic Design Review Permit before any other planning approval action. Applications
21 for the Historic Design Review Permit and other planning approval may be filed and pro-
22 cessed concurrently. The Historic Landmarks Board shall act separately on the Historic
23 Design Review Permit even if there is a joint hearing with another planning approval ac-
24 tion.

25 OPTION #1:

26 Planning Commission may modify any decision on a Historic Design Review Permit by
27 majority vote, provided that the Planning Commission shall apply all applicable historic
28 resources provisions of Section 10.47.080(K) of this Chapter, and make a finding that the
29 project meets relevant General Plan and Planning Code policies, in addition to all applica-
30 ble historic preservation provisions.

31 OPTION #2:

32 The Historic Landmarks Board's action on a Historic Design Review Permit cannot be
33 modified by the Planning Commission; however, The Planning Commission may,
34 through a majority vote of the members, refer the Historic Design Review Permit back to
35 the Historic Landmarks Board for reconsideration. The Historic Landmarks Board shall

1 conduct a hearing to review the Planning Commission’s request and shall vote to modify
2 or approve the project as originally approved.

3 E. Review Procedures. Historic Design Review Permit applications must be reviewed and
4 approved by the Historic Landmarks Board at a noticed public hearing.

5 1. Administrative Historic Review Design Permit. The Historic Landmarks Board
6 may define certain categories of work as Minor Alterations and delegate approval
7 of an Administrative Historic Design Review Permit for such alterations to
8 Community Development Department staff. If the Historic Landmarks Board del-
9 egates alteration of work to the Department, an Administrative Historic Review
10 Design Permit may be approved without a hearing before the Historic Landmarks
11 Board.

12 a. Public notice shall be provided pursuant to Chapter 10.82 (Public Notice
13 and Hearings).

14 b. Any Departmental decision on an Administrative Historic Design Review
15 Permit may be appealed to the Historic Landmarks Board within 10 days
16 of the date of the written decision.

17 c. Community Development Department staff may refer items to the His-
18 toric Landmarks Board when in his/her opinion the public interest would
19 be better served by having the Historic Landmarks Board review.

20 2. Optional Preliminary Historic Design Review Permit Review Study Session. Pre-
21 liminary Review of a Historic Design Review Permit through a Study Session
22 with the Historic Landmarks Board is available to provide general comments and
23 direction to applicants. The Study Session shall occur at a noticed public hearing
24 scheduled after the formal application has been submitted to the Department.

25 3. Historic Design Review Permit Review. Review of a Historic Design Review
26 Permit by the Historic Landmarks Board shall occur at a noticed public hearing
27 and is required to make a final action on a project. The Historic Landmarks Board
28 shall approve, conditionally approve, or disapprove the permit.

29 4. Public Notice. Public notification shall be consistent with Chapter 10.82 (Public
30 Notice and Hearings).

31 F. Required Findings. The Historic Landmarks Board shall issue a Historic Design Review
32 Permit if it finds that the work:

33 1. Complies with the Secretary of The Interior's *Standards For The Treatment of His-*
34 *toric Properties With Guidelines For Preserving, Rehabilitating, Restoring, and Recon-*
35 *structing Historic Buildings* or successor as well as any applicable state or local ordi-
36 nances and adopted guidelines, or other policies; and

- 1 2. Additional findings for Local Historic Register properties:
- 2 a. The proposed work shall preserve, enhance or restore, and shall not dam-
3 age or destroy, the exterior architectural features of the structure and,
4 where specified in the designating ordinance, its major interior architec-
5 tural features; and
- 6 b. The proposed work shall not adversely affect the special character and/or
7 special historic, architectural or aesthetic interest or value of the structure
8 and its site, as viewed both in themselves and in their setting, nor of the
9 Historic Overlay District, if located within one;
- 10 3. Additional findings for Properties in Historic Overlay Districts:
- 11 a. Any new construction, addition or exterior change shall be compatible
12 with the character of the Historic Overlay District as described in the des-
13 ignating ordinance;
- 14 b. Exterior change shall preserve, enhance or restore, and shall not to dam-
15 age or destroy the exterior architectural features of the subject property
16 which are compatible with the character of the Historic Overlay District;
17 and
- 18 c. For any exterior change where the subject property is not already com-
19 patible with the character of the Historic Overlay District, reasonable ef-
20 forts shall be made to produce compatibility, and in no event shall there
21 be a greater deviation from compatibility.
- 22 4. Additional findings for Sign Applications:
- 23 a. The proposed sign complies with all applicable provisions of Chapter
24 10.42 (Sign and Awning Regulations);
- 25 b. Is consistent with the applicable sign standards and adopted guidelines,
26 where applicable; and
- 27 d. The proposed color, design, material, and location of the proposed sign
28 are compatible with the architectural design of the building and Historic
29 Overlay District.
- 30 5. Additional findings for Landscaping Applications:
- 31 a. The proposed removal or alterations will not affect the character of the
32 property on the Local Historic Register or in the Historic Overlay Dis-
33 trict ~~historic overlay district or structure listed on the local register;~~ or
- 34 b. The safety of persons or property requires the removal or alteration.

1 6. Additional findings for Demolition Applications:

- 2 a. A replacement project shall be proposed.
- 3 b. The requirements of the California Environmental Quality Act and SMC
4 Title 11 (Environmental Protection) have been met.
- 5 b. Alternatives to demolition have been considered, including re-using the
6 structure with an alternate use that may not be consistent with existing
7 zoning (See 10.46.090(D), Additional Uses).
- 8 c. All financial alternatives have been evaluated, including use of historic tax
9 credit and acquisition by a third party.

10 e. Additional findings for Demolition Applications for accessory structures:

- 11 i. The accessory structure proposed for demolition is listed in the
12 designation as a non-contributing feature.
- 13 ii. The demolition of the accessory structure will not impact the
14 landmark site or Historic Overlay District.
- 15 iii. Where applicable, a replacement project is proposed.

16 G. Conditions. The Historic Landmarks Board may impose such conditions that are neces-
17 sary to accomplish the purposes of this Chapter and prevent or minimize adverse impacts
18 to the character defining features of the Local Historic Register property or the Historic
19 Overlay District.

20 **10.46.060 Procedures for demolition, addition or modifications**

21 ~~Design review shall be required for any proposal to demolish, make an addition to, or otherwise~~
22 ~~modify an existing structure that is located in the historic overlay district or is listed on the local~~
23 ~~register. Design review shall be conducted in accordance with Chapter 10.54 SMC (Design Re-~~
24 ~~view Procedures) and the following:~~

25 ~~A. Submittal Requirements. In addition to the submittal requirements established by Chapter~~
26 ~~10.54 SMC (Design Review Procedures), any application for demolition, addition or~~
27 ~~modification to existing structures in the historic overlay district, or listed on the local reg-~~
28 ~~ister, shall include the following:~~

- 29 1. ~~Plans showing all historic elements of structure or site, including materials and~~
30 ~~date of construction;~~
- 31 2. ~~Plans showing proposed alterations of all historic elements of structure or site, in-~~
32 ~~cluding materials to be removed, materials to be added, and materials to be al-~~
33 ~~tered;~~

- 1 3. ~~Explanation of proposed changes to historic structure or site, including the reasons~~
2 ~~for alterations, addition or demolition;~~
- 3 4. ~~Explanation of use of State Historic Building Code and the way the code is being~~
4 ~~applied to the project, if applicable; and~~
- 5 5. ~~Explanation of the use of the Secretary of the Interior's Standards, if applicable.~~

6 ~~B. Joint Meeting. Design review shall be subject to review and approval by the Historical~~
7 ~~Landmarks Board and Planning Commission. A joint meeting shall be held to conduct de-~~
8 ~~sign review. A subcommittee of the Historical Landmarks Board and Planning Commis-~~
9 ~~sion may be formed and convene to review design review permit applications and work~~
10 ~~with applicants.~~

11 ~~C. Prior Approval Required. Prior approval by the Historical Landmarks Board shall be re-~~
12 ~~quired for any permit issued by the Building Official for construction, alteration, enlarge-~~
13 ~~ment, or demolition of a structure located in an historic overlay district or listed on the lo-~~
14 ~~cal register.~~

15 ~~D. Review Criteria. In addition to the requirements of Chapter 10.54 SMC (Design Review~~
16 ~~Procedures), the Community Development Director and Historical Landmarks Board shall~~
17 ~~use the following when reviewing and approving any proposed demolition, new construc-~~
18 ~~tion or alteration to existing structures or landscaping:~~

- 19 1. ~~Applicable design or other guidelines;~~
- 20 2. ~~The architectural or historical value and significance of the site and structure in~~
21 ~~relation to the overlay district; and~~
- 22 3. ~~The visual relationship of proposed architectural design elements to the surround-~~
23 ~~ing area, including scale, height, rhythm of spacing, pattern of windows and~~
24 ~~doorways, structure siting and relationship to landscaping, roof pitch, architectural~~
25 ~~style, and structural details, materials, colors and textures.~~

26 ~~The Historical Landmarks Board and Planning Commission shall review removal~~
27 ~~and/or alteration of landscape materials for consistency with any applicable design~~
28 ~~guidelines.~~

29 ~~HE.~~ Additional Demolition Procedures. The following procedures shall also apply to any appli-
30 cation for a demolition permit for a property on the Local Historic Register or a property
31 structure that is listed on the Local Register or located in an ~~h~~Historic ~~e~~Overlay ~~d~~District:

- 32 1. If, after review of request for a demolition permit, the Historic Landmarks Board
33 ~~or Planning Commission~~ determines the structure itself has historic, architectural
34 or cultural interest or value, the Historic Landmarks Board and Commission may
35 withhold approval of demolition for 180 days (from the date of Board ~~or Com-~~
36 ~~mission~~ action) or until environmental review, whichever occurs later. The 180-

1 day delay shall be for the purpose of providing time to explore alternatives to
2 demolition. During the 180 days, the Historic Landmarks Board Planning Com-
3 mission may direct the Community Development Department to consult with
4 recognized historic preservation organizations and other civic groups, public agen-
5 cies and interested citizens, make recommendations for acquisition of property by
6 public or private bodies or agencies, explore the possibility of moving one or
7 more structures or other features, and take any other reasonable measures.

- 8 2. At the end of the 180-day period, the demolition permit shall be issued if the
9 requirements of the California Environmental Quality Act, Chapter 10.50.080 (En-
10 vironmental Review), and SMC Title 11 (Environmental Protection) have been
11 met.

12 ~~F. Design Review Findings. The Historical Landmarks Board and Planning Commission~~
13 ~~may approve a design review permit to allow new construction or alterations to a property~~
14 ~~within the historic overlay district or listed on the local register, if all of the following~~
15 ~~findings can be made, to the extent applicable:~~

- 16 1. ~~The proposed new construction or alteration is compatible with the architectural~~
17 ~~and historical features of the structure and/or district.~~
- 18 2. ~~The historical context of the original structure or district has been considered dur-~~
19 ~~ing the development and review of the proposal.~~
- 20 3. ~~The criteria for listing the structure or site on the local register do not apply, or~~
21 ~~the historic overlay district will not be affected by the new construction or altera-~~
22 ~~tions.~~
- 23 4. ~~The State Historic Building Code is being applied to minimize alterations to the~~
24 ~~original historic structure.~~
- 25 5. ~~The Secretary of the Interior's Standards for Treatment of Historic Properties~~
26 ~~have been used to review and consider the new construction and proposed altera-~~
27 ~~tions.~~
- 28 6. ~~Alternative uses and configurations have been considered as part of the design re-~~
29 ~~view process.~~
- 30 7. ~~Findings specified by Chapter 10.54 SMC (Design Review Procedures) can be~~
31 ~~made.~~
- 32 8. ~~The proposed new construction or alteration will be compatible with, and help~~
33 ~~achieve the purposes of, the historic overlay district.~~

34 ~~G. Landscaping Findings. The Historical Landmarks Board and Planning Commission may~~
35 ~~approve a design review permit to allow landscaping beyond routine maintenance if the~~
36 ~~following findings can be made:~~

1 1. ~~Proposed removal or alterations will not affect the character of the historic overlay~~
2 ~~district or structure listed on the local register; or~~

3 2. ~~The safety of persons or property requires the removal or alteration.~~

4 H. ~~Demolition Findings. The Historical Landmarks Board and Planning Commission may~~
5 ~~approve a design review permit to allow partial or complete demolition of a structure~~
6 ~~listed on the local register or located in the historic overlay district if the following find-~~
7 ~~ings can be made:~~

8 1. ~~The requirements of the California Environmental Quality Act and SMC Title 11~~
9 ~~(Environmental Protection) have been met.~~

10 2. ~~Alternatives to demolition have been considered, including re-using the structure~~
11 ~~with an alternate use that may not be consistent with existing zoning.~~

12 3. ~~All financial alternatives have been evaluated, including use of historic tax credit~~
13 ~~and acquisition by a third party.~~

14 I. Effective Date. Historic Design Review Permits shall become effective at the end of the
15 appeal period, provided no appeal has been submitted. ~~Decisions of the Historical Land-~~
16 ~~marks Board and Planning Commission shall become effective 10 days after the decision~~
17 ~~date, provided no appeals have been filed.~~

18 J. Expiration of Permit. Historic Design Review Permits shall expire in two years following
19 the effective date of the permit, provided no extension has been filed prior to the expira-
20 tion date.

21 K. Extension. The applicant may request an extension to a Historic Design Review Permit
22 prior to expiration of the permit. The Zoning Administrator or the Historic Landmarks
23 Board may grant one extension for up to two years, in accordance with Section 10.50.140
24 (Extension of Approved Permits).

25 LJ. ~~Appeals. All decisions of the Historical Landmarks Board and Planning Commission may~~
26 ~~be appealed to the City Council within 10 days of the decision date. City Council appeal~~
27 ~~considerations shall be subject to the same requirements of the Historical Landmarks Board~~
28 ~~and Planning Commission and shall include consideration of any applicable plans or~~
29 ~~guidelines. Any significant change to a permit by the City Council shall be referred to the~~
30 ~~Historical Landmarks Board and Planning Commission for review and comment prior to~~
31 ~~final action.~~

32 **10.46.070 Incentives for preservation.**

33 Owners of property within ~~the downtown h~~Historic ~~o~~Overlay ~~d~~District, or owners of Local His-
34 toric Register property, property listed on the local register, are eligible to apply for the following
35 preservation benefits:

- 1 A. Fees. ~~Historic Design Review Permit Design-review~~ application fees, for structures located
2 in ~~the downtown~~ ~~Historic~~ ~~Overlay~~ ~~District~~ or listed on the ~~local~~ Local Historic Regis-
3 ter, may be waived pursuant to SMC Chapter 1.09, Fees, ~~by the Community Develop-~~
4 ~~ment Director~~ for those applications which restore and rehabilitate the significant character
5 of the structure.
- 6 B. Building Code Exceptions. Deviations from SMC Title 8, Buildings and Construction,
7 will be allowed when the construction is in conformance with the State of California His-
8 toric Building Code.
- 9 C. Development Standards. Exceptions to development standards (including but not limited to
10 setback, height, parking, coverage, or floor area ratio (FAR)) may be granted for legal
11 nonconforming structures. The Planning Commission may grant an exception if the fol-
12 lowing findings can be made:
- 13 1. The exception is the continuation of an existing condition and the exception will
14 not exceed the deviation already existing on the structure.
- 15 2. The exception would be more in character with the architectural character of the
16 structure than adhering to the standard requirements.
- 17 3. The exception would not be in violation of the State Historic Building Code
18 provisions for health and safety, would not be detrimental to any adjacent proper-
19 ty and would not be injurious to public health, safety or welfare.
- 20 D. Additional Uses. Uses that are not normally allowed in a base zoning district may be al-
21 lowed in structures that are located in ~~a the~~ ~~Historic~~ ~~Overlay~~ ~~District~~ or listed on the
22 ~~local~~ Local Historic Register, subject to a conditional use permit (Chapter 10.60 SMC).
23 The Historical-Landmarks Board shall review and make a recommendation on the pro-
24 posed use(s) to the Planning Commission. ~~and~~ The Planning Commission shall consider
25 the recommendation of the Historic Landmarks Board, the impact of adaptive reuse pro-
26 posals on the integrity of the historic structure and the neighborhood and shall make find-
27 ings specified in SMC 10.46.040 (Conditional uses).
- 28 1. Required Findings. The Planning Commission shall not approve alternative uses
29 pursuant to this Section unless the following findings are made:
- 30 a. Exception to land use regulations is necessary to permit the preservation
31 or restoration of an historic or architecturally significant structure or site;
- 32 b. Proposed use of historic or architecturally significant structure or site will
33 require minimal alterations to structure;
- 34 c. Alterations will be consistent with the Secretary of the Interior's Standards
35 for Rehabilitation;

1 d. A preservation agreement has been prepared and recorded specifying the
2 uses allowed on subject property and preserving property from demoli-
3 tion;

4 e. The Historic Landmarks Board has considered the proposed use and rec-
5 ommends approval; and

6 f. A public hearing has been noticed and held in accordance with Chapters
7 10.60 (Conditional Use Permits) and 10.82 (Public Notice and Hearings)
8 SMC.

9 E. Parking. Uses in sites or structures within the ~~H~~Historic ~~O~~Overlay ~~D~~District or listed on the
10 ~~local register~~ Local Historic Register may be eligible for reduced parking requirements,
11 consistent with SMC 10.40.110(D)(3) (Historic Overlay District) and 10.40.110(G) (Oth-
12 er Reductions).

13 F. Written Agreement. The granting of any exceptions shall be conditional upon a written
14 agreement between the City and the property owner that ensures preservation of the
15 structure's significant character. The agreement shall give the City the right to revoke the
16 approval at any time the applicant has not complied with the conditions of approval. The
17 agreement shall be recorded with the County Recorder.

18 G. Termination. The approval of exceptions from the standard code provisions for structures
19 in an ~~H~~Historic ~~O~~Overlay ~~D~~District or listed on the ~~local register~~ Local Historic Register is
20 terminated when the structure is demolished, or when the structure is altered in a manner
21 that destroys or diminishes the significant character of the structure. All benefits derived
22 from approval shall be removed.

23

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DYETT & BHATIA
Urban and Regional Planners

755 Sansome Street, Suite 400
San Francisco, California 94111
☎ 415 956 4300 📠 415 956 7315