

LEGISLATIVE COMMITTEE AGENDA

Monday, July 25, 2016

3:00 p.m.

City Hall Conference Room at 420 Litho Street, Sausalito

The Legislative Committee may, at its discretion, consider agenda items out of the order in which they are listed. The public may comment on any item on the agenda that has not previously been subject to public comment. To give everyone an opportunity to be heard and to ensure the presentation of different points of view, the Committee requests that members of the audience who speak: 1) Always address the Chair; 2) State his or her name and address; 3) State views succinctly, and; 4) Limit comments to three minutes.

1. Call to Order – Historic Preservation Regulations Update Task Force

Mayor Jill Hoffman

Councilmember Tom Theodores

Planning Commissioner Vicki Nichols

Planning Commissioner Morgan Pierce

Historic Landmarks Board Member Aldo Mercado

2. Public Comment on Items Not on the Agenda

3. Historic Preservation Regulations Update

A. Review revised Draft Regulations

B. Future steps for the Historic Preservation Regulations Update

4. Adjourn

Agendas are posted at least 72 hours prior to the meeting at the entrance to City Hall, 420 Litho Street. Agendas are also available at the Community Development Department at City Hall.

Special Needs

In compliance with the Americans with Disabilities Act (28 C.F.R. 35.102-35.104, ADA Title 11), if you need special assistance to participate in a Legislative Committee meeting, please call 289-4128 or 289-4165. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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CITY OF

Sausalito

HISTORIC PRESERVATION
REGULATIONS UPDATE

Draft Regulations

Revised July 22, 2016

REVISED
DRAFT
FOR STAFF REVIEW

Prepared for
CITY OF SAUSALITO by:

DYETT & BHATIA
Urban and Regional Planners

AUGUST 2014

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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.

August 25, 2014

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 up-front 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 function
4 of the Historical Landmarks Board. These chapters have been consolidated along with the powers and
5 duties of the Board from other Titles of the SMC. A new section for Board qualifications has been added,
6 providing requirements for three of the five members. Finally, a clause has been inserted to assign the
7 Director of the Community Development Department as Secretary of the Board.

8

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

10 ~~Chapter 2.24~~

11 ~~HISTORICAL LANDMARKS COMMITTEE~~

August 25, 2014

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 preservation~~
14 ~~matters, participate in processes that involve historic or cultural resources, and take other such actions~~
15 ~~concerning historic preservation as may be prescribed by ordinance and shall be appointed and serve in~~
16 ~~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 in~~
19 ~~this Section and in Title 10, Zoning, of the SMC with respect to historic preservation. The Historic~~
20 ~~Landmarks Board shall have as its purpose:~~

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

26 B. ~~Conduct~~ ~~Historic Design Review~~ ~~for~~ ~~applications of~~ ~~construction, alteration, demolition and oth-~~
27 ~~er features pertaining to Landmark Structures and Historic Overlay Districts; To recommend to~~
28 ~~the Planning Commission that certain historic sites, landmarks, and historic districts be desig-~~
29 ~~nated and/or acquired by the City;~~

30 C. ~~Compile or cause to be compiled and maintained a Local Register listing and describing all desig-~~
31 ~~gnated Landmark Structures, Historic Overlay Districts, and contributing properties and sites~~

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- 1 ~~within the City; To administer the committee's responsibilities as denoted by the historic~~
2 ~~preservation ordinance of the City;~~
- 3 D. ~~Review a citywide survey of historic resources, which is periodically updated, and other surveys~~
4 ~~on a case by case basis, and recommend adoption of the survey conclusions to the City Council;~~
5 ~~To advise the City Council on the administration of historic sites and landmarks as may be ac-~~
6 ~~quired by the City;~~
- 7 E. ~~Create policies, procedures, and guidelines to carry out the intent of this Chapter and of Title 10~~
8 ~~(Zoning) of SMC, as relates to historic preservation, for review and adoption by the City Coun-~~
9 ~~cil;~~
- 10 F. ~~Act as the City's local historic preservation review commission for the purposes of the Certified~~
11 ~~Local Government Program, recommend properties for inclusion in the California and the Na-~~
12 ~~tional Register of Historic Places, and review and comment on federal undertakings where au-~~
13 ~~thorized under the National Historic Preservation Act;~~
- 14 G. ~~Review and comment upon environmental documents under the California Environmental Quali-~~
15 ~~ty Act ("CEQA") and the National Environmental Policy Act ("NEPA"), including determining~~
16 ~~whether sites and structures qualify as historic resources under CEQA;~~
- 17 H. ~~Review and provide written reports to the Planning Commission and the City Council on poli-~~
18 ~~cies, ordinances, and resolutions concerning historic preservation issues, historic resources, and~~
19 ~~other such matters as may be prescribed by ordinance;~~
- 20 I. ~~Review and make recommendations to the City Council on Mills Act contracts, if adopted;~~
- 21 J. ~~Provide recommendations to the City Council regarding the utilization and promotion of incen-~~
22 ~~tives and grants from federal and state agencies, private groups, and individuals, and regarding~~
23 ~~budgetary appropriations to advance the preservation of historic resources in the City;~~
- 24 K. ~~Participate in, promote, and conduct public information, educational, and interpretative pro-~~
25 ~~grams pertaining to historic resources, and provide public participation in all aspects of the~~
26 ~~City's historic preservation program;~~
- 27 ~~E. To advise the City Council on the acceptance of gifts consisting of documents, paintings, and~~
28 ~~other objects of historic value, as well as money when the same is given to be used for the ac-~~
29 ~~quisition of property, real or personal, of historic interest;~~
- 30 ~~F. To recommend to the City Council the documents, paintings, and objects of special historic val-~~
31 ~~ue associated with the history of the City to be acquired by the City;~~
- 32 LG. ~~To advise the City Council on all matters relating to the historic and cultural preservation of the~~
33 ~~City, in particular State and Federal designations and registration of Historic Landmarks histor-~~
34 ~~cal landmarks;~~
- 35 ~~H. To consider methods other than those provided for in this chapter and Chapters 2.24 and 8.44~~
36 ~~SMC, for encouraging and achieving historical preservation;~~

1 ~~I. To annually submit to the Planning Commission and City Council a report of its activities in the~~
2 ~~preceding year.~~

3 M. To recommend to the City Council the documents, paintings, and objects of special historic val-
4 ue associated with the history of the City and advise on items to be acquired by the City and
5 the acceptance of gifts of such items, as well as money when the same is given to be used for
6 the acquisition of property, real or personal, of historic interest; and

7 N. The Community Development Department staff shall provide staff support to the Historic
8 Landmarks Board.

9 **2.28.030 Membership and term of office.**

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

16 **2.28.040 Qualifications.**

17 A. The Historic Landmarks Board members shall have a demonstrated interest in, competence in,
18 experience in, or knowledge of the historic, architectural, aesthetic, and cultural traditions of the
19 City. ~~In order to meet the requirements of the Certified Local Government program, two mem-~~
20 ~~bers shall meet one of the following qualifications.~~

21 ~~1. A licensed architect meeting the Secretary of the Interior's Professional Quali-~~
22 ~~fications Standards for historic Architecture, a licensed landscape architect, or~~
23 ~~licensed structural engineer with experience in historic preservation;~~

24 ~~2. A historic preservation professional or professional in a field such as law, land~~
25 ~~use, community planning or urban design with experience in historic preserva-~~
26 ~~tion;~~

27 ~~3. A historian meeting the Secretary of the Interior's Professional Qualifications~~
28 ~~Standards for history;~~

29
30 **2.28.050 Organization.**

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

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

1 **2.28.060 Secretary of the Board.**

2 The Director of the Community Development Department, or their designee, shall serve as Secretary of
3 the Historic Landmarks Board. The Secretary shall attend meetings and keep a record of the proceedings
4 and transactions of the Historic Landmarks Board, specifying the names of the Board members in attend-
5 ance at each meeting and the ayes and noes upon all roll calls. The Secretary shall, among other duties,
6 post and publish all required notices of the Historic Landmarks Board.

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1 **ADMINISTRATION**

2 These sets of amendments are minor in scope and focus on incorporating and updating the Historic
3 Landmarks Board's role into administrative procedures such as notification and appeals. Of note are
4 amendments to ensure that properties over 50 years of age are reviewed as a historical resource under
5 the California Environmental Quality Act (CEQA). Additional application requirements have been added,
6 putting the initial responsibility of data gathering on the applicant, with the Community Development
7 Director making the preliminary determination. If a property may qualify as a historical resource, then a
8 historical resource evaluation report will be required, which will be reviewed by the Historical Landmarks
9 Board, who ultimately makes the final decision. These procedures, combined with the inclusion of minor
10 scopes of work that now trigger Historic Design Review, will ensure that more properties are being re-
11 viewed for compliance with CEQA and that less inappropriate alterations are made to historical re-
12 sources.

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14 *Modify Chapter 10.50, Land Use Permit Procedures, Sections 10.50.050 (Required Application Contents)*
15 *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 information
18 to the Community Development Department:

- 19 A. Completed consolidated application form and any other applicable forms required by the De-
20 partment;
- 21 B. Permission from the owner of the subject property, or owner authorization;
- 22 C. Any other information, plans or maps required by a particular application type, specified or re-
23 quested by the City Engineer or other departments, or prescribed by resolution of the Planning
24 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 Preservation)
29 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

Commented [CC2]: Currently, there are no application fees for listing a site/structure on the Local Historic Register. Amend fee schedule?

Commented [CC3]: Staff will create a checklist form

1 4. Additional information as determined by the Community Development Director and
2 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 Department may
6 require the applicant to submit additional information needed for the environmental review of
7 the project pursuant to the provisions of CEQA.

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

14 This determination and the preparation of appropriate documents (including negative declara-
15 tions and EIRs) shall be subject to the provisions of CEQA and SMC Title II (Environmental Pro-
16 tection).

17 C. Designated Landmark Structures and properties in Historic Overlay Districts. Historic Overlay
18 District and Local Register. Projects involving the demolition or interior or exterior alterations of
19 sites or structures that are in the a designated Landmark Structure or a property within a His-
20 toric Overlay District historic overlay district or that are listed on the local register shall be sub-
21 ject to environmental review, consistent with SMC 10.46.060(E) (Property and Review Require-
22 ments/Additional Demolition Procedures). The Historical Landmarks Board shall review such pro-
23 jects.

Commented [dc4]: Define scope for interior alterations. Kitchen remodel example.

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

Deleted: and may be a potential historic resource

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

Commented [CC5]: Does HLB final determination occur at a meeting? Email transmittal with identified due date for comments? Select two HLB members responsible? Procedure to be discussed.

Do demolitions automatically require a HRE? Demolitions for buildings over 50 years of age will be requiring Administrative Design Review.

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

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

15 b. Historic Landmarks Board Review. The Historic Landmarks Board shall review
16 the final historic resource evaluation report and based on information present-
17 ed, shall concur or disagree with the findings and make a determination of
18 whether the property qualifies as a historic resource under CEQA. The Histor-
19 ic Landmarks Board may require additional analysis by a qualified third party.

20 E. The Planning Commission shall make an environmental determination consistent with subsec-
21 tion B of this section (Environmental Review Procedure) except that historic resource determi-
22 nations which are made by the Historic Landmarks Board.

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1 *Modify Chapter 10.54, Design Review Procedures, Sections 10.54.020 (Applicability), 10.54.040 (Adminis-*
2 *trative Design Review Permits), 10.54.050 (Design Review Permits), 10.54.070 (Additional Submittals Re-*
3 *quired), and 10.54.080 (Referral) as follows:*

4 **10.54.020 Applicability.**

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

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14 **10.54.040 Administrative design review permits.**

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

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

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

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

38 2. Additions to multifamily residences, commercial structures, and industrial structures
39 which increase the size of the structure by less than 10 percent, not to exceed 300

- 1 square feet, and which are consistent with the architectural style of existing buildings
2 on the site.
- 3 3. Replacement of awning fabric on existing frames with fabric of a different color or
4 modified signage.
- 5 4. Any elevated structures wherein subfloor plumbing, utility ducts, or mechanical equip-
6 ment is exposed to view from adjacent properties or the public right-of-way.
- 7 5. Driveways in required side yard open spaces if not a part of an application which re-
8 quires review by the Planning Commission.
- 9 6. Encroachment agreements (improvements in the public right-of-way) for the following
10 items, if not part of other improvements requiring design review:
- 11 a. Major landscaping;
- 12 b. Stairs not on grade;
- 13 c. Driveways involving cut or fill of more than six feet;
- 14 d. Fences not exceeding 42 inches in height; and
- 15 e. Retaining walls not exceeding six feet in height.
- 16 7. Signs and awnings consistent with criteria developed by the Planning Commission and
17 City Council as adopted by resolution.
- 18 8. Installation or reconstruction, other than repairing and re-striping, of a parking area of
19 five or more spaces.
- 20 9. Capital improvement projects appropriate for staff review, as determined by the Plan-
21 ning Commission review of the annual capital improvement program.
- 22 10. Application for building permits for the construction, renovation or extension of any
23 pier or dock, or application to establish floats or dolphins, for private pleasure craft in
24 the R-2-2.5 zoning district.
- 25 11. Application for zoning permits for all buildings, decks, yards, and other improvements
26 proposing a change in existing grade by cutting or filling greater than six feet in height.
- 27 12. Applications to construct fences that require the issuance of a building permit.
- 28 13. Applications to construct terraced or multiple retaining walls or slope stabilization pro-
29 jects that retain an aggregate of six feet or more of slope within any 10-foot horizontal
30 interval.

- 1 14. Applications to construct vehicular traffic safety guardrails deemed necessary by the
2 City Engineer.
- 3 15. For buildings over 50 years of age:
- 4 a. Demolition or removal of non-original features of a building or site, including,
5 but not limited to, additions, garages, and accessory structures.
- 6 b. Replacement of incompatible, previously replaced windows, doors or façade
7 siding material if the replacement material is not compatible in appearance,
8 color and profile to the existing or original material.
- 9 c. Removal or modification of original window or door openings not on the pri-
10 mary or visible secondary facades.
- 11 d. Replacement or modification of side or rear stairs and railings.
- 12 e. The installation of rooftop feature that is not visible from the public right-of-
13 way, including HVAC systems, and skylights.
- 14 f. Any other work determined by the Director that will materially alter the signif-
15 icant features of a building.
- 16 C. Public Notice. The Community Development Department shall give public notice of the applica-
17 tion, pursuant to SMC 10.82.020(B) (Public Notice – Administrative Design Review and Changes
18 to an Approved Project).
- 19 D. Conditions. The Community Development Department may apply reasonable conditions of ap-
20 proval, in addition to those identified in SMC 10.54.090 (Conditions of approval) and consistent
21 with SMC 10.50.100 (Recommended conditions of approval).
- 22 E. Findings. The Community Development Department may approve or conditionally approve an
23 administrative design review permit if the findings specified in SMC 10.54.050(D) (Findings),
24 and SMC 10.54.050(E) (Heightened Review Findings) as applicable, can be made.
- 25 F. Resolution and Notice of Decision. The Community Development Department shall prepare a
26 written resolution which shall include all findings and applicable conditions of approval. Notice
27 of decision shall be distributed to applicant and all persons who received public notice.
- 28 G. Appeal. Administrative design review permit decisions may be appealed to the Planning Com-
29 mission within 10 days of the decision date. Appeals must be submitted in writing and shall be
30 processed in accordance with Chapter 10.84 SMC (Appeals). Notice of appeals of staff decisions
31 to the Planning Commission and the City Council shall be sent to all properties within 300 feet
32 of the subject property.
- 33 H. Effective Date. Community Development Department staff and Zoning Administrator decisions
34 of approval or denial of administrative design review permit applications shall become final 10
35 days after date of resolution, unless an appeal has been filed.

- 1 I. Referral to Planning Commission. The Community Development Director may refer an adminis-
2 trative design review permit application to the Planning Commission. Such referral shall be sub-
3 ject to public hearing, consideration, and approval or denial pursuant to the procedures speci-
4 fied by SMC 10.54.050 (Design review permits). Referral shall be at the discretion of the Com-
5 munity Development Director dependent upon policy implications, unique or unusual circum-
6 stances, the size of the project, or other factors determined by the Community Development Di-
7 rector to be significant enough to warrant Planning Commission review.
- 8 J. Expiration of Permit. Administrative design review permits shall expire two years following the
9 effective date of the permit, provided no extension has been filed prior to the expiration date.

10 **10.54.050 Design review permits.**

11 Proposals that do not require an administrative design review permit, are not subject to the provisions of
12 Chapter 10.46 (Historic Preservation) or considered a historic resource under CEQA, and fall below the
13 design review thresholds contained herein, either incrementally or cumulatively over a three-year period,
14 and meet or exceed all zoning requirements shall require a building permit, are subject only to Chapter
15 10.52 SMC (Zoning Permits), and are exempt from design review.

16 A. Purpose and Authority. Design review permits provide for discretionary review of the architec-
17 tural and design features of selected projects for which design review is required, as established
18 by this section. ~~The Historical Landmarks Board shall provide concurrent review and recom-~~
19 ~~mendations for projects that are proposed and/or located in an historic district and/or are listed~~
20 ~~on the local register.~~ The Planning Commission may approve, conditionally approve or deny de-
21 sign review permit applications.

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

23 **Building Permits:**

- 24 1. Any single-family, two-family (duplex), or any multifamily residential structure pro-
25 posed for construction.
- 26 2. Any replacement or substantial reconstruction of a single-family, two-family (duplex),
27 or multifamily residential structure which does not substantially replicate the original
28 structure.
- 29 3. Any alteration to existing secondary dwellings.
- 30 4. Projects for any two-family (duplex) or any multifamily residence which have any of the
31 following effects:
- 32 a. Add more than 10 percent of the total floor area of the structure(s) or more
33 than 300 square feet of floor area to the structure(s) (whichever is less with
34 respect to adding new floor area square footage); or
- 35 b. Increase the height of the structure(s); or

- 1 c. Have the potential to impair views from other properties.
- 2 5. Projects for exterior remodeling of any commercial or industrial structure which have
3 any of the following effects:
- 4 a. Add more than 10 percent of the total floor area to the structure(s) or add
5 more than 300 square feet of floor area to the structure(s) (whichever is less
6 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 6. Projects for existing single-family residence or construction or expansion of an accesso-
10 ry structure which have any of the following effects:
- 11 a. Add more than 300 square feet of floor area to any building on the parcel
12 where the additional floor area will add new building coverage to the subject
13 parcel where building coverage did not previously exist; or
- 14 b. Add more than 25 percent of the total floor area of the existing structure or
15 add more than 600 square feet of floor area (whichever is less with respect to
16 adding new floor area square footage) to any building on the parcel where the
17 addition will not add any new building coverage to the subject parcel where
18 building coverage did not previously exist; or
- 19 c. Have the potential to impair views from other properties; or
- 20 d. Increase the height of any building.
- 21 7. Construction of structures with a distance of more than six feet from the ground to the
22 lowest point of complete enclosure. (Design review shall address the potential visual
23 impact of unsightly exposed underframing and utility ducts.)
- 24 8. Any addition or remodeling that causes the structure to exceed the height limits estab-
25 lished by SMC 10.40.060 (Height requirements).
- 26 9. Covering parking spaces, causing the existing structure to exceed the maximum height
27 limit pursuant to SMC 10.40.060(C)(3) (downhill parcels).
- 28 10. Construction of a structure on an uphill parcel which will have a sloped roof in excess
29 of the maximum height limit within the first 15 feet of the property pursuant to SMC
30 10.40.060(C)(1) (uphill parcels).
- 31 ~~ii. Exterior renovation, modification, or remodeling of any structure listed on the National~~
32 ~~(or State) Register of Historic Places, or on the local register or structure located within~~
33 ~~a City-designated historic district.~~

1 Signs and Awnings:

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

4 Capital Improvement Projects:

5 13. Local public capital improvement projects and local public enhancement projects ex-
6 cluding:

7 a. Capital improvement projects which are maintenance projects or do not ap-
8 preciablely change the appearance of the area being maintained; and

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

10 Other Permits:

11 14. Encroachment agreements for garages, fences, buildings, dwelling units, structures, and
12 parking spaces.

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

16 16. Permits to construct wireless communication facilities (antennas and ground equip-
17 ment).

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

20 18. Administrative design review for proposals made in conjunction with other applications
21 requiring Planning Commission review and approval.

22 19. Administrative design review when the Community Development Director determines a
23 project warrants Planning Commission review and approval.

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

25 C. Public Notice and Hearing. Design review permit applications require public hearing by the
26 Planning Commission. Public hearing shall be noticed and conducted consistent with Chapter
27 10.82 SMC (Public Notice and Hearings). Design review for signs and awnings shall not be sub-
28 ject to the noticing requirement.

29 D. Findings. The Planning Commission shall approve design review permit applications only if the
30 following findings can be made:

31 1. The proposed project is consistent with the General Plan, any applicable specific plans,
32 any applicable design guidelines, and this chapter. (The adopted historic design guide-

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- 1 lines can be found in the Community Development Department or the office of the
2 City Clerk.)
- 3 2. The proposed architecture and site design complements the surrounding neighborhood
4 and/or district by either:
- 5 a. Maintaining the prevailing design character of the neighborhood and/or dis-
6 trict; or
- 7 b. Introducing a distinctive and creative solution which takes advantage of the
8 unique characteristics of the site and contributes to the design diversity of
9 Sausalito.
- 10 3. The proposed project is consistent with the general scale of structures and buildings in
11 the surrounding neighborhood and/or district.
- 12 4. The proposed project has been located and designed to minimize obstruction of public
13 views and primary views from private property.
- 14 5. The proposed project will not result in a prominent building profile (silhouette) above
15 a ridgeline.
- 16 6. The proposed landscaping provides appropriate visual relief, complements the buildings
17 and structures on the site, and provides an attractive environment for the enjoyment of
18 the public.
- 19 7. The design and location of buildings provide adequate light and air for the project site,
20 adjacent properties, and the general public.
- 21 8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed and
22 located to minimize visual, noise, and air quality impacts to adjacent properties and the
23 general public.
- 24 9. The project provides a reasonable level of privacy to the site and adjacent properties,
25 taking into consideration the density of the neighborhood, by appropriate landscaping,
26 fencing, and window, deck and patio configurations.
- 27 10. Proposed entrances, exits, internal circulation, and parking spaces are configured to
28 provide an appropriate level of traffic safety and ease of movement.
- 29 11. The proposed design preserves protected trees and significant natural features on the
30 site to a reasonable extent and minimizes site degradation from construction activities
31 and other potential impacts.
- 32 12. The project site is consistent with the guidelines for heightened review for projects
33 which exceed 80 percent of the maximum allowed floor area ratio and/or site coverage,
34 as specified in subsection E of this section (Heightened Review Findings).

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1 E. Heightened Review Findings. The site development standards contained in Table 10.22-2 are not
2 entitlements; the approved size, setbacks or other physical conditions of a proposed new home
3 or expansion of an existing home subject to design review shall be at the discretion of the Plan-
4 ning Commission. In order to meet the findings of design review, including the following height-
5 ened review findings, the Planning Commission may approve a home smaller, or with greater
6 setbacks, or otherwise impose requirements that are more restrictive than those set forth in this
7 chapter. For residential projects that require a discretionary design review (either Administrative
8 Design Review or a Design Review Permit) and exceed 80 percent of the permitted floor area
9 ratio (FAR) and/or building coverage limitations, the decision-making body must determine
10 whether or not the site can support maximum build-out, consistent with the following:

- 11 1. Proposed development of the site maximizes preservation of protected trees.
- 12 2. The site is configured with adequate width and depth to provide yard spaces and set-
13 backs, proportional to the size of the structure.
- 14 3. The site will be developed in a manner that minimizes the obstruction of views from
15 surrounding properties and public vantage points, with particular care taken to protect
16 primary views.
- 17 4. The proposed development of the site presents no potential hazard to public safety in
18 terms of vehicle traffic, pedestrian circulation, slope and tree stability, runoff, and pub-
19 lic utilities.
- 20 5. The slope and topography of the site allow for limited excavation and minimal altera-
21 tion to the site topography outside the footprint of structures.
- 22 6. The site will provide adequate guest parking either on site or within the immediate
23 street frontage.
- 24 7. The proposed plan provides adequate landscaping to maximize privacy and minimize
25 the appearance of bulk.

26 Although these findings are only required for projects that would otherwise require a discretionary de-
27 sign review public hearing, all projects that result in or exacerbate floor area and/or building coverage of
28 over 80 percent shall require the Community Development Department to give public notice of the ap-
29 plication, pursuant to SMC 10.82.020(A) (Public Hearing). If such notice is required for a project that
30 does not require a public hearing, the notice shall be mailed to notify neighbors that a zoning permit has
31 been issued, including a description of the project, and shall include information regarding the appeal
32 period for the zoning permit.

33 F. Conditions. The Planning Commission may impose conditions on design review permits, to meet
34 the purposes of this title, the general plan and any applicable specific plan. Conditions may in-
35 clude but not be limited to maximum floor area, building coverage limit, maximum height, and
36 minimum open space. In addition, the conditions specified in SMC 10.54.090 (Conditions of ap-
37 proval) and SMC 10.50.100 (Recommended conditions of approval) shall be imposed.

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- 1 G. Resolution. Planning Commission decision shall be in the form of a written resolution and shall
2 include all findings and conditions of approval.
- 3 H. Appeal. All decisions of the Planning Commission, with respect to design review permits, may be
4 appealed to the City Council within 10 days of the Planning Commission decision. Appeals shall
5 be filed and processed in accordance with Chapter 10.84 SMC (Appeals).
- 6 I. Effective Date. Design review permits shall become effective at the end of the appeal period,
7 provided no appeal has been submitted.
- 8 J. Expiration of Permit. Design review permits shall expire two years following the effective date of
9 the permit, provided no extension has been filed prior to the expiration date.
- 10 K. Extension. The applicant may request an extension of a design review permit prior to the expira-
11 tion of the permit. The Zoning Administrator or the Planning Commission (upon receipt of a re-
12 ferral from the Zoning Administrator) may grant one extension for up to one year, in accord-
13 ance with SMC 10.50.140 (Extension of approved permits).

14 **10.54.070 Additional submittals required.**

15 Prior to making a final decision, the Community Development Department, Zoning Administrator, ~~His-~~
16 ~~torical Landmarks Board~~ and/or Planning Commission may require the applicant to provide any other
17 data deemed useful or necessary for permit approval. Such requirements may include, but not be limited
18 to:

- 19 A. Models;
- 20 B. Photomontages;
- 21 C. Computer-generated imaging; and/or
- 22 D. Reports by expert consultants to address potential issues of concern, such as noise, odor, glare,
23 sunlight, drainage, and traffic.

24 **10.54.080 Referral.**

25 Prior to making a final decision, the Community Development Department, Zoning Administrator, ~~His-~~
26 ~~torical Landmarks Board~~ and/or Planning Commission may refer any design review application for re-
27 ports and recommendations from the Fire Chief, City Engineer, Building Inspector, Health Officer or any
28 other officer of the City or County regarding matters in their fields of competence or under their juris-
29 diction and which would be affected by the proposed development.

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

3 **10.80.060 Historical Landmarks Board.**

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

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

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

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

15 ~~2. Hear and consider permit applications for construction, alteration, demolition and re-~~
16 ~~medial work on sites listed on the local register or located in the historic overlay dis-~~
17 ~~trict, as provided by SMC 10.46.060 (Procedures for demolition, addition, or modifica-~~
18 ~~tions).~~

19 ~~3. Make recommendations to the Planning Commission regarding policies related to his-~~
20 ~~toric preservation.~~

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

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

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

34 ~~7. Review and approve, approve with conditions or deny design review permit applications~~
35 ~~for exterior renovation, restoration, reconstruction or replacement of a single-family ark~~
36 ~~dwelling, pursuant to SMC 10.44.130 (Arks).~~

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- 1 ~~8. Make recommendations to the Planning Commission for projects requesting other dis-~~
2 ~~cretionary permits for properties located in the historic overlay district or listed on the~~
3 ~~local register.~~
- 4 ~~9. Consult with recognized historic preservation organizations and/or obtain professional~~
5 ~~advice, as deemed appropriate or necessary.~~
- 6 ~~10. Make recommendations to the Planning Commission regarding the environmental re-~~
7 ~~view of sites or structures that are in the historic overlay district or that are listed on~~
8 ~~the local register, consistent with Chapter 10.46 SMC (Historic Overlay District and Lo-~~
9 ~~cal Register).~~
- 10 ~~11. Provide information to staff and the Planning Commission regarding the historic signif-~~
11 ~~icance of sites or structures over 50 years old deemed potentially historically or archae-~~
12 ~~ologically significant by Community Development Department staff, for purposes of en-~~
13 ~~vironmental review.~~
- 14 ~~12. Review and adopt sign guidelines and design review guidelines or standards for the his-~~
15 ~~toric overlay district.~~

1 **Modify Chapter 10.82, Public Notice and Hearings, Sections 10.82.020 (Public Notice), and 10.82.070**
2 **(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 Landmarks
5 Board, Planning Commission or City Council shall be given in accordance with law and as fol-
6 lows:

Commented [CC6]: Currently, an applicant pays \$235 for noticing.
Will this be increased to also cover HLB noticing? Perhaps a separate HLB
noticing fee?

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

16 2. Method of Notice Distribution – Title Adoption or Amendment Not Affecting Uses. No-
17 tice of a public hearing required by this title for the adoption of the Zoning Ordinance
18 or amendments to the Zoning Ordinance which do not affect the uses of real property
19 shall be published in at least one newspaper of general circulation in the City at least 10
20 days before the hearing, as required by California Government Code Sections 65090
21 and 65091.

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

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

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

31 ii. Each local agency expected to provide water, sewage, streets, roads,
32 schools, or other essential facilities or services to the project, and
33 whose ability to provide such facilities and services may be signifi-
34 cantly affected.

35 iii. Any person who has filed a written request for notice with the Com-
36 munity Development Director and has paid the fee set by the most
37 current Community Development Department fee schedule for such
38 notice.

1 is the subject of the application; a general explanation of the matter to be considered;
2 an invitation to review plans and provide comments and suggestions; and the date that
3 the decision will be rendered.

4 2. Method of Notice Distribution. Notice shall be mailed at least 10 days prior to a final
5 administrative decision to the following:

- 6 a. The applicant and the subject property owner(s) or the owner's agent.
- 7 b. All owners of real property as shown on the latest equalized assessment roll
8 and all occupants within 300 feet of the subject property.

9 ~~3. Administrative Historic Design Review. In addition to the notice requirements described~~
10 ~~above, notice that an Administrative Historic Design Review is pending shall be sent to~~
11 ~~the members of the Historic Landmarks Board and any individuals or organizations~~
12 ~~who request notice.~~

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13 C. View Determinations. For projects subject to a determination regarding view impairment consistent with SMC 10.54.050(B) (Applicability) (including but not limited to decks, balconies and chimneys), applicant shall submit an affidavit indicating adjacent neighbors (property owners and tenants, as applicable), including those located across a public street or right-of-way, have been notified of the proposal and related application within 10 days of the determination.

18 D. Additional Notice. The Community Development Director shall provide additional notice for City-sponsored projects requiring Planning Commission notice and hearing. The Community Development Director may provide any additional notice deemed necessary or appropriate. Such notice shall be in addition to that required by this section and may include additional content and may be distributed differently.

23 E. Notice of Decision. The Community Development Department shall prepare a written notice of decision which shall include all findings and applicable conditions of approval. Notice of decision shall be distributed to the owner, applicant and all persons who submitted written comment on the application.

27 F. Failure to Notice. The failure to send notice by mail to any such property owner or occupant, where the address of such owner is not shown upon the latest equalized assessment roll of the County or the City's latest copy of Pacific Telephone "Reverse Telephone Directory" for this area, shall not invalidate any proceedings in connection with any action.

31 **10.82.070 Transcript of hearing.**

32 Any person interested in a proposed project, amendment, or appeal may, in advance of the hearing, request the Secretary of the Planning Commission, ~~Secretary of the Historic Landmarks Board,~~ or the Clerk of the City Council, as applicable, to provide for recording all testimony in a stenographic report. Such request shall be in writing, and the person making the request shall agree to pay all costs involved in the taking and preparation of the stenographic report. If two or more persons request a stenographic report of the testimony, they shall share the cost equally. Such costs shall be in addition to any other fees. Noth-

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- 1 ing in this section shall prevent any interested person from employing a stenographic reporter of his/her
- 2 own, if he/she so chooses.

- 3 All public hearing bodies shall provide for the recording of testimony in a stenographic report within the
- 4 limits of funds available for such purposes.

1 *Modify Chapter 10.84, Appeals, Sections 10.84.010, (Purpose and Authorization), 10.84.040 (Public Notice*
2 *and Hearing), 10.84.050 (Notice of decision), 10.84.060 (Effect of Failure to Give Notice), and 10.84.070*
3 *(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 De-
6 velopment Department, Community Development Director, Zoning Administrator, Historic Landmarks
7 Board or Planning Commission relevant to the administration of this title, they may file an appeal as de-
8 scribed below:

9 A. Administrative Decision. Any aggrieved party may appeal decisions made by the Community
10 Development Department or Community Development Director to the Planning Commission or
11 Historic Landmarks Board, as applicable. Administrative decisions include the following:

- 12 1. Determinations on the meaning or applicability of the provisions of this title, pursuant
13 to SMC 10.12.090 (Nature and interpretation of Zoning Ordinance).
- 14 2. Determinations that an application or submittal information is incomplete, pursuant to
15 SMC 10.50.060 (Initial review of applications) and California Government Code Section
16 65943.
- 17 3. Decisions on Zoning Permits or Administrative Design Review Permits. An administra-
18 tive decision regarding a zoning permit shall be prominently posted on the project site
19 by the applicant within 24 hours of the decision and shall remain posted for a period
20 of 10 days.

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

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

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

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

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

33 **10.84.040 Public notice and hearing.**

34 A. Public Hearing Required. The Planning Commission, Historic Landmarks Board, or City Council,
35 as applicable, shall hold a public hearing on an appeal. At the hearing, the appellate body shall

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1 review the record of the decision and hear testimony of the appellant, the applicant, and any
2 other interested party. ~~For appeals of decisions by the Historic Landmarks Board, City Council~~
3 ~~appeal~~ considerations shall be subject to the same requirements of the Historic Landmarks
4 Board and Planning Commission and shall include consideration of any applicable plans or
5 guidelines. Any significant change to a permit by the City Council shall be referred to the His-
6 torical Landmarks Board and Planning Commission for review and comment prior to final ac-
7 tion.

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8 B. Notice. Notice of public hearings shall be given in the manner required for the decision being
9 appealed.

10 **10.84.050 Notice of decision.**

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

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15 **10.84.060 Effect of failure to give notice.**

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

24 **10.84.070 Effective date of appealed actions.**

25 A. A decision by the City Council regarding an appeal shall become final on the date action was
26 taken by the City Council.

27 B. A decision by the Planning Commission regarding an appeal shall become final 10 calendar days
28 after the date of the decision, unless appealed to the City Council.

29 ↓
Deleted: C. A decision by the Historic Landmarks Board regarding an appeal shall become final 10 calendar days after the date of the decision, unless appealed to the City Council.

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1 **SIGN AND ARKS**

2 These two Chapters have been modified to include cross-references to Chapter 10.46 (Historic Preserva-
3 tion of Landmark and Historic Districts) and ensure that ~~Historic Design Review~~ is required for any signs
4 or work on an Ark property. No substantive modifications have been made to sign provisions, require-
5 ments, or processes.

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6
7 *Modify Chapter 10.42, Sign and Awning Regulations, Sections 10.42.070 (Sign Standards for Designated*
8 *Properties), 10.42.080 (Administrative Sign Permits), and 10.42.090 (Sign Permits, Planning Commission*
9 *Review), as follows:*

10 **10.42.070 Sign standards for Landmark Structures and properties within a ~~in the~~ Historic Overlay Dis-**
11 **~~trict 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 (Pur-
13 pose), the purposes of this section establishing regulations for signs on properties and sites that
14 are designated Landmark Structures or are located within a Historic Overlay District, and sub-
15 ject to the provisions of Chapter 10.46 (Historic Preservation) ~~in the historic overlay district and~~
16 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 Dis-
19 trict ~~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 cultural
21 significance, including but not limited to downtown Sausalito;
- 22 3. To assist property and business owners in understanding community signage expecta-
23 tions;
- 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 Overlay
28 Districts; and
- 29 ~~7. To~~ provide a regulatory framework for the Historic Overlay District ~~historic district~~
30 sign design guidelines.

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

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

Historic Design Review Required. Any work involving a sign shall obtain Historic Design Review by the Historic Landmarks Board as provided in Chapter 10.46.060 (Property and Review Requirement) of the SMC, prior to the issuance of any building permits or approval of other planning entitlements.

~~D. Historic District Guidelines. Any sign, awning, or signage program located within a Historic Overlay District or proposed for a Landmark Structure shall comply with SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register), the historic district sign guidelines adopted by the City Council, and the design and performance standards identified in SMC 10.42.060 (Sign and awning standards). Where there are differences between SMC 10.42.060 (Sign and awning standards), this Section, SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register) and the historic district sign guidelines, the most restrictive regulation shall apply.~~

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

1. Wall signs;
2. Projecting signs;
3. Awning signs;
4. Window signs;
5. Hanging signs;
6. Plaque signs;
7. Directory signs;
8. Address signs;
9. Menu signs;
10. Temporary signs; and
11. Special signs.

~~F. Sign Types Strongly Discouraged. Signs are strongly discouraged which are considered incompatible with the Historic Overlay District historic overlay district, which adversely affect the~~

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Historic Design Review Required. Any work involving a sign shall obtain Historic Design Review by the Historic Landmarks Board as provided in Chapter 10.46.060 (Property and Review Requirement) of the SMC, prior to the issuance of any building permits or approval of other planning entitlements.

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1 health, safety and/or general welfare of the community, or which might create confusion to the
2 public or to public safety officials responding to community emergencies. In addition, the follow-
3 ing sign types are strongly discouraged in the Historic Overlay District ~~historic overlay district~~
4 and on structures listed on the local register:

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

19 G.E. Exempt Signs. The following signs will be allowed in the Historic Overlay District ~~historic over-~~
20 ~~lay district~~ without a sign permit and shall not be included in the calculation of maximum sign
21 area:

- 22 1. Interior signs not visible from any public right-of-way or from any area open to the
23 public;
- 24 2. Interior signs located within 15 feet of business frontage and visible by the public that
25 contain lettering of one inch or less;
- 26 3. Interior signs visible by the public and located more than 15 feet from the business
27 frontage that contain lettering three inches or less;
- 28 4. Public information signs required by City, State or Federal laws;

- 1 5. Nameplate signs on doors not exceeding two inches by 24 inches and administratively
2 approved by the Community Development Director; and
- 3 6. One alarm sign not exceeding an aggregate of one square foot, indicating presence of
4 alarm device and identifying representative to be contacted in case of alarm activation.
- 5 **HF.** General Regulations. The following standards shall apply to all sign types subject to the provi-
6 sions of this Section ~~in the historic overlay district or on structures listed on the local register:~~
- 7 1. Total number of signs shall be at discretion of ~~the Planning Commission and Historical~~
8 Landmarks Board.
- 9 2. Commercial signage should be limited to 0.5 square feet of signage per lineal foot of
10 street frontage. Exceptions may be granted for narrow buildings. Store information un-
11 der one inch in height (e.g., hours of operation) shall not be included in size calcula-
12 tions.
- 13 3. Materials should be appropriate to historic nature of district and/or structure listed on
14 the local register and may include carved wood signs and individual cast or cut metal
15 letters.
- 16 4. All signs should be of high quality workmanship, with clean and finished edges and ma-
17 terials.
- 18 5. Colors should be appropriate to the Historic Overlay District ~~historic district or struc-~~
19 ~~ture listed on the local register~~ Landmark Structure and relative to the location, size
20 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 in-
23 clude projecting signs at ground floor level entries, projecting signs at upper floor win-
24 dow level, or lettering applied directly to upper floor windows. Upper floor signage
25 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 these
27 guidelines shall be encouraged where appropriate to the building and location.
- 28 9. Any sign shall be installed in a manner to minimize damage or degradation to historic
29 buildings, consistent with the Secretary of the Interior Standards.
- 30 **IG.** Wall Signs. Wall signs, defined in SMC 10.42.030 (Sign definitions) are subject to the following
31 guidelines:
- 32 1. Signs should identify building or major tenant's name only.
- 33 2. Wall signs should not be painted directly to wall surfaces unless the ~~Historical~~ Land-
34 marks Board finds they are of historic significance.

- 1 3. Signs should consist of individual solid metal, wood, stone or glass letters, or flush-
2 mounted carved, routed or sandblasted wood plaques.
- 3 4. Signable area (defined by SMC 10.42.030, Sign definitions) should not exceed 15 percent
4 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 mul-
9 titenant building: Two-thirds of individual tenant storefront.
 - 10 d. Projection: Four inches maximum from face of wall surface.
- 11 **JF.** Projecting Signs. Projecting signs are encouraged in the Historic Overlay District ~~historic overlay~~
12 ~~district~~ and should be oriented to pedestrians on the sidewalk in front of the building. Project-
13 ing 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 imaginary
17 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 outlines,
21 and two- or three-dimensional icon signs.
- 22 **KI.** Awning Signs. Awning signs shall be reviewed for conformance to the following guidelines:
 - 23 1. Size of awning signs should be limited, as follows:
 - 24 a. Letter height: Eight inches.
 - 25 b. Logo height (on sloping awning face): 12 inches.
 - 26 c. Logos and other design elements on sloped awning face: 10 percent of awning
27 face.
 - 28 d. Letters, logos and other design elements may be allowed on the sides (closed
29 ends of awnings) provided they are smaller than those on the front and do not
30 exceed 40 percent of the awning end panel area.

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- 1 2. Upper-level awning signs may be allowed at the discretion of the Historical Landmarks
2 Board ~~and the Planning Commission~~ and should be limited to the business name or
3 type.
- 4 Lj. Window Signs. Window signs shall meet the following guidelines, unless otherwise approved by
5 the Historical Landmarks Board ~~or Planning Commission~~:
- 6 1. Copy should be limited to business name, address, hours of operation, emergency tele-
7 phone numbers and business tenant logos.
- 8 2. Area should not exceed 25 percent of any single window area or 10 percent of aggre-
9 gate ground floor window area, whichever is less.
- 10 3. Copy should be limited to eight inches in height.
- 11 4. Store information copy under one inch in height and credit card logos under two inch-
12 es in height are included in window coverage, but not maximum sign area allowed.
- 13 5. Signs taped to windows or suspended independent of the glass are not allowed.
- 14 Mk. Hanging Signs. Hanging signs are similar to projecting signs except they are below awnings,
15 balconies or beams and are generally smaller in size. Hanging signs are subject to the following
16 guidelines:
- 17 1. Maximum size: Four square feet.
- 18 2. Minimum clearance above pedestrian areas: Eight feet.
- 19 3. Designed to be viewed closely by pedestrians.
- 20 4. Located perpendicular to pedestrian movement.
- 21 Nl. Plaque Signs. Plaque signs are smaller wall signs attached to surfaces adjacent to shop front
22 entries and generally limited to the business name or logo and designed for viewing by pedestri-
23 ans at close range. Plaque signs are subject to the following guidelines:
- 24 1. Placed near tenant entries.
- 25 2. Size limited to fit within an imaginary rectangle of three square feet.
- 26 3. Limit projection to a maximum of three inches.
- 27 4. Historic designation plaques are encouraged. Historic designation plaques are subject to
28 review and approval by the Historical Landmarks Board but shall not be counted in cal-
29 culation of maximum sign area.

- 1 QM. Directory Signs. Tenant directory signs may be allowed for buildings with multiple tenants
2 without direct public street frontage, including buildings with upper floors and buildings with
3 businesses in a courtyard. Directory signs are subject to the following guidelines:
- 4 1. Oriented to pedestrians in immediate area.
 - 5 2. Sign copy may include building and project name, project logo, address, business tenant
6 names, suite numbers or letters.
 - 7 3. Project name or logos should be limited to six inches in height. Other sign copy should
8 be limited to two inches in height.
- 9 PN. Address Signs. Address signs shall be prominently displayed from the street and limited to the
10 street address number. Address signs are also subject to the following guidelines:
- 11 1. Placement limited to doors, transoms, or wall surfaces adjacent to entries.
 - 12 2. Script letter strongly discouraged, except where appropriate based on demonstrated
13 historic precedence.
 - 14 3. Individual numbers on glass surfaces on or above doorways encouraged.
 - 15 4. Numbers on glass in another color field discouraged.
- 16 QQ. Menu Signs. Menu signs are encouraged for all restaurants with sit-down dining but are not
17 included in calculation of maximum sign area. The following guidelines shall apply:
- 18 1. Mounted on walls adjacent to restaurant entries.
 - 19 2. Sign boxes or plaques will be reviewed for materials, design features and nighttime
20 lighting.
- 21 RP. Temporary Signs. Temporary signs, as defined in SMC 10.42.030 (Sign definitions), must be ap-
22 proved by the Community Development Director and are subject to the following guidelines:
- 23 1. The Historical Landmarks Board ~~and Planning Commission~~ may approve the location,
24 supporting brackets and general banner design of signs for changing events. The
25 Community Development Director may approve subsequent or periodic changes.
 - 26 2. Temporary signs announcing retail sales will be reviewed for compatibility with the
27 Historic Overlay District ~~historic district~~ and are subject to the following:
 - 28 a. Size: Three square feet.
 - 29 b. Letters: Six inches in height.
 - 30 c. Aggregate area of all temporary signs on a business tenant frontage: 10 percent
31 of display window area.

- 1 d. Illuminated, luminescent and fluorescent signs strongly discouraged.
- 2 3. Temporary real estate sale or lease information and construction, alteration and repair
3 signs shall be reviewed for compatibility with the Landmark Structure and/or Historic
4 Overlay District ~~historic overlay district~~ and are subject to the following:
- 5 a. Size: Three square feet.
- 6 b. Letters: Three inches in height.
- 7 c. Aggregate area of temporary signs on business frontage: Six square feet.
- 8 d. Illuminated, luminescent and fluorescent signs discouraged.
- 9 4. The number and duration of temporary signs shall be at the discretion of the Commu-
10 nity Development Director, subject to the following:
- 11 a. Duration: No greater than 30 days.
- 12 b. Frequency: No more than four times per year.
- 13 c. Period of at least 30 days between any of four display periods, unless waived
14 by the Community Development Director.
- 15 SC. Special Signs. Creative signs that do not fit within another identified category may be allowed,
16 subject to the following guidelines:
- 17 1. Moveable signs require ~~Historical Landmarks Board and Planning Commission~~ approval
18 prior to initial use.
- 19 2. Review by the ~~Planning Commission and Historical Landmarks Board~~ shall consider ap-
20 propriateness to and compatibility with the Landmark Structure and/or Historic Over-
21 lay District.
- 22 3. Special signs shall only be approved if the ~~Historical Landmarks Board and Planning~~
23 ~~Commission~~ can make one or more of the following findings:
- 24 a. Proposal contributes to the vitality of the Historic Overlay District ~~historic dis-~~
25 ~~trict~~.
- 26 b. Proposed sign provides a better visual building and signage relationship for a
27 difficult building or location.
- 28 c. Proposal maintains a size and character appropriate to the pedestrian scale of
29 the Historic Overlay District ~~historic district~~.
- 30 4. Special signs shall be creative and unique to the business, location, building architec-
31 ture or neighborhood character.

1 **10.42.080 Administrative sign permits.**

2 A. Applicability. ~~Certain~~ ~~The following~~ sign applications are subject to the applicable sign standards
3 and may be administratively reviewed and approved by the Community Development Director,
4 or her/his designee. ~~Administrative approval of signs on properties located within a Historic~~
5 ~~Overlay District or on a Landmark Structure are subject to the provisions of Section 10.46.060~~
6 ~~(Property and Review Requirements) of the SMC. ; provided, that such signs are not located~~
7 ~~within any historic district or upon any property or structure listed on the local register: The~~
8 ~~following sign applications are eligible for administrative approval:~~

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9 1. Text replacement of existing approved signs where a business has changed ownership
10 or use; provided, that the size, color, and location of the sign do not change.

11 2. In the CN, CR, CC, and CW districts, signs which do not exceed six square feet in area
12 in the aggregate of permanent signs for a business and have no internal illumination.

13 3. In the SC, W, and I districts, signs which do not exceed 20 square feet in area in the
14 aggregate of permanent signs for a business and have no internal illumination.

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

17 C. Findings and Determination. The Community Development Director, or her/his designee, shall
18 determine whether the proposed sign is consistent with the standards (SMC 10.42.060, Sign and
19 awning standards) and findings of approval (SMC 10.42.090(E)). A written determination shall
20 be provided within 10 days after the initial submittal.

21 D. Conditions of Approval. In addition to the conditions specified in SMC 10.50.100 (Recommended
22 conditions of approval) the Community Development Director may impose additional conditions
23 as necessary to assure compliance with the standards specified in SMC 10.42.060 (Sign and awn-
24 ing standards).

25 E. Appeal. Administrative sign permit decisions may be appealed to the Planning Commission with-
26 in 10 days of the decision date. Appeals must be submitted in writing and shall be processed in
27 accordance with Chapter 10.84 SMC (Appeals).

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

31 G. Referral. Upon the discretion of the Community Development Director, signs may be referred to
32 the Planning Commission and, where appropriate, the Historic Landmarks Board. All other
33 signs requiring a permit shall be reviewed by the Planning Commission and, ~~where appropriate~~
34 ~~when required~~, the Historic Landmarks Board.

35 **10.42.090 Sign permits (Planning Commission review).**

36 A building permit shall also be obtained for any sign if required by SMC Title 8 (Buildings and Con-
37 struction).

- 1 A. Applicability and Authority. All sign permit applications shall require Planning Commission review and approval, unless specified by SMC 10.42.080 (Administrative sign permits) or exempted by SMC 10.42.040 (Signs allowed without permits). ~~Sign permit applications shall also require concurrent Historical Landmarks Board review and approval and shall be subject to historic district sign guidelines when the property is located in the historic overlay district or is listed on the local register.~~
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- 7 B. ~~Historic District Guidelines. Any sign, awning, or signage program located within the historic district or proposed for a designated structure or site listed on the local register shall comply with SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register), the historic district sign guidelines adopted by the City Council, and the design and performance standards identified in SMC 10.42.060 (Sign and awning standards). Where there are differences between SMC 10.42.060 (Sign and awning standards), SMC 10.42.070 (Sign standards in the historic overlay district and for properties listed on the local register) and the historic district sign guidelines, the most restrictive regulation shall apply.~~
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- 15 C. Public Notice. Sign permit applications that are processed concurrently with another development application requiring Planning Commission public hearing, review and approval shall be noticed consistent with Chapter 10.82 SMC (Public Notice and Hearings). Applicant shall post notice of application on subject property for all other sign permit applications. Notice shall indicate date application was made, describe the application (including the proposed sign) and be posted at eye level at the subject property.
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- 21 D. Submittal Requirements. Applications shall include all information required under SMC 10.50.030 (Application procedure). In addition, applications for Planning Commission sign permits and administrative sign permits shall be accompanied by information specified by administrative guidelines. The administrative guidelines shall be a detailed list of submittal requirements to include, but not be limited to, the following:
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- 26 1. Planning Commission sign permit or administrative sign permit application form;
 - 27 2. Applicable fee, as established by resolution of the City Council;
 - 28 3. Site plan;
 - 29 4. Exterior elevations;
 - 30 5. Photographs of the existing building, site, and signs; and
 - 31 6. Sign and/or awning specifications:
 - 32 a. Dimensions;
 - 33 b. Plan view;
 - 34 c. Elevation view;
 - 35 d. Colors;

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- 1 e. Letter size;
 - 2 f. Typeface;
 - 3 g. Illumination details;
 - 4 h. Clearances from sidewalk and curb face;
 - 5 i. Material samples; and
 - 6 j. Support and bracket details.
- 7 E. Findings of Approval. Sign permit applications may be approved if the following findings can be
8 made:
- 9 1. The proposed sign complies with all applicable provisions of this title.
 - 10 2. The proposed sign is consistent with the applicable sign standards.
 - 11 3. The proposed sign will not adversely impact the public health, safety, or general wel-
12 fare.
 - 13 4. The proposed color, design, material, and location of the proposed sign are compatible
14 with the architectural design of the building.
 - 15 5. If the property is located within or near a residential area, the sign is harmonious with
16 the character of the residential neighborhood.
 - 17 6. The proposed sign is restrained in character and is no larger than necessary for ade-
18 quate identification.
 - 19 7. The proposed sign is consistent with the highest graphic standards and composed of
20 durable and appropriate materials.
 - 21 8. If the proposed sign is for an establishment within a commercial or industrial center,
22 the sign is harmonious with the entire center's signage and has been subject to the
23 commercial or industrial center's design review.
 - 24 9. If the proposed sign is oriented toward a residential zoning district and is within 50
25 feet of the district, the signage is necessary for minimum business identification and
26 will not have an adverse aesthetic effect on the residential character of the adjacent res-
27 idential neighborhood.
 - 28 10. Proposed sign serves to primarily identify the business or type of activity being con-
29 ducted on the same premises, or the product, service or interest being offered for sale
30 or lease on-site.

- 1 ii. ~~If the property is located within a designated historic district or is listed on the local~~
2 ~~register, the proposed sign has been reviewed and approved by the Historical Land-~~
3 ~~marks Board and complies with the historic district sign guidelines and SMC 10.42.070~~
4 ~~(Sign standards in the historic overlay district and for properties listed on the local reg-~~
5 ~~ister).~~
- 6 F. Conditions of Approval. In addition to the conditions specified in SMC 10.50.100 (Recommended
7 conditions of approval), the Planning Commission may impose additional conditions as necessary
8 to assure compliance with the standards specified in SMC 10.42.060 (Sign and awning stand-
9 ards).
- 10 G. Resolution and Notice of Decision. The Planning Commission decision shall be in the form of a
11 written resolution and shall include all findings and conditions of approval.
- 12 H. Appeal. All decisions of the Planning Commission, with respect to sign permits, may be appealed
13 to the City Council within 10 days of the Planning Commission decision. Appeals shall be filed
14 and processed in accordance with Chapter 10.84 SMC (Appeals).
- 15 I. Effective Date. Sign permits shall become effective at the end of the appeal period, provided no
16 appeal has been submitted.
- 17 J. Expiration of Permit. Sign permits shall expire one year following the effective date of the per-
18 mit, provided no extension has been filed prior to the expiration date.
- 19 K. Extension. The applicant may request one extension of a sign permit prior to the expiration of
20 the permit, for up to one additional year, in accordance with SMC 10.50.140 (Extension of ap-
21 proved permits).

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 been
4 identified as having architectural and historic significance to the City and have been designated
5 as requiring additional protections and consideration. The specific purposes of this section reg-
6 ulating arks are as follows:

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

10 2. To provide an environment compatible with surrounding marine and commercial dis-
11 tricts;

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 connection.

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

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

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

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HISTORIC PRESERVATION OF LANDMARKS AND HISTORIC DISTRICTS

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

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

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

A new review process, Historic Design Review, is required for all work to Landmark Structures and properties in a Historic Overlay District. This review is by the Historic Landmarks Board. The Historic Landmarks Board reviews the project under Historic Design Review findings and issues a recommendation via a resolution. The Historic Landmarks Board may require a historic resource evaluation to be completed by the applicant if deemed necessary. With the Historic Landmarks Board's approval, applicants may revise a project during Historic Design Review and resubmit to the Historic Landmarks Board for secondary review. Once Historic Design Review is concluded and the Historic Landmarks Board issues a resolution, a hearing before the decision-making body is scheduled. The decision-making body shall consider the resolution provided by Historic Landmarks Board in their Historic Design Review and incorporate, as desired, into its own project determination.

The preservation incentives have largely been unmodified, as the existing Ordinance already includes incentives such as reduced fees, modified uses, and reduced parking requirements

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

~~Chapter 8.44~~

~~PRESERVATION OF HISTORICAL LANDMARKS~~

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A new review process, Historic Design Review, is required for all work to Landmark Structures and properties in a Historic Overlay District. This review is by the Historic Landmarks Board. The Historic Landmarks Board reviews the project under Historic Design Review findings and issues a recommendation via a resolution. The Historic Landmarks Board may require a historic resource evaluation to be completed by the applicant if deemed necessary. With the Historic Landmarks Board's approval, applicants may revise a project during Historic Design Review and resubmit to the Historic Landmarks Board for secondary review. Once Historic Design Review is concluded and the Historic Landmarks Board issues a resolution, a hearing before the decision-making body is scheduled. The decision-making body shall consider the resolution provided by Historic Landmarks Board in their Historic Design Review and incorporate, as desired, into its own project determination.

1 **Modify Chapter 10.28, Overlay Districts, Sections 10.28.020 (Applicability) and 10.28.040 (Historic), as**
2 **follows:**

3 **10.28.020 Applicability.**

4 The requirements of this chapter (Overlay Districts) apply to proposed land uses in addition to all appli-
5 cable requirements of Chapters 10.20 through 10.26 SMC (base zoning district regulations), Chapter
6 10.40 SMC (General Development Regulations), Chapter 10.44 SMC (Specific Use Requirements), Chapter
7 10.46 (Historic Preservation), and any other applicable requirements of this title.

8 **10.28.040 Historic (-H).**

9 A. Purpose and Intent. The City Council may designate an area containing a number of structures
10 having a special character or special historic, architectural, or aesthetic interest or value, and
11 constituting a distinct section of the City, as a Historic Overlay District (-H). The Historic
12 Overlay District designation shall have additional protections for the contributing structures and
13 to ensure that physical alterations to properties within this overlay, including those to non-
14 contributors, are compatible with the character of the district, but shall not affect the underly-
15 ing base zoning district regulations. In addition to the general purposes of this chapter, the spe-
16 cific purposes of the Historic Overlay District is to provide the ability to acknowledge, honor,
17 and encourage the continued maintenance and preservation of those select properties in the
18 City that contribute to the City's architectural and cultural history. Further, it is the purpose of
19 this Chapter to promote the public health, safety, and general welfare by providing for the iden-
20 tification, recognition, designation, protection, enhancement, perpetuation, and use of historic
21 resources that reflect associations important in the City's history and to: historic (-H) overlay
22 district include the following:

- 23 1. Safeguard the character and history of the City which is reflected in its unique archi-
24 tectural, historic, and cultural heritage through the designation of Historic Overlay Dis-
25 tricts;
- 26 2. Provide a method for the identification and designation of Historic Overlay Districts;
- 27 3. Deter the demolition, alteration, misuse or neglect of historic or architecturally signifi-
28 cant structures and sites;
- 29 4. Encourage preservation and adaptive reuse of properties in Historic Overlay Districts
30 by allowing changes to accommodate new functions and uses;
- 31 5. Provide a review process for alterations, modifications and additions on properties
32 within a Historic Overlay District, including applying applicable adopted guidelines and
33 policies as adopted by the Historic Landmarks Board and City Council;
- 34 6. Enhance property values, stabilize neighborhoods, and render City properties in Histor-
35 ic Overlay Districts eligible for benefits and incentives;

- 1 7. ~~Foster civic and neighborhood pride and a sense of identity based on the recognition of~~
2 ~~the City's past accomplishments as reflected through its buildings, structures, objects,~~
3 ~~landscape, natural features, infrastructure, and engineering;~~
- 4 8. ~~Strengthen the City's economy by protecting and enhancing the City's attraction to res-~~
5 ~~idents, tourists, visitors, and others, thereby serving as a stimulus and support to local~~
6 ~~business and industry; and~~
- 7 9. ~~Identify incentives that are intended to encourage owners to designate, maintain, reuse,~~
8 ~~rehabilitate, and improve properties in Historic Overlay Districts.~~
- 9 1. ~~To promote the conservation, preservation, and enhancement of the historic or archi-~~
10 ~~tecturally significant structures and sites that form an important link to Sausalito's~~
11 ~~past;~~
- 12 2. ~~To deter demolition, destruction, alteration, misuse or neglect of historic or architec-~~
13 ~~turally significant buildings;~~
- 14 3. ~~To stimulate the economic health and quality of the community and stabilize and en-~~
15 ~~hance the value of property;~~
- 16 4. ~~To encourage development tailored to the character and significance of the historic dis-~~
17 ~~trict through sign and design review standards;~~
- 18 5. ~~To provide review of projects located in the historic overlay district by the Historical~~
19 ~~Landmarks Board;~~
- 20 6. ~~To encourage the protection and reuse of structures, sites and areas that provide signif-~~
21 ~~icant examples of the past or that are landmarks in the history of architecture;~~
- 22 7. ~~To preserve structures that are unique and irreplaceable assets to the City and its~~
23 ~~neighborhoods; and~~
- 24 8. ~~To provide appropriate settings and environments for historic structures.~~
- 25 B. Zoning Map Indicator. The ~~-H Historic Overlay District~~ ~~historic overlay district~~ may be com-
26 bined with any zoning district. Each ~~-H Historic Overlay District~~ ~~overlay district~~ shall be shown
27 on the zoning map by adding an "H" designator to the base district designation, followed by the
28 number of the district based on the order of adoption.
- 29 C. Applicability. All public and private lands within the boundaries of the ~~Historic Overlay District~~
30 ~~historic overlay district~~ shall be subject to this chapter, Chapter 10.46 SMC (~~Historic Preserva-~~
31 ~~tion Historic Overlay District and Local Register~~), any other applicable provisions of this title,
32 and applicable provisions of the Sausalito Municipal Code.
- 33 D. Land Use and Development Regulations. The land use and development regulations applicable in
34 an -H district shall be as prescribed for the base district with which it is combined unless modi-
35 fied by another overlay district. The requirements of any applicable design and sign guidelines

1 shall govern where conflicts arise. The requirements and standards that apply to land uses and
2 new development within the Historic Overlay District ~~Historic overlay district~~ shall be as pro-
3 vided by Chapters 10.20 through 10.26 SMC (base zoning district regulations) for the applicable
4 base zoning district, unless otherwise provided by a preservation agreement, pursuant to SMC
5 10.46.0790(F) (Written Agreement). Alternate uses may be allowed with a conditional use per-
6 mit as provided by SMC 10.46.0790(D) ~~(Additional Uses)~~ ~~(Conditional uses)~~ and 10.46.0790(D)
7 ~~(Additional Uses)~~.

8 E. Establishment of Historic Overlay Districts. Historic Overlay Districts are areas, both contiguous
9 and non-contiguous, of the City that have a special architectural, cultural, or historic signifi-
10 cance, and designated by the City Council. Properties included in a Historic Overlay District may
11 be both contributing and non-contributing, and those contributing properties may be identified
12 on site with an exterior marker or plaque in accordance with City guidelines displaying perti-
13 nent information about the resource. A record of properties in each Historic Overlay District
14 shall be kept by the City, and be provided to the regional information center of the State Office
15 of Historic Preservation and other agencies as required.

16 F. Criteria for Establishing ~~Historic Overlay District~~ ~~Historic Overlay District~~ ~~Historic Overlay~~
17 District. The ~~Historic Overlay District~~ ~~Historic Overlay~~ ~~Historic Overlay~~ ~~Historic Overlay~~
18 District may be applied to areas which are documented as historic districts. Portions of a
19 base zoning district that do not meet the criteria may be included in an ~~Historic Overlay Dis-~~
20 trict ~~Historic overlay district~~ if inclusion is found to be essential to the integrity of the district.
The following criteria shall be used to determine application of the historic overlay district:

- 21 1. The area possesses character, interest, or value as part of the heritage of the City of
22 Sausalito;
- 23 2. The area is the location of a significant historical event;
- 24 3. The area is identified with a person or group that contributed significantly to the cul-
25 ture and development of the City of Sausalito;
- 26 4. Structures within the area exemplify a particular architectural style or way of life im-
27 portant to the City;
- 28 5. Structures within the area are the best remaining examples of an architectural style in a
29 neighborhood;
- 30 6. The area or its structures are identified as the work of a person or group whose work
31 has influenced the heritage of the City of Sausalito, the State or the United States;
- 32 7. The area is related to a designated historic building or district in such a way that its
33 preservation is essential to the integrity of the building or district;
- 34 8. The area's unique location or singular physical characteristics represent an established
35 and familiar visual feature of a neighborhood;
- 36 9. The area has potential for yielding information of archaeological interest; and/or

- 1 10. The area's integrity as a natural environment strongly contributes to the well-being of
2 the people of the City of Sausalito.
- 3 F. ~~Procedures for Historic Overlay District Designation. The following procedures shall be used for~~
4 ~~designating historic districts.~~
- 5 1. ~~The Historic Landmarks Board shall have the authority to recommend approval, disap-~~
6 ~~proval, or modification of properties within a Historic Overlay District to the City~~
7 ~~Council.~~
- 8 2. ~~Initiation. Initiation of designation of properties within a Historic Overlay District shall~~
9 ~~be made by one of the following methods:~~
- 10 a. ~~City Council or Historic Landmarks Board; or~~
- 11 b. ~~Property Owner(s) or Member of the Public.~~
- 12 ~~1. Application and Initiation. An -H historic overlay district designation may be initiated~~
13 ~~by the Historical Landmarks Board, Planning Commission or City Council. A private in-~~
14 ~~terested party may also apply for designation of an historic overlay district.~~
- 15 3. ~~Notification to Property Owner(s). Within 10 days of initiation to a Historic Overlay~~
16 ~~District, the owner(s), designated agent or agents, and tenants of the subject proper-~~
17 ~~ty(ies), shall be notified consistent with Chapter 10.82 (Public Notice and Hearings).~~
- 18 4. ~~Application Requirements. Applications for the designation of a Historic Overlay Dis-~~
19 ~~trict shall be filed with the Community Development Department and include the fol-~~
20 ~~lowing:~~
- 21 a. ~~A statement of architectural, historic, or cultural significance of the district~~
22 ~~and a description of the character-defining features that should be preserved;~~
- 23 b. ~~A map showing the location of the area proposed as a district;~~
- 24 c. ~~Photographic document of the building(s) and area;~~
- 25 d. ~~A District Preservation Plan may be prepared that contains the following:~~
- 26 i. ~~A narrative description of the proposed district including the age, set-~~
27 ~~ting, urban design elements and streetscapes, major public improve-~~
28 ~~ments;~~
- 29 ii. ~~Proposed objectives to be achieved by designation;~~
- 30 iii. ~~A set of specific performance guidelines for new construction and al-~~
31 ~~terations necessary to preserve the character of the district; and~~

- 1 iv. ~~Proposed rules and regulations for the review of new construction, al-~~
2 ~~terations, and improvements.~~
- 3 e. ~~In lieu of items a through d above, applicants may alternatively submit State~~
4 ~~Department of Parks and Recreation historic resources inventory form;~~
- 5 f. ~~Any additional information requested or required by the Community Devel-~~
6 ~~opment Department or the Historic Landmarks Board, including plans or ma-~~
7 ~~terials deemed necessary to support and process the application.~~
- 8 2. ~~Submittal Requirements. To process an application for historic overlay district designa-~~
9 ~~tion, the following information shall be submitted:~~
- 10 a. ~~Design Plan or Guidelines Required. The following shall be prepared and con-~~
11 ~~sidered:~~
- 12 i. ~~A map and description of the proposed district, including boundaries;~~
13 ~~the age, setting, and character of structures; urban design elements~~
14 ~~and streetscapes; major public improvements; and proposed objectives~~
15 ~~to be achieved.~~
- 16 ii. ~~A statement of the architectural or historical significance of the pro-~~
17 ~~posed district.~~
- 18 iii. ~~A list of specific alterations that should be subject to design review in~~
19 ~~order to protect the architectural or historical character of the pro-~~
20 ~~posed district.~~
- 21 iv. ~~A set of specific design guidelines for new construction and altera-~~
22 ~~tions necessary to preserve the character of the proposed district.~~
- 23 b. ~~Property Owners' Consent. A form bearing the signatures of owners of 51 per-~~
24 ~~cent of the land area within the proposed district.~~
- 25 c. ~~Additional Information. Any additional information requested or required by~~
26 ~~the Community Development Director, including plans or materials deemed~~
27 ~~necessary to support and process the application.~~
- 28 d. ~~Environmental Review. Application of an historic overlay district shall be sub-~~
29 ~~ject to environmental review, pursuant to SMC Title II (Environmental Protec-~~
30 ~~tion) and the California Environmental Quality Act.~~
- 31 5. ~~Interim Protection Measures. No permits for exterior alterations shall be issued for 180~~
32 ~~days from the date of initiation without prior approval by the Historic Landmarks~~
33 ~~Board. Pending permit applications may be processed, but no final action shall be taken~~
34 ~~until after the conclusion of the designation process or the 180 days has passed, which-~~
35 ~~ever occurs first. The following permits may be processed during the designation pro-~~
36 ~~cess:~~

- 1 a. ~~Ordinary Maintenance and Repair. Ordinary maintenance and repairs may be~~
2 ~~approved. For the purposes of this Chapter, 'ordinary maintenance and re-~~
3 ~~pairs' shall mean regular, customary, or usual care of an existing building,~~
4 ~~structure, object, or site, for the purposes of preserving said property and~~
5 ~~maintaining it in a safe and sanitary condition and does not involve a change~~
6 ~~of design, material, or appearance of the property.~~
- 7 b. ~~Dangerous and Immediately Dangerous Properties. Unsafe or dangerous condi-~~
8 ~~tions that present an imminent threat to the public of bodily harm or of dam-~~
9 ~~age to adjacent property may be approved. The Building Official shall notify~~
10 ~~the Director in writing that the proposed action is necessary in order to miti-~~
11 ~~gate the unsafe or dangerous condition.~~
- 12 6. Public Hearings. The Historical Landmarks Board and Planning Commission shall make
13 a recommendation to the City Council to designate a Historic Overlay District ~~rezone~~
14 property with an ~~H~~ Historic overlay district following a public hearing. In addition to
15 the information prescribed by Chapter 10.82 SMC (Public Notice and Hearings), notice
16 of a public hearing for the establishment of an historic overlay district shall include a
17 statement that original petitioners have the right to withdraw their support of the dis-
18 trict at any time prior to the hearing, and that property owners that have not signed
19 the petition have the right to do so prior to the date of the hearing.
- 20 4. ~~Findings. The Historical Landmarks Board and Planning Commission may recommend~~
21 ~~approval of an historic overlay district if all of the following findings can be made:~~
- 22 a. ~~The area proposed for the historic overlay district is significant to local, re-~~
23 ~~gional, State or national history.~~
- 24 b. ~~The criteria identified in subsection E of this section (Criteria for Establishing~~
25 ~~H Historic District) have been considered and apply to the proposed area.~~
- 26 c. ~~Sites within the proposed area that are not individually historic are being in-~~
27 ~~cluded because they are essential to the integrity of the district.~~
- 28 d. ~~Designation of the proposed area as an historic overlay district has been sub-~~
29 ~~ject to environmental review and the appropriate findings have been made.~~
- 30 e. ~~Designation of the historic district will preserve historic character and integrity~~
31 ~~of proposed area.~~
- 32 f. ~~Proposed district has a significant architectural or historical character that can~~
33 ~~be preserved or enhanced through appropriate controls and incentives on new~~
34 ~~development and alterations to existing buildings and landscaping.~~
- 35 g. ~~Special criteria are appropriate and being applied in the form of design guide-~~
36 ~~lines, sign guidelines or a conservation plan.~~

- 1 a. ~~Historic Landmarks Board Hearing. The Historic Landmarks Board shall con-~~
2 ~~sider the proposed designation at a noticed public hearing and shall recom-~~
3 ~~mend approval, in whole or in part, or disapproval the application for the des-~~
4 ~~ignation of a Historic Overlay District. The decision shall be in writing and~~
5 ~~state the findings of fact and reasons relied upon to reach the decision and~~
6 ~~forwarded to the City Council.~~
- 7 ~~5. Historical Landmarks Board Hearing and Recommendation. A public hearing shall be~~
8 ~~noticed and held by the Historical Landmarks Board, consistent with Chapter 10.82~~
9 ~~SMC (Public Notice and Hearings). The purpose of the public hearing shall be to re-~~
10 ~~ceive testimony from persons interested in the proposed historic overlay district, to~~
11 ~~consider the recommendations of the Community Development Department, and to~~
12 ~~adopt a recommendation to the Planning Commission. The Historical Landmarks Board~~
13 ~~shall submit a written report conveying the Board's recommendation on the proposed~~
14 ~~amendment to the Planning Commission. The report shall provide reasons for the rec-~~
15 ~~ommendation on the proposed amendment and address the consistency of the pro-~~
16 ~~posed amendment with relevant general plan and specific plan policies.~~
- 17 b. ~~Planning Commission Review. The Planning Commission shall consider the~~
18 ~~proposed designation at a noticed public hearing and shall recommend ap-~~
19 ~~proval, in whole or in part, or disapproval, to the City Council. The decision~~
20 ~~shall be in writing and state the findings of fact and reasons relied upon to~~
21 ~~reach the decision and forwarded to the City Council.~~
- 22 ~~6. Planning Commission Hearing and Recommendation. A public hearing shall be noticed~~
23 ~~and held by the Planning Commission, consistent with Chapter 10.82 SMC (Public No-~~
24 ~~tice and Hearings). The purpose of the public hearing shall be to receive testimony~~
25 ~~from persons interested in the proposed historic overlay district, to consider the rec-~~
26 ~~ommendations of the Historical Landmarks Board and to adopt a recommendation to~~
27 ~~the City Council. The Community Development Department, on behalf of the Planning~~
28 ~~Commission, shall submit a written report conveying the Commission's recommenda-~~
29 ~~tion on the proposed amendment to the City Council. The report shall provide reasons~~
30 ~~for the recommendations on the proposed amendment and address the consistency of~~
31 ~~the proposed amendment with relevant general plan and specific plan policies. The rec-~~
32 ~~ommendation to the City Council shall be in the form of a resolution and shall include~~
33 ~~findings, as identified in subsection (F)(4) of this section (Findings) and reasonable~~
34 ~~conditions of approval.~~
- 35 c. ~~Hearing and Decision by City Council. The City Council shall consider the~~
36 ~~proposed designation after receiving the Historic Landmarks Board's and Plan-~~
37 ~~ning Commission's recommendations. The City Council may approve, disap-~~
38 ~~prove, or give modified approval for the Historic Overlay District. The City~~
39 ~~Clerk shall then notify the owner(s) of the property or the owners of property~~
40 ~~in the district of the City Council's action.~~
- 41 ~~7. City Council. A public hearing shall be noticed and held by the City Council, consistent~~
42 ~~with SMC 10.80.070 (Ordinance amendments and rezonings) and Chapter 10.82 SMC~~

1 ~~(Public Notice and Hearings). The purpose of the public hearing shall be to hear testi-~~
2 ~~mony regarding the proposed historic overlay district and consider the recommenda-~~
3 ~~tions of the Historical Landmarks Board and the Planning Commission.~~

4 ~~8. Ordinance. The City Council may approve, approve with conditions or deny a request~~
5 ~~to apply the -H historic overlay district to an area. Approval of an -H historic overlay~~
6 ~~district by the City Council shall be in the form of an ordinance. Any decision to deny~~
7 ~~an application for an historic overlay district shall be in the form of a resolution. Rea-~~
8 ~~sonable conditions of approval or special criteria may be imposed by the City Council~~
9 ~~for any designation of an historic overlay district, consistent with SMC 10.80.070 (Or-~~
10 ~~dnance amendments and rezonings). Any conditions of approval or criteria applied by~~
11 ~~the City Council shall be subject to consideration and comment by the Historical~~
12 ~~Landmarks Board and Planning Commission.~~

13 ~~7.7. Findings. The Historical Landmarks Board and Planning Commission may recommend~~
14 ~~approval of a Historic Overlay District ~~an historic overlay district~~ if all of the following~~
15 ~~findings can be made:~~

- 16 a. The area proposed for the historic overlay district is significant to local, re-
17 gional, State or national history.
- 18 b. The criteria identified in subsection ~~F E~~ of this section (Criteria for Establish-
19 ing -H Historic Overlay District) have been considered and apply to the pro-
20 posed area.
- 21 c. Sites within the proposed area that are not individually historic are being in-
22 cluded because they are essential to the integrity of the district.
- 23 d. Designation of the proposed area as a Historic Overlay District ~~an historic~~
24 ~~overlay district~~ has been subject to environmental review and the appropriate
25 findings have been made.
- 26 e. Designation of the Historic Overlay District ~~historic district~~ will preserve his-
27 toric character and integrity of proposed area.
- 28 f. Proposed district has a significant architectural or historical character that can
29 be preserved or enhanced through appropriate controls and incentives on new
30 development and alterations to existing buildings and landscaping.
- 31 g. Special criteria are appropriate and being applied in the form of design guide-
32 lines, sign guidelines or a conservation plan.

33 ~~8. Recordation of Decision. A certified copy of the City Council decision shall be recorded~~
34 ~~in the office of the County Recorder by the City Clerk immediately following its effec-~~
35 ~~tive date. A Historic Overlay District will be identified on the official map with a "-H",~~
36 ~~followed by the number of the district based on the order of adoption.~~

1 9. ~~Disapproval of Proposed Designation. Whenever an application for designation of a~~
2 ~~Historic Overlay District has been rejected by the City Council, no application that con-~~
3 ~~tains the same or substantially the same information as the one disapproved shall be~~
4 ~~resubmitted within a period of three years from the date of the final action on the pri-~~
5 ~~or application. However, if significant new information is made available and provided~~
6 ~~by and at the expense of the owner(s), the Director may waive the time limit and per-~~
7 ~~mit a new application to be filed.~~

8 10. ~~Effect of Designation. Upon designation the provisions of this Chapter shall apply to~~
9 ~~the designated property in the Historic Overlay District. Any removal or demolition,~~
10 ~~exterior construction, addition, alteration, or modification, including modifications to~~
11 ~~landscapes, are subject to the provisions of this Chapter.~~

12 11. ~~Amendment or Rescission of a Historic Overlay District. Once a designation is made, it~~
13 ~~shall not be repealed by the City Council unless it is determined at any time that:~~

14 a. ~~The Historic Overlay District no longer meets the criteria for designation due~~
15 ~~to damage caused by natural disaster (e.g., flood, earthquake, etc.) or reasons~~
16 ~~otherwise outside of the control of the owner.~~

17 b. ~~Changes of use, differences of opinion of subsequent City Councils, desires of~~
18 ~~property owners, or financial considerations are not sufficient reasons to re-~~
19 ~~peal a designation.~~

20 c. ~~If the Historic Overlay District is repealed, the City's records shall be updated~~
21 ~~accordingly.~~

22 G. ~~Historic Design Review Required. No person, owner, or other entity shall restore, rehabilitate,~~
23 ~~alter, develop, construct, demolish, remove, or change the exterior appearance to a property~~
24 ~~within a designated Historic Overlay District without first having undergone Historic Design Re-~~
25 ~~view, as provided in SMC Chapter 10.46.060 (Property and Review Requirements).~~

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August 25, 2014

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 REGISTER~~

4 **Sections:**

5 **10.46.010 Purpose**

6 **10.46.020 Applicability**

7 **10.46.030 Conflicts between provisions**

8 ~~10.46.040 Conditional uses~~ **Establishment of Local Historic Register and Local Inventory of Historic Resources**

9 ~~10.46.050 Procedures for listing a site or structure on the local register~~ **Local Historic Register Designation**

10 ~~10.46.060 Procedures for demolition, addition, or modifications~~ **Property and ~~Review~~ Requirements**

11 ~~10.46.070 Incentives for preservation~~

12

13 **10.46.010 Purpose.**

14

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

16 A. ~~Safeguard the character and history of the City which is reflected in its unique architectural, historic, and cultural heritage through the designation of properties to the Local Historic Register. To provide uniform regulations for the historic overlay district and sites and structures listed on the local register;~~

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

18 C. ~~To deter the demolition, alteration, misuse or neglect of historic or architecturally significant structures and sites;~~

19 D. ~~Encourage preservation and adaptive reuse of properties on the Local Historic Register and in Historic Overlay Districts by allowing changes to accommodate new functions and uses. To provide flexible land use and development regulations to allow preservation of structures and sites;~~

Deleted: Permit

- 1 E. ~~To provide a review process for alterations, modifications and additions on Local Register~~
2 ~~Properties and properties within a Historic Overlay District, including applying applicable~~
3 ~~adopted guidelines and policies as adopted by the Historic Landmarks Board and City Council;~~
4 ~~to structures within the historic overlay district and/or listed on the local register; and~~
- 5 F. ~~Enhance property values, stabilize neighborhoods, and render City properties on the Local His-~~
6 ~~toric Register and in Historic Overlay Districts eligible for benefits and incentives;~~
- 7 G. ~~Ensure that properties and areas in the City that are located on the National Register of Historic~~
8 ~~Places and/or the California Register of Historic Resources are protected through the review of~~
9 ~~exterior alterations by the Historic Landmarks Board;~~
- 10 H. ~~Foster civic and neighborhood pride and a sense of identity based on the recognition of the~~
11 ~~City's past accomplishments as reflected through its buildings, structures, objects, landscape,~~
12 ~~natural features, infrastructure, and engineering;~~
- 13 I. ~~Strengthen the City's economy by protecting and enhancing the City's attraction to residents,~~
14 ~~tourists, visitors, and others, thereby serving as a stimulus and support to local business and in-~~
15 ~~dustry; and To provide a process for listing a site or structure on the local register.~~
- 16 J. ~~Identify incentives that are intended to encourage owners to designate, maintain, reuse, rehabili-~~
17 ~~tate, and improve properties on the Local Historic Register and in Historic Overlay Districts.~~

18 **10.46.020 Applicability.**

19 The requirements of this chapter apply to ~~properties and areas that are proposed for designation to the~~
20 ~~Local Historic Register and/or in Historic Overlay Districts, and those that are formally listed on the Lo-~~
21 ~~cal Historic Register and in Historic Overlay Districts.~~ ~~proposed land uses and physical alterations to~~
22 ~~structures located within the historic overlay district and for all sites and structures listed on the local~~
23 ~~register.~~ In addition, the requirements of this Title 10, Zoning, and associated regulations and adopted
24 ~~guidelines shall apply. Chapters 10.20 through 10.28 (Zoning Districts Regulations), 10.40 (General De-~~
25 ~~velopment Regulations), 10.42 (Sign and Awning Regulations), 10.44 (Specific Use Requirements) SMC~~
26 ~~and any other applicable requirements of this title shall apply.~~

27 **10.46.030 Conflicts between provisions.**

28 In the event of any conflict between this chapter and other chapters of this title, the more restrictive
29 regulations shall apply.

30 **10.46.040 Establishment of Local Historic Register and Local Inventory of Historic Resources. Conditional**
31 **uses.**

- 32 A. ~~Establishment of a Local Historic Register of Historic Properties. A Local Historic Register of~~
33 ~~individually-designated buildings and properties by the City Council is hereby created. The pur-~~
34 ~~pose of the Local Historic Register is to provide a means to preserve, protect, and enhance the~~
35 ~~most significant historic resources within the City. Properties listed on the Local Historic Regis-~~
36 ~~ter may be identified on site with an exterior marker or plaque in accordance with adopted City~~

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1 guidelines displaying pertinent information about the resource. A record of properties on the
2 Local Historic Register shall be kept by the City, and be provided to the regional information
3 center of the State Office of Historic Preservation and other agencies as required.

4 B. Establishment of a Local Historic Resources Inventory. The Historic Landmarks Board, acting
5 with the administrative support of the Director, shall maintain a Local Inventory of individually
6 eligible historic resources within the City as defined and provided for in the CEQA Guidelines
7 Section 15064.5(a)(2). The Historic Landmarks Board shall periodically review, amend, and up-
8 date the Local Inventory. Resources listed on the Local Inventory are eligible for nomination to
9 the City's Local Historic Register and may be designated as such by the City Council.

10 Notwithstanding SMC 10.46.030 (Conflicts between provisions), alternate uses may be allowed for struc-
11 tures and/or sites within the historic overlay district and/or listed on the local register with a conditional
12 use permit provided the following findings can be made:

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

15 ~~B. Proposed use of historic or architecturally significant structure or site will require minimal al-~~
16 ~~terations to structure;~~

17 ~~C. Alterations will be consistent with the Secretary of the Interior's Standards for Rehabilitation;~~

18 ~~D. A preservation agreement has been prepared and recorded specifying the uses allowed on sub-~~
19 ~~ject property and preserving property from demolition;~~

20 ~~E. The Historical Landmarks Board has considered the proposed use and recommends approval;~~
21 ~~and~~

22 ~~F. A public hearing has been noticed and held in accordance with Chapters 10.60 (Conditional Use~~
23 ~~Permits) and 10.82 (Public Notice and Hearings) SMC.~~

24 **10.46.050 Local Historic Register Procedures for listing a site or structure on local register.**

25 A. The Historic Landmarks Board shall have the authority to recommend approval, disapproval, or
26 modification of properties to the Local Historic Register to the City Council.

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

29 1. City Council or Historic Landmarks Board; or

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

31 C. Notification to Property Owner(s). Within 10 days of initiation of a property to the Local Histor-
32 ic Register, the owner(s), designated agent or agents, and tenants of the subject property(ies),
33 shall be notified.

Commented [CC17]: HPR Update Task Force change

Deleted: consistent with Chapter 10.82 (Public Notice and Hearings)

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

3 ~~A. Initiation and Application. The Historical Landmarks Board, Planning Commission or City Council~~
4 ~~may initiate listing a site or structure on the local register. A private interested party may also~~
5 ~~request listing a site or structure on the local register.~~

6 ~~D. Application Requirements. Applications for the designation of a property to the Local Historic~~
7 ~~Register shall be filed with the Community Development Department and include the following:~~

8 ~~1. A statement of architectural, historic, or cultural significance of the building or district~~
9 ~~and a description of the character-defining features that should be preserved;~~

10 ~~2. A map showing the location of the individual structure or the area proposed as a dis-~~
11 ~~trict;~~

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

13 ~~4. In lieu of items 1 through 3 above, applicants may alternatively submit State Depart-~~
14 ~~ment of Parks and Recreation historic resources inventory form;~~

15 ~~5. Any additional information requested or required by the Community Development De-~~
16 ~~partment or the Historic Landmarks Board, including plans or materials deemed neces-~~
17 ~~sary to support and process the application.~~

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

20 ~~1. A map showing the location of the structure and plans or photographs of the struc-~~
21 ~~ture's exterior;~~

22 ~~2. A statement of the architectural or historical significance of the site or structure pro-~~
23 ~~posed for listing on the local register and description of the particular features that~~
24 ~~should be preserved; and~~

25 ~~3. Any additional information requested or required by the Community Development Di-~~
26 ~~rector, including plans or materials deemed necessary to support and process the appli-~~
27 ~~cation.~~

28 ~~Applicants may alternatively submit State Department of Parks and Recreation~~
29 ~~historic resources inventory form.~~

30 ~~C. Listing Sites or Structures on the Local Register. Individual structures may be listed on the local~~
31 ~~register if all of the findings in subsection F of this section (Findings) can be made. A structure~~
32 ~~or site listed on the local register shall be subject to the same review procedures, and eligible for~~
33 ~~the same preservation incentives, as structures within the historic overlay district.~~

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1 ~~E.~~ Interim Protection Measures. No permits for exterior alterations shall be issued for 180 days
2 from the date of initiation without prior approval by the Historic Landmarks Board. Pending
3 permit applications may be processed, but no final action shall be taken until after the conclu-
4 sion of the designation process or the 180 days has passed, whichever occurs first. The follow-
5 ing permits may be processed during the designation process:

6 1. Ordinary Maintenance and Repair. Ordinary maintenance and repairs may be approved.
7 For the purposes of this Chapter, 'ordinary maintenance and repairs' shall mean regu-
8 lar, customary, or usual care of an existing building, structure, object, or site, for the
9 purposes of preserving said property and maintaining it in a safe and sanitary condition
10 and does not involve a change of design, material, or appearance of the property.

11 2. Dangerous and Immediately Dangerous Properties. Unsafe or dangerous conditions that
12 present an imminent threat to the public of bodily harm or of damage to adjacent
13 property may be approved. The Building Official shall notify the Director in writing
14 that the proposed action is necessary in order to mitigate the unsafe or dangerous con-
15 dition.

16 ~~E.D.~~ Public Hearings. The Historical Landmarks Board ~~and Planning Commission~~ shall make a rec-
17 ommendation to the City Council to list a property on the Local Register ~~local register~~ following
18 a public hearing.

19 1. Historic Landmarks Board Hearing. The Historic Landmarks Board shall consider the
20 proposed designation at a noticed public hearing and shall recommend approval, in
21 whole or in part, or disapproval the application for the designation of a property(s) to
22 the Local Historic Register. The decision shall be in writing and state the findings of
23 fact and reasons relied upon to reach the decision and forwarded to the City Council.

24 ~~E.~~ Historical Landmarks Board Hearing and Recommendation. A public hearing shall be noticed
25 and held by the Historical Landmarks Board, consistent with Chapter 10.82 SMC (Public Notice
26 and Hearings). The purpose of the public hearing shall be to receive testimony from persons in-
27 terested in listing the structure or site on the local register, and to adopt a recommendation to
28 the Planning Commission. The Historical Landmarks Board shall submit a written report convey-
29 ing the Board's recommendation on the proposed amendment to the Planning Commission. The
30 report shall provide reasons for the recommendation to place the structure or site on the local
31 register and address its consistency with relevant general plan and specific plan policies.

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

35 1. The structure or site proposed for the local register is significant to local, regional,
36 State or national history.

37 2. Listing the proposed structure or site on the local register has been subject to envi-
38 ronmental review and the appropriate findings have been made.

- 1 ~~3. Listing the proposed structure or site on the local register will preserve the historic~~
2 ~~character or integrity of the structure or site.~~
- 3 ~~4. Structure or site proposed to be listed on local register has a significant architectural or~~
4 ~~historical character that can be preserved or enhanced through appropriate controls~~
5 ~~and incentives on new development and alterations to existing structures and landscap~~
6 ~~ing.~~
- 7 ~~G. Planning Commission Hearing and Recommendation. A public hearing shall be noticed and held~~
8 ~~by the Planning Commission, consistent with Chapter 10.82 SMC (Public Notice and Hearings).~~
9 ~~The purpose of the public hearing shall be to receive testimony from persons interested in list~~
10 ~~ing the proposed structure or site on the local register, to consider the recommendations of the~~
11 ~~Historical Landmarks Board and to adopt a recommendation to the City Council. The Communit~~
12 ~~ty Development Department, on behalf of the Planning Commission, shall submit a written re~~
13 ~~port conveying the Commission's recommendation on listing the proposed structure or site on~~
14 ~~the local register to the City Council. The report shall address the Historical Landmarks Board's~~
15 ~~recommendation, provide reasons for the Planning Commission's recommendations on listing~~
16 ~~the structure or site on the local register, and address its consistency with relevant general plan~~
17 ~~and specific plan policies. The recommendation to the City Council shall be in the form of a~~
18 ~~resolution and shall include findings, as identified in subsection F of this section (Findings), and~~
19 ~~reasonable conditions of approval, including any special criteria that shall apply to the structure~~
20 ~~or site.~~
- 21 ~~2. Hearing and Decision by City Council. The City Council shall consider the proposed~~
22 ~~designation after receiving the Historic Landmarks Board's recommendation. The City~~
23 ~~Council may approve, disapprove, or give modified approval for the Local Historic Reg~~
24 ~~ister. The City Clerk shall then notify the owner(s) of the property or the owners of~~
25 ~~property in the district of the City Council's action.~~
- 26 ~~H. City Council. A public hearing shall be noticed and held by the City Council, consistent with~~
27 ~~Chapter 10.82 SMC (Public Notice and Hearings). The purpose of the public hearing shall be to~~
28 ~~hear testimony regarding listing the proposed structure or site on the local register and consider~~
29 ~~the recommendations of the Historical Landmarks Board and the Planning Commission.~~
- 30 ~~G.F. Findings. The Historical Landmarks Board and Planning Commission may recommend, and the~~
31 ~~City Council may approve, listing a structure or site on the Local Register local register if all of~~
32 ~~the following findings can be made:~~
- 33 ~~1. The structure or site proposed for the Local Register local register is significant to local,~~
34 ~~regional, State or national history.~~
- 35 ~~2. Listing the proposed structure or site on the Local Register local register has been sub~~
36 ~~ject to environmental review and the appropriate findings have been made.~~
- 37 ~~3. Listing the proposed structure or site on the Local Register local register will preserve~~
38 ~~the historic character or integrity of the structure or site.~~

1 4. Structure or site proposed to be listed on the Local Register ~~local register~~ has a signifi-
2 cant architectural or historical character that can be preserved or enhanced through
3 appropriate controls and incentives on new development and alterations to existing
4 structures and landscaping.

5 H. Recordation of Decision. A certified copy of the City Council decision shall be recorded in the
6 office of the County Recorder by the City Clerk immediately following its effective date. The
7 property shall be added to the Local Historic Register kept by the City and provided to the re-
8 gional information center of the State Office if Historic Preservation.

9 ~~I. Resolution. The City Council may approve, approve with conditions or deny a request to list a~~
10 ~~structure or site on the local register. Any decision shall be in the form of a resolution and shall~~
11 ~~include findings. The City Council may also specify special design or other criteria to be applied~~
12 ~~to listing the structure or site on the local register. Any application of conditions or criteria shall~~
13 ~~be subject to review and comment by the Historical Landmarks Board and Planning Commis-~~
14 ~~ston.~~

15 I. Disapproval of Proposed Designation. Whenever an application for designation of a property to
16 the Local Historic Register has been rejected by the City Council, no application that contains
17 the same or substantially the same information as the one disapproved shall be resubmitted
18 within a period of three years from the date of the final action on the prior application. How-
19 ever, if significant new information is made available and provided by and at the expense of the
20 owner(s), the Director may waive the time limit and permit a new application to be filed.

21 J. Effect of Designation. Upon designation the provisions of this Chapter shall apply to the desig-
22 nated property on the Local Historic Register. Any removal or demolition, exterior construction,
23 addition, alteration, or modification, including modifications to landscapes, are subject to the
24 provisions of this Chapter.

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

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

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

32 3. If the Local Historic Register property status is repealed, the City's records shall be up-
33 dated accordingly.

34 **10.46.060 Property and ~~Review~~ Requirements ~~Procedures for demolition, addition or modifications.~~**

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35 A. Minimum Maintenance Requirements. Every owner in possession or control of a Local Historic
36 State or National Register property shall take measures to ensure that the property does not fall
37 into disrepair or become a public health and safety hazard. Measures shall include ordinary re-

1 pair and maintenance activities consisting of regular, customary, or usual care of an existing
2 building, structure, object, or site, for the purposes of preserving said property and maintaining
3 it in a safe and sanitary condition and does not involve a change of design, material, or appear-
4 ance of the property. ~~The Community Development Director, or her/his designee, shall have the~~
5 ~~final authority to determine whether the proposed work falls under this exemption.~~ In the case
6 that a property constitutes a public nuisance, the City may take enforcement action to prevent
7 further vandalism or public nuisance pursuant to Chapter 12.20 (Nuisance Abatement) of SMC.

Moved (insertion) [1]

8 B. ~~Historic Design Review Required.~~ No person, owner, or other entity shall restore, rehabilitate,
9 alter, develop, construct, demolish, remove, or change the exterior appearance (including paint
10 color) of a designated ~~Landmark Structure or property within a Historic Overlay District with-~~
11 ~~out first having undergone Historic Design Review, unless the work proposed is exempt as fol-~~
12 ~~lows:~~

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13 1. ~~Interior Alterations.~~ If any proposed interior alteration(s) would result in any visual or
14 material impact to the exterior of the subject building, ~~Historic Design Review shall be~~
15 ~~required.~~ Interior alterations on a privately-owned structure or on a publicly-owned
16 structure do not require ~~Historic Design Review, unless the interior has been included~~
17 ~~as part of the landmark designation.~~

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18
19 2. ~~Dangerous and Immediately Dangerous Properties.~~ Unsafe or dangerous conditions due
20 to damage caused by natural disaster (e.g., flood, earthquake, etc.) or reasons otherwise
21 outside the control of the owner do not require ~~Historic Design Review.~~ The Building
22 Official shall notify the Director in writing that the proposed action is necessary in or-
23 der to mitigate any unsafe or dangerous condition.

Deleted: 2. Ordinary Maintenance and Repair. Ordinary maintenance and repairs do not require a Historic Design Review Permit. For the purposes of this Chapter, "ordinary maintenance and repairs" shall mean regular, customary, or usual care of an existing building, structure, object, or site, for the purposes of preserving said property and maintaining it in a safe and sanitary condition and does not involve a change of design, material, or appearance of the property.

Moved up [1]: The Community Development Director, or her/his designee, shall have the final authority to determine whether the proposed work falls under this exemption.

24 C. ~~Application Requirements.~~ An application for ~~Historic Design Review shall contain:~~

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25 1. ~~Plans and specifications showing the existing and proposed exterior appearance, includ-~~
26 ~~ing detailed drawings;~~

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

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28 3. ~~Photographs showing the property; and~~

29 4. ~~Any additional material required by the Director or the Historic Landmarks Board.~~

30 D. ~~Multiple Planning Approvals.~~ For projects that require multiple planning approvals, including
31 but not limited to a Zoning Permit, Minor Use Permit, Conditional Use Permit, Design Review,
32 and Variances, the Historic Landmarks Board shall ~~conduct Historic Design Review before any~~
33 ~~other planning approval action.~~ Applications for ~~Historic Design Review, and other planning ap-~~
34 ~~proval may be filed and processed concurrently.~~ The Historic Landmarks Board shall act sepa-
35 ~~rately on Historic Design Review, even if there is a joint hearing with another planning approval~~
36 ~~action.~~

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The Historic Landmarks Board's Historic Design Review Resolution cannot be modified by the Planning Commission; however, the Planning Commission may, through a majority vote of the members, refer the Historic Design Review Resolution back to the Historic Landmarks Board for reconsideration. The Historic Landmarks Board shall conduct a hearing to review the Planning Commission's request.

Deleted: OPTION #1:
Planning Commission may modify any decision on a Historic Design Review Permit by majority vote, provided that the Planning Commission shall apply all applicable historic resources provisions of Section 10.47.080(K) of this Chapter, and make a finding that the project meets relevant General Plan and Planning Code policies, in addition to all applicable historic preservation provisions.
OPTION #2:

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

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1. Administrative Historic Design Review. The Historic Landmarks Board shall define certain categories of work as Minor Alterations and delegate approval of Administrative Historic Design Review for such alterations to Community Development Department staff. If the Historic Landmarks Board delegates alteration of work to the Department, Administrative Historic Design Review may be approved without a hearing before the Historic Landmarks Board.

Deleted: and shall vote to modify or approve the project as originally approved

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

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

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

Commented [dc18]: This would require two separate notices to neighbors within 300 feet of the property. Need to discuss the implications for applicants and staff,

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3. Historic Design Review. The Historic Landmarks Board shall conduct Historic Design Review at a noticed public hearing. The Historic Landmarks Board shall review the project under Historic Design Review findings and issue a recommendation via a resolution. The Historic Landmarks Board may require a historical resource evaluation to be completed by the applicant if deemed necessary. With the Historic Landmarks Board's approval, applicants may revise a project during Historic Design Review and resubmit to the Historic Landmarks Board for secondary review. Once Historic Design Review is concluded and the Historic Landmarks Board issues a resolution, a hearing before the decision-making body is scheduled. The decision-making body shall consider the resolution provided by Historic Landmarks Board in their Historic Design Review and incorporate, as desired, into its own project determination.

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

Deleted: Permit Review

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

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

F. Required Findings. The Historic Landmarks Board shall issue a recommendation of approval for a project undergoing Historic Design Review if it finds that the work:

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1 1. Complies with the Secretary of The Interior's *Standards For The Treatment of Historic*
2 *Properties With Guidelines For Preserving, Rehabilitating, Restoring, and Reconstructing*
3 *Historic Buildings* or successor as well as any applicable state or local ordinances and
4 adopted guidelines, or other policies; and

5 2. Additional findings for Local Historic Register properties:

6 a. The proposed work shall preserve, enhance or restore, and shall not damage or
7 destroy, the exterior architectural features of the structure and, where speci-
8 fied in the designating ordinance, its major interior architectural features; and

9 b. The proposed work shall not adversely affect the special character and/or spe-
10 cial historic, architectural or aesthetic interest or value of the structure and its
11 site, as viewed both in themselves and in their setting, nor of the Historic
12 Overlay District, if located within one;

13 3. Additional findings for Properties in Historic Overlay Districts:

14 a. Any new construction, addition or exterior change shall be compatible with the
15 character of the Historic Overlay District as described in the designating ordi-
16 nance;

17 b. Exterior change shall preserve, enhance or restore, and shall not to damage or
18 destroy the exterior architectural features of the subject property which are
19 compatible with the character of the Historic Overlay District; and

20 c. For any exterior change where the subject property is not already compatible
21 with the character of the Historic Overlay District, reasonable efforts shall be
22 made to produce compatibility, and in no event shall there be a greater devia-
23 tion from compatibility.

24 4. Additional findings for Sign Applications:

25 a. The proposed sign complies with all applicable provisions of Chapter 10.42
26 (Sign and Awning Regulations);

27 b. Is consistent with the applicable sign standards and adopted guidelines, where
28 applicable; and

29 d. The proposed color, design, material, and location of the proposed sign are
30 compatible with the architectural design of the building and Historic Overlay
31 District.

32 5. Additional findings for Landscaping Applications:

33 a. ~~The proposed removal or alterations will not affect the character of the prop-~~
34 ~~erty on the Local Historic, State or National Register or in the Historic Overlay~~
35 ~~District historic overlay district or structure listed on the local register; or~~

b. The safety of persons or property requires the removal or alteration.

6. Additional findings for Demolition Applications:

a. A replacement project shall be proposed.

b. The requirements of the California Environmental Quality Act and SMC Title II (Environmental Protection) have been met.

b. Alternatives to demolition have been considered, including re-using the structure with an alternate use that may not be consistent with existing zoning (See 10.46.090(D), Additional Uses).

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

e. Additional findings for Demolition Applications for accessory structures:

i. The accessory structure proposed for demolition is listed in the designation as a non-contributing feature.

ii. The demolition of the accessory structure will not impact the landmark site or Historic Overlay District.

iii. Where applicable, a replacement project is proposed.

G. Conditions. The Historic Landmarks Board may ~~recommend~~ such conditions that are necessary to accomplish the purposes of this Chapter and prevent or minimize adverse impacts to the character defining features of the Local Historic Register property or the Historic Overlay District.

Commented [dc20]: Staff is looking into penalties for unpermitted demolitions and unpermitted modifications/alterations as possible inclusion into this ordinance. Examples from Santa Monica, West Hollywood, Long Beach.

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~~10.46.060 Procedures for demolition, addition or modifications~~

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

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

~~i. Plans showing all historic elements of structure or site, including materials and date of construction;~~

~~z. Plans showing proposed alterations of all historic elements of structure or site, including materials to be removed, materials to be added, and materials to be altered;~~

- 1 ~~3. Explanation of proposed changes to historic structure or site, including the reasons for~~
2 ~~alterations, addition or demolition;~~
- 3 ~~4. Explanation of use of State Historic Building Code and the way the code is being ap-~~
4 ~~plied 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 Land-~~
7 ~~marks Board and Planning Commission. A joint meeting shall be held to conduct design review.~~
8 ~~A subcommittee of the Historical Landmarks Board and Planning Commission may be formed~~
9 ~~and convene to review design review permit applications and work with applicants.~~
- 10 ~~C. Prior Approval Required. Prior approval by the Historical Landmarks Board shall be required for~~
11 ~~any permit issued by the Building Official for construction, alteration, enlargement, or demoli-~~
12 ~~tion of a structure located in an historic overlay district or listed on the local register.~~
- 13 ~~D. Review Criteria. In addition to the requirements of Chapter 10.54 SMC (Design Review Proce-~~
14 ~~dures), the Community Development Director and Historical Landmarks Board shall use the fol-~~
15 ~~lowing when reviewing and approving any proposed demolition, new construction or alteration~~
16 ~~to existing structures or landscaping:~~
 - 17 ~~1. Applicable design or other guidelines;~~
 - 18 ~~2. The architectural or historical value and significance of the site and structure in rela-~~
19 ~~tion to the overlay district; and~~
 - 20 ~~3. The visual relationship of proposed architectural design elements to the surrounding~~
21 ~~area, including scale, height, rhythm of spacing, pattern of windows and doorways,~~
22 ~~structure siting and relationship to landscaping, roof pitch, architectural style, and~~
23 ~~structural details, materials, colors and textures.~~

~~The Historical Landmarks Board and Planning Commission shall review removal and/or~~
24 ~~alteration of landscape materials for consistency with any applicable design guidelines.~~
- 26 ~~HE. Additional Demolition Procedures. The following procedures shall also apply to any application~~
27 ~~for a demolition permit for a property on the Local Historic Register or a property structure~~
28 ~~that is listed on the Local Register or located in an Historic Overlay District:~~
 - 29 ~~1. If, after review of request for a demolition permit, the Historic Landmarks Board or~~
30 ~~Planning Commission determines the structure itself has historic, architectural or cul-~~
31 ~~tural interest or value, the Historic Landmarks Board and Commission may withhold~~
32 ~~approval of demolition for 180 days (from the date of Board or Commission action) or~~
33 ~~until environmental review, whichever occurs later. The 180-day delay shall be for the~~
34 ~~purpose of providing time to explore alternatives to demolition. During the 180 days,~~
35 ~~the Historic Landmarks Board Planning Commission may direct the Community Devel-~~
36 ~~opment Department to consult with recognized historic preservation organizations and~~

1 other civic groups, public agencies and interested citizens, make recommendations for
2 acquisition of property by public or private bodies or agencies, explore the possibility of
3 moving one or more structures or other features, and take any other reasonable
4 measures.

5 2. At the end of the 180-day period, the demolition permit shall be issued if the require-
6 ments of the California Environmental Quality Act, Chapter 10.50.080 (Environmental
7 Review), and SMC Title II (Environmental Protection) have been met.

8 ~~F. Design Review Findings. The Historical Landmarks Board and Planning Commission may ap-~~
9 ~~prove a design review permit to allow new construction or alterations to a property within the~~
10 ~~historic overlay district or listed on the local register, if all of the following findings can be~~
11 ~~made, to the extent applicable:~~

12 1. ~~The proposed new construction or alteration is compatible with the architectural and~~
13 ~~historical features of the structure and/or district.~~

14 2. ~~The historical context of the original structure or district has been considered during~~
15 ~~the development and review of the proposal.~~

16 3. ~~The criteria for listing the structure or site on the local register do not apply, or the~~
17 ~~historic overlay district will not be affected by the new construction or alterations.~~

18 4. ~~The State Historic Building Code is being applied to minimize alterations to the original~~
19 ~~historic structure.~~

20 5. ~~The Secretary of the Interior's Standards for Treatment of Historic Properties have~~
21 ~~been used to review and consider the new construction and proposed alterations.~~

22 6. ~~Alternative uses and configurations have been considered as part of the design review~~
23 ~~process.~~

24 7. ~~Findings specified by Chapter 10.54 SMC (Design Review Procedures) can be made.~~

25 8. ~~The proposed new construction or alteration will be compatible with, and help achieve~~
26 ~~the purposes of, the historic overlay district.~~

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

30 1. ~~Proposed removal or alterations will not affect the character of the historic overlay dis-~~
31 ~~trict or structure listed on the local register; or~~

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

1 ~~H. Demolition Findings. The Historical Landmarks Board and Planning Commission may approve a~~
2 ~~design review permit to allow partial or complete demolition of a structure listed on the local~~
3 ~~register or located in the historic overlay district if the following findings can be made:~~

4 ~~1. The requirements of the California Environmental Quality Act and SMC Title II (Envir-~~
5 ~~onmental Protection) have been met.~~

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

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

10 ~~I. Effective Date. Historic Design Review Permits shall become effective at the end of the appeal~~
11 ~~period, provided no appeal has been submitted. Decisions of the Historical Landmarks Board~~
12 ~~and Planning Commission shall become effective 10 days after the decision date, provided no ap-~~
13 ~~peals have been filed.~~

14 ~~J. Expiration of Permit. Historic Design Review Permits shall expire in two years following the~~
15 ~~effective date of the permit, provided no extension has been filed prior to the expiration date.~~

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

20 ~~L. Appeals. All decisions of the Historical Landmarks Board and Planning Commission may be ap-~~
21 ~~pealed to the City Council within 10 days of the decision date. City Council appeal considera-~~
22 ~~tions shall be subject to the same requirements of the Historical Landmarks Board and Planning~~
23 ~~Commission and shall include consideration of any applicable plans or guidelines. Any significant~~
24 ~~change to a permit by the City Council shall be referred to the Historical Landmarks Board and~~
25 ~~Planning Commission for review and comment prior to final action.~~

26 **10.46.070 Incentives for preservation.**

27 Owners of property within ~~a the downtown Historic Overlay District, or owners of Local Historic~~
28 ~~Register property, property listed on the local register,~~ are eligible to apply for the following preservation
29 benefits:

30 A. Fees. ~~Historic Design Review~~Design review application fees, for structures located in ~~the down-~~
31 ~~town Historic Overlay District or listed on the local Local Historic Register,~~ may be waived
32 pursuant to SMC Chapter 1.09, Fees, ~~by the Community Development Director~~ for those appli-
33 cations which restore and rehabilitate the significant character of the structure.

34 B. Building Code Exceptions. Deviations from SMC Title 8, Buildings and Construction, will be
35 allowed when the construction is in conformance with the State of California Historic Building
36 Code.

Deleted: Permit

- 1 C. Development Standards. Exceptions to development standards (including but not limited to set-
2 back, height, parking, coverage, or floor area ratio (FAR)) may be granted for legal nonconform-
3 ing structures. The Planning Commission may grant an exception if the following findings can
4 be made:
- 5 1. The exception is the continuation of an existing condition and the exception will not
6 exceed the deviation already existing on the structure.
- 7 2. The exception would be more in character with the architectural character of the struc-
8 ture than adhering to the standard requirements.
- 9 3. The exception would not be in violation of the State Historic Building Code provisions
10 for health and safety, would not be detrimental to any adjacent property and would not
11 be injurious to public health, safety or welfare.
- 12 D. Additional Uses. Uses that are not normally allowed in a base zoning district may be allowed in
13 structures that are located in ~~a the Historic Overlay District~~ or listed on the ~~Local~~ Local
14 State or National Historic Register, subject to a conditional use permit (Chapter 10.60 SMC).
15 The ~~Historic Landmarks Board shall review and make a recommendation on the proposed~~
16 use(s) to the Planning Commission, and The Planning Commission shall consider the recom-
17 mendation of the Historic Landmarks Board, the impact of adaptive reuse proposals on the in-
18 tegrity of the historic structure and the neighborhood and shall make findings specified in SMC
19 10.46.040 (Conditional uses).
- 20 1. Required Findings. The Planning Commission shall not approve alternative uses pursu-
21 ant to this Section unless the following findings are made:
- 22 a. Exception to land use regulations is necessary to permit the preservation or
23 restoration of an historic or architecturally significant structure or site;
- 24 b. Proposed use of historic or architecturally significant structure or site will re-
25 quire minimal alterations to structure;
- 26 c. Alterations will be consistent with the Secretary of the Interior's Standards for
27 Rehabilitation;
- 28 d. A preservation agreement has been prepared and recorded specifying the uses
29 allowed on subject property and preserving property from demolition;
- 30 e. The Historic Landmarks Board has considered the proposed use and recom-
31 mends approval; and
- 32 f. A public hearing has been noticed and held in accordance with Chapters 10.60
33 (Conditional Use Permits) and 10.82 (Public Notice and Hearings) SMC.
- 34 E. Parking. Uses in sites or structures within the ~~Historic Overlay District~~ or listed on the ~~Local~~
35 Register Local Historic Register may be eligible for reduced parking requirements, consistent
36 with SMC 10.40.110(D)(3) (Historic Overlay District) and 10.40.110(G) (Other Reductions).

Commented [dc21]: Staff would like City Attorney input. Needs more work and clarification. To whose satisfaction? The City Attorney and CDD?

1 F. Written Agreement. The granting of any exceptions shall be conditional upon a written agree-
2 ment between the City and the property owner that ensures preservation of the structure's sig-
3 nificant character. The agreement shall give the City the right to revoke the approval at any
4 time the applicant has not complied with the conditions of approval. The agreement shall be
5 recorded with the County Recorder.

6 G. Termination. The approval of exceptions from the standard code provisions for structures in an
7 ~~Historic Overlay District~~ or listed on the ~~Local Register~~ Local Historic Register is terminated
8 when the structure is demolished, or when the structure is altered in a manner that destroys or
9 diminishes the significant character of the structure. All benefits derived from approval shall be
10 removed.

11

12