

CHAPTER 10.54

DESIGN REVIEW PROCEDURES

10.54.010 Purpose

Design Review provides for review of the architectural and site plans of selected projects, as specified in Section 10.54.080 (Administrative Design Review Permits) and Section 10.54.090 (Design Review Permits). In addition to the general purposes of this Title, the specific purposes of this Chapter establishing procedures and criteria for design review are as follows:

- A. To promote the preservation of Sausalito's unique visual character;
- B. To preserve land values and investment through thoughtful architectural and site design;
- C. To prevent the erection of unsightly or obnoxious structures, additions, alterations or signage;
- D. To incorporate site considerations, adjacent uses, and area traffic circulation into the review of new construction or alterations to existing structures;
- E. To minimize obstruction of public views and primary views from private property;
- F. To minimize obstruction of light, air and privacy;
- G. To minimize property clearing, excessive grading and destruction of trees and shrubbery; and
- H. To provide for street and alley dedication and adequate maintenance and improvements to public rights-of-way.

10.54.020 Applicability

This Chapter establishes thresholds for Administrative Design Review and Planning Commission Design Review. Administrative Design Review Permits shall be required and processed in accordance with Section 10.54.080 (Administrative Design Review Permits). Planning Commission Design Review Permits shall be required and processed in accordance with Section 10.54.090 (Design Review Permits). No design review shall be required for projects that fall under the design review thresholds contained in this Chapter.

10.54.030 Guiding Principles of Design Review

In carrying out the purpose of this Chapter with respect to the external design of buildings, the decision maker(s) shall apply the following principles:

- A. Architectural control shall be minimal, ensuring that purposes and objectives of this Title are met, individual initiative is encouraged in building design, and substantial additional

expense is not required.

- B. Good architectural character is based upon the suitability of a building for its purposes; upon the appropriate use of sound materials; and upon the principles of harmony and proportion in the elements of the building.
- C. Good architectural character is not, in itself, more expensive than poor architectural character, and is not dependent upon the particular style of architecture selected.
- D. The relationship of a building to its surroundings is of greater importance than the quality of design of the individual structure.

10.54.040 Administrative Design Review Permits

Proposals that are smaller than that listed in subsection B (Applicability) below, either incrementally or cumulatively over a three-year period, and meet or exceed all zoning requirements shall require a building permit, are subject to Chapter 52 (Zoning Permits), and are exempt from Design Review.

- A. **Purpose and Authority.** Administrative Design Review Permits allow for administrative design review of selected projects where clear design review guidelines and criteria exist. Administrative Design Review Permits may be approved, conditionally approved or denied by the Community Development Department. When Administrative Design Review permits are requested in conjunction with one or more permits requiring Zoning Administrator review, Administrative Design Review permits may be approved, conditionally approved, or denied by the Zoning Administrator. If a proposal meets the requirements of subsection B (Applicability) and requires Planning Commission review for a concurrent application, the proposal shall be subject to Design Review, pursuant to Section 10.54.090 (Design Review Permits.)
- B. **Applicability.** Selected project proposals require a lesser level of design review which shall be conducted by the Community Development Department (or Zoning Administrator where applicable). The Community Development Department shall review and act on applications which are made solely for the following classifications of projects, for which Planning Commission review is not required for another concurrent application, and for sites that are not listed on the local register and/or are located outside the boundaries of any officially designated Historic District:
 - 1. Additions to single family or two-family (duplex) residences where the addition results in a setback from any adjacent structure on a neighboring property of less than 10'.
 - 2. Additions to multi-family residences, commercial structures, and industrial structures which increase the size of the structure by less than 10%, not to exceed 300 sq. ft., and which are consistent with the architectural style of existing buildings on the site.
 - 3. Replacement of awning fabric on existing frames with fabric of a different color or modified signage.

4. Any elevated structures wherein sub-floor plumbing, utility ducts, or mechanical equipment is exposed to view from adjacent properties or the public right-of-way.
 5. Driveways in required side yard open spaces if not a part of an application which requires review by the Planning Commission.
 6. Encroachment Agreements (improvements in the public right-of-way) for the following items, if not part of other improvements requiring design review:
 - a. Major landscaping;
 - b. Stairs not on grade;
 - c. Driveways involving cut or fill of more than 6';
 - d. Fences not exceeding 42" in height; and
 - e. Retaining walls not exceeding 6' in height.
 7. Signs and awnings consistent with criteria developed by the Planning Commission and City Council as adopted by resolution.
 8. Installation or reconstruction, other than repairing and re-striping, of a parking area of five (5) or more spaces.
 9. Capital Improvement Projects appropriate for staff review, as determined by the Planning Commission review of the annual Capital Improvement Program.
 10. Minor revisions to approved projects where the change does not appreciably alter the character and appearance of the project's design.
 11. Application for building permits for the construction, renovation or extension of any pier or dock, or application to establish floats or dolphins, for private pleasure craft in the R-2-2.5 Zoning District.
 12. Application for zoning permits for all buildings, decks, yards, and other improvements proposing a change in existing grade by cutting or filling greater than six (6) feet in height.
 13. Applications to construct fences that require the issuance of a building permit.
 14. Applications to construct terraced or multiple retaining walls or slope stabilization projects that retain an aggregate of six (6) feet or more of slope within any ten (10) foot horizontal interval.
- C. Public Notice.** Community Development Department shall give public notice of the application, pursuant to Section 10.82.020.B (Public Notice – Administrative Design Review.)
- D. Conditions.** Community Development Department may apply reasonable conditions of approval, in addition to those identified in Section 10.54.070 (Conditions of Approval, Design Review) and consistent with Section 10.50.100 (Recommended Conditions of Approval).

- E. **Findings.** The Community Development Department may approve or conditionally approve an Administrative Design Review Permit if the findings specified in Section 10.54.090.D (Findings), and 10.54.090.E (Heightened Review Findings) as applicable, can be made.
- F. **Resolution and Notice of Decision.** Community Development Department shall prepare a written resolution which shall include all findings and applicable conditions of approval. Notice of decision shall be distributed to applicant and all persons who received public notice.
- G. **Appeal.** Administrative Design Review Permit decisions may be appealed to the Planning Commission within ten (10) days of the decision date. Appeals must be submitted in writing and shall be processed in accordance with Chapter 10.84 (Appeals). Notice of appeals of staff decisions to the Planning Commission and the City Council shall be sent to all properties within 100 feet of the subject property.
- H. **Effective Date.** Community Development Department staff and Zoning Administrator decisions of approval or denial of Administrative Design Review Permit applications shall become final ten (10) days after date of resolution, unless an appeal has been filed.
- I. **Referral to Planning Commission.** The Community Development Director may refer an Administrative Design Review Permit application to the Planning Commission. Such referral shall be subject to public hearing, consideration, and approval or denial pursuant to the procedures specified by Sections 10.54.090 (Design Review Permits). Referral shall be at the discretion of the Community Development Director dependent upon policy implications, unique or unusual circumstances, the size of the project, or other factors determined by the Community Development Director to be significant enough to warrant Planning Commission review.

10.54.050 Design Review Permits

Proposals that do not require an Administrative Design Review Permit and fall below the design review thresholds contained herein, either incrementally or cumulatively over a three-year period, and meet or exceed all zoning requirements shall require a building permit, are subject only to Chapter 52 (Zoning Permits), and are exempt from Design Review.

- A. **Purpose and Authority.** Design Review Permits provide for discretionary review of the architectural and design features of selected projects for which design review is required, as established by this section. The Historic Landmarks Board shall provide concurrent review and recommendations for projects that are proposed and/or located in a historic district and/or are listed on the local register. The Planning Commission may approve, conditionally approve or deny Design Review Permit applications.
- B. **Applicability.** Design Review Permits shall be required for the following applications:

Building Permits

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

2. Any replacement or substantial reconstruction of a single-family, two-family (duplex), or multi-family residential structure which does not substantially replicate the original structure.
3. Any alteration to existing secondary dwellings.
4. Projects for any two-family (duplex) or any multi-family residence which has any of the following effects:
 - a. Adds more than 10% of the total floor area of the structure(s) or more than 300 square feet of floor area to the structure(s) (whichever is less with respect to adding new floor area square footage); or
 - b. Increases the height of the structure(s); or
 - c. Has the potential to impair views from other properties.
5. Projects for exterior remodeling of any commercial or industrial structure which has any of the following effects:
 - a. Adds more than 10% of the total floor area to the structure(s) or adds more than 300 square feet of floor area to the structure(s) (whichever is less with respect to adding new floor area square footage); or
 - b. Increases the height of the structure(s); or
 - c. Has the potential to impair views from other properties.
6. Projects for existing single family residence or construction or expansion of an accessory structure which has any of the following effects:
 - a. Adds more than 300 square feet of floor area to any building on the parcel where the addition will add new building coverage to the subject parcel where building coverage did not previously exist; or
 - b. Adds more than 25% of the total floor area of the structure or adds more than 600 square feet of floor area (whichever is less with respect to adding new floor area square footage) to any building on the parcel where the addition will not add any new building coverage to the subject parcel where building coverage did not previously exist; or
 - c. Has the potential to impair views from other properties; or
 - d. Increases the height of any building.
7. Construction of structures with a distance of more than six (6) feet from the ground to the lowest point of complete enclosure. (Design Review shall address the potential visual impact of unsightly exposed underframing and utility ducts.)

8. Any addition or remodeling that causes the structure to exceed the height limits established by Section 10.40.060 (Height Requirements).
9. Covering parking spaces causing the existing structure to exceed the maximum height limit pursuant to Section 10.40.060.C.3 (Downhill parcel exceptions).
10. Construction of a structure on an uphill parcel which will have a sloped roof in excess of the maximum height limit within the first 15 feet of the property pursuant to Section 10.40.060.C.1 (Uphill parcel restrictions).
11. Exterior renovation, modification, or remodeling of any structure listed on the National (or state) Register of Historic Places, or on the local register or structure located within a City designated historic district.

Signs and Awnings

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

Capital Improvement Projects

13. Local public capital improvement projects and local public enhancement projects, excluding capital improvement projects which are maintenance projects or do not appreciably change the appearance of the area being maintained.

Other Permits

14. Encroachment Agreements for garages, fences, buildings, dwelling units, structures, and parking spaces.
15. Demolition permits to demolish 51 percent or more of any single family, two-family, or multi-family structure as defined in Chapter 10.88 (Definitions) except where structure has been irreparably damaged due to forces of nature.
16. Permits to construct wireless communication facilities (antennae and ground equipment).
17. Permits to install satellite dish antennae which have a diameter greater than 40 inches (1 meter).
18. Administrative design review for proposals made in conjunction with other applications requiring Planning Commission review and approval.
19. Administrative design review when the Community Development Director determines a project warrants Planning Commission review and approval.

- C. Public Notice and Hearing.** Design Review Permit applications require public hearing by the Planning Commission. Public hearing shall be noticed and conducted consistent with Chapter 10.82 (Public Hearings.) Design review for signs and awnings shall not be

subject to the noticing requirement.

D. Findings. The Planning Commission shall approve Design Review Permit applications only if the following findings can be made:

1. The proposed project is consistent with the General Plan, any applicable specific plans and this chapter.
2. The proposed architecture and site design complements the surrounding neighborhood and/or district by either:
 - a. Maintaining the prevailing design character of the neighborhood and/or district; or
 - b. Introducing a distinctive and creative solution which takes advantage of the unique characteristics of the site and contributes to the design diversity of Sausalito.
3. The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.
4. The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.
5. The proposed project will not result in a prominent building profile (silhouette) above a ridgeline.
6. The proposed landscaping provides a appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.
7. The design and location of buildings provide adequate light and air for the project site, adjacent properties, and the general public.
8. Exterior lighting, mechanical equipment, and chimneys are appropriately designed and located to minimize visual, noise, and air quality impacts to adjacent properties and the general public.
9. The project provides a reasonable level of privacy to the site and adjacent properties, taking into consideration the density of the neighborhood, by appropriate landscaping, fencing, and window, deck and patio configurations.
10. Proposed entrances, exits, internal circulation, and parking spaces are configured to provide an appropriate level of traffic safety and ease of movement.
11. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.

12. The project site is consistent with the guidelines for heightened review for projects which exceed 80% of the maximum allowed Floor Area Ratio and/or site coverage, as specified in subsection F (Heightened Review Findings).

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

1. Proposed development of the site maximizes preservation of protected trees.
2. The site is configured with adequate width and depth to provide yard spaces and setbacks, proportional to the size of the structure.
3. The site will be developed in a manner that minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.
4. The proposed development of the site presents no potential hazard to public safety in terms of vehicle traffic, pedestrian circulation, slope and tree stability, run-off, and public utilities.
5. The slope and topography of the site allows for limited excavation and minimal alteration to the site topography outside the footprint of structures.
6. The site will provide adequate guest parking either on-site or within the immediate street frontage.
7. The proposed plan provides adequate landscaping to maximize privacy and minimize the appearance of bulk.

Although these findings are only required for projects that would otherwise require a discretionary design review public hearing, all projects that result in or exacerbate floor area and/or building coverage of over 80 percent shall require the Community Development Department to give public notice of the application, pursuant to Section 10.82.020.A (Public Notice – Public Hearing.) If such notice is required for a project that does not require a public hearing, the notice shall be mailed to notify neighbors that a Zoning Permit has been issued, including a description of the project, and shall include information regarding the appeal period for the Zoning Permit.

F. Conditions. The Planning Commission may impose conditions on Design Review Permits, to meet the purposes of this Title, the General Plan and any applicable specific

plan. Conditions may include but not be limited to maximum floor area, building coverage limit, maximum height, and minimum open space. In addition, the conditions specified in Section 10.54.070 (Conditions of Approval) and Section 10.50.100 (Recommended Conditions of Approval) shall be imposed.

- G. **Resolution.** Planning Commission decision shall be in the form of a written resolution and shall include all findings and conditions of approval.
- H. **Appeal.** All decisions of the Planning Commission, with respect to Design Review Permits, may be appealed to the City Council within ten (10) days of the Planning Commission decision. Appeals shall be filed and processed in accordance with Chapter 10.84 (Appeals).
- I. **Effective Date.** Design Review Permits shall become effective at the end of the appeal period, provided no appeal has been submitted.
- J. **Expiration of Permit.** Design Review Permits shall expire five (5) years following the effective date of the permit, provided no extension has been filed prior to the expiration date.
- K. **Extension.** The applicant may request an extension to Design Review Permits prior to expiration of the permit. The Planning Commission may grant one extension for up to two (2) years, in accordance with Section 10.50.140 (Extension of Approved Permits).

10.54.060 Submittal Requirements

In addition to the information specified by Section 10.50.050 (Required Application Contents), applications for Administrative Design Review Permits and Design Review 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:

- A. Administrative Design Review Permit or Design Review Permit application;
- B. Applicable fee, as established by resolution of the City Council;
- C. A narrative project description, providing rationale for proposed architectural and site design solutions;
- D. Six (6) sets of full-size plans, including:
 - 1. Vicinity Map
 - 2. Site Plan
 - 3. Elevations
 - 4. Floor Plans
 - 5. Roof Plan
 - 6. Grading Plan
 - 7. Sectional Drawings
 - 8. Landscape Plans
 - 9. Statistics and Descriptive Information

- E. Materials Sample Board;
- F. Geotechnical Report;
- G. Tree removal/alteration permit, or written request for exemption, as applicable;
- H. Current topographic and record of survey;
- I. Story pole plan and certification;
- J. Site photographs; and
- K. Demolition Plan.

The Community Development Director may waive specific submittal requirements where not applicable.

10.54.070 Additional Submittals Required

Prior to making a final decision, the Community Development Department, Zoning Administrator, Historic Landmarks Board and/or Planning Commission may require the Applicant to provide any other data deemed useful or necessary for permit approval. Such requirements may include, but not be limited to:

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

10.54.080 Referral

Prior to making a final decision, the Community Development Department, Zoning Administrator, Historic Landmarks Board and/or Planning Commission may refer any Design Review application for reports and recommendations from the Fire Chief, City Engineer, Building Inspector, Health Officer or any other officer of the City or County regarding matters in their fields of competence or under their jurisdiction and which would be affected by the proposed development.

10.54.090 Conditions of Approval

The following may be included as conditions of approval for design review:

Public Rights-of-Way

- A. **Dedication.** All required arterials and major collectors shall be dedicated to the full width required by the Circulation Element of the General Plan. The dedication of minor collectors, local streets, pedestrian ways, and bicycle routes and paths adjoining any property line of the subject property may be required. Dedication shall extend to the street or pathway centerline bordering said property.
- B. **Improvements.** For a project involving any increase in floor area, addition of bedroom or bathrooms, addition of dwelling units, substantial reconstruction of dwelling units, or partial reconstruction of dwelling units the value of which exceeds 10% of the valuation of the existing improvements, adjoining rights-of-way shall be improved to City standards, per the discretion of the City Engineer. Improvements may include but not be limited to curb, gutter, sidewalk, street and alley paving, street trees, street signs, shoulder parking improvements, streetlights, and all required utilities. Existing improvements which are damaged and/or hazardous to the public safety must also be corrected.

Landscape and Mitigation Bond Requirements

- C. **Landscape Performance & Maintenance Bond.** Within the waterfront area east of Bridgeway bounded by El Portal on the south and the north City limits, a maintenance bond shall be required to insure that landscaped areas are maintained for a period of two (2) years from the date of final approval for occupancy. Other projects which require installation of landscaping may, at the discretion of the Planning Commission and/or Community Development Director, be required to submit to the City a refundable performance bond or an equivalent security to guarantee the installation and survival of required landscaping for a period of two (2) years, prior to the issuance of a building permit. This bond may also be used to ensure the success and stability of mitigation measures required pursuant to a California Environmental Quality Act Initial Study/Mitigated Negative Declaration or Environmental Impact Report, if applicable. The bond or security to be used are as follows:
1. The performance security may be provided, at the discretion of the City, by cash, by placing the assessed dollar amount in a Certificate of Deposit made payable to the City of Sausalito, or by securing a performance bond.
 2. The dollar amount of the performance security will be based on an estimate from a nursery which includes plant material, irrigation equipment, and labor costs, or for mitigation measures, in a manner to be determined by the Community Development Director based on the characteristics of the required mitigation measure.

