CITY OF

Sausalito

HISTORIC PRESERVATION REGULATIONS UPDATE

Issues and Options Memorandum

Prepared for
CITY OF SAUSALITO by:

DYETT & BHATIA
Urban and Regional Planners

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Introduction

Begun in January 2014, the Historic Preservation Regulations Update will evaluate Sausalito's regulation of historic buildings and properties, including the design guidelines and standards. An update is opportune because it will allow the City to adopt regulations affecting many issues that are not adequately addressed in the current regulations, including triggers for historic preservation review, the way the City handles design review, incentives for designation, and protections on the unique character of the City's many historic neighborhoods. It also offers an opportunity to assess the permit process and see how it might be streamlined. Through the Historic Preservation Regulations Update, the City will ensure that its historic preservation regulations respond to community needs, implement General Plan policies, and define how the City's historic resources are determined and reviewed.

Overall, the substantive framework for Sausalito's preservation regulations exist, but they are located throughout the Municipal Code and various non-codified policies and guidelines, and over time, have become unwieldy and difficult to implement. Instituting reforms that the recommendations in this memorandum embody could help to better accomplish Sausalito's historic preservation goals and lead to greater ease of use, clearer standards, and support for the types of activities that will enhance and preserve the City's resources. Some of the reforms recommended in this memorandum are outside the scope of this project; however, they were included so the City has a full understanding of changes that could be instituted in order to achieve the City's goals.

PROCESS

To help with this effort, the City retained Dyett & Bhatia. As the first step, Dyett & Bhatia is evaluating the City's current approach to regulating historic properties and determining if there are alternative approaches that would better protect the City's historic buildings, enable appropriate development and alterations to historic properties, and meet the community's needs.

In addition to conducting a review of Sausalito's historic preservation regulations and processes, the consultant met with the Preservation Regulations Update Subcommittee and the Historic Landmarks Board, as well as conducted interviews with a cross section of "code users" and stakeholders. This memorandum summarizes the principal findings and conclusions of that work and recommends a number of ways that the current regulations could be improved to meet the overall objectives of the Historic Preservation Regulations Update.

This memorandum is intended to form the conceptual framework for further discussion of these recommendations with the Preservation Regulations Update Subcommittee, Historic Landmarks Board, and Planning Commission. Based on feedback on this memorandum, Dyett & Bhatia will draft the new regulations for further review, before going to the City Council for approval.

OBJECTIVES & RESULTS

The goal of the Historic Preservation Regulations Update is to make the review of historic properties easier to implement. The City wants to establish requirements so that all parties – Department staff, the Historic Landmarks Board, and applicants - understand the basic requirements and

processes that the City undertakes when reviewing historic properties. It wants to remove the uncertainty and provide clarity to streamline the process. Ultimately, Sausalito wants to set expectations so everyone knows what the rules are, who will review projects, and how the process works. With these objectives in mind, there are four overall recommendations that Sausalito should consider in this Update to make the City's historic preservation regulations and permitting process easier to understand and use:

1. **Make the Regulations Easier to Understand and User Friendly.** The historic preservation regulations in Title 10 (Zoning) must be predictable, understandable, and enforceable. Preservation regulations should be consolidated and unnecessary provisions be eliminated. Finally, the regulations themselves must be written so that their intent and purpose are clear to everyone.

2. **Improving Administration of Permit Review.** Design review for historic properties can promote development that a community wants with a clear, predictable, path to project approval while preserving those buildings and features that are important to the City. The permitting process for historic resources should be streamlined. In addition, all of the public materials such as applications and handouts, as well as technology, should be updated. Providing updated materials to the public will help clarify the roles of the various review bodies and set expectations on the review process.

3. **Clarify the Review Process for Historic Resource Review.** The City should set thresholds for historic resource review by codifying the process to identify historic resources. Both the Historic Landmarks Board and Department staff should have more discretion to review minor work and make final decisions on certain types of projects. Scopes of work should be identified that can be approved by staff without a higher level of review.

4. **Proactive Actions by Sausalito.** The final set of recommendations are those that should be undertaken by the City to reinforce and improve the permitting process for historic resources. Incentives should be enacted to foster landmark and historic district designation which will protect the City's significant structures and neighborhoods. A citywide survey to identify historic resources would assist in the streamlining of permit review. Technological upgrades, increased staffing, and better communication among City Departments would all improve the user's experience and improve relations with the public.

Each of the recommendations are addressed in subsequent sections of this memorandum. Specific topical and technical issues are discussed. The recommendations do not all carry the same weight; some are more important and will have more far-reaching effects than others. Several recommendations are outside the scope of this contract and are noted as such but should be considered by the City to fully achieve the goals of the Update.

Stakeholder comments have included in Appendix A for the reader's use. They have been consolidated into the four major recommendations with a final section of general comments.

Recommendations

RECOMMENDATION NO. 1: MAKE HISTORIC PRESERVATION REGULATIONS EASIER TO UNDERSTAND AND USER-FRIENDLY

The need to make Sausalito's historic preservation regulations more user-friendly and concise was one common observation noted during the interviews with stakeholders. Many stakeholders and City staff users commented that the text is too complex and hard to interpret; others said that it was too vague and there therefore hard to interpret. All agreed that the regulations are difficult to navigate and understand where the various preservation regulations are located.

The preservation regulations should be written to make their intent and purpose clear to everyone – property owners, developers, businesses and residents in general. Preservation regulations should be consolidated and unnecessary provisions should be eliminated. Review procedures need to be straightforward and presented so a reader knows exactly how a permit may be reviewed and by whom. Finally, the text itself must be written in a clear manner so that they are easy to understand and follow.

Recommendation 1-A: Consolidate Provisions.

Preservation regulations currently exist in multiple Titles of the Municipal Code. For example, there are regulations in Title 2, Administration and Personnel, Title 8, Building and Construction, and Title 10, Zoning. Within Title 10 there is a chapter dedicated to preservation (Chapter 10.46 (Historic Overlays)), but it mainly focuses on the designation process and must be cross-referenced with Title 8 (the Building Code), which also contains designation requirements. Another example is that design review of historic properties is contained in Chapter 10.54 (Design Review) but there are also overlapping provisions in Chapters 10.28 (Historic Overlays) and 10.42 (Signs). Within the Design Review regulations, the specific regulations for preservation are buried among more general provisions for non-historic properties. Users found this organization extremely difficult to navigate, and commented that it adds to confusion about what the process is for historic structures.

With the exception of outlining the role and duties of the Historic Landmarks Board in Title 2, all regulations regarding historic preservation should be contained in Title 10. There should be one chapter on the designation of landmarks and historic districts. The full scope of Design Review for Historic Resources should be in one location, with cross-references in other applicable Chapters. Likewise, the process and findings for Design Review for properties in a Historic Overlay (Chapter 10.46.060) should be cross-referenced to Chapter 10.54 (Design Review), not located there. Consolidating all relevant regulations, procedures, and findings related to historic preservation will assist in streamlining the process and remove confusion.

Recommendation 1-B: Create Separate Section for Design Review of Historic Properties.

As mentioned in Recommendation 1-A, there should be one chapter devoted to the designation of landmarks and historic districts which includes the qualifications for designation, requirements once designated, and any preservation incentives. Design Review should have a separate section

for historic properties, which contains thresholds, review, and processes. A separate chapter could be included concerning the permit review of properties that are not formally designated which details properties/areas of the City that qualify, submittal requirements, and review procedures. This information could also be included in Chapter 10.80 (Administration), under a new section on permit requirements for historic properties. Ultimately, the location of all the preservation regulations into a few Chapters and/or sections will go a long way to clarifying the requirements and processes and make them easier to use.

Recommendation 1-C: Eliminate Unnecessary Regulations.

Similar to Recommendation 1-A, regulations that are not relevant to the larger subject topic or are located in an inappropriate part of the Municipal Code should be removed. There are procedural regulations for design review of historic properties in Chapter 10.46 (Historic Overlays) and again in Chapter 10.54 (Design Review) – all procedural information relating to Design Review should be in the relevant chapter or section for Design Review of historic properties. Where necessary, cross-references should be inserted so that the public and review bodies are aware of additional requirements. Within Title 10, Zoning, duplicative and outdated regulations should be eliminated, which will improve the user's experience and prevent confusion about requirements.

Recommendation 1-D: Clarify Review Bodies, Processes, and Procedures.

It is not clear what level of review applies to historic properties, what review body will approve the permit, or what triggers a public hearing. The roles of the Historic Landmarks Board and the Planning Commission should be laid out so that each body understands their purview and authority. The regulations should clearly establish the authority for approval and, for any discretionary decision, provisions for an applicant or aggrieved party to appeal a decision. Many stakeholders commented on the need to clarify the Design Review procedures and the roles of the Historic Landmarks Board and the Planning Commission. Simply consolidating the various regulations into one or two locations as discussed in Recommendation 1-B will help clarify the procedures. Detailing the Historic Landmarks Board and Planning Commission's roles will also eliminate confusion about each body's jurisdiction.

Recommendation 1-E: Rewrite Regulations.

Simplified, clear language can have a huge impact on the understanding of planning requirements. Ensuring that the consolidated and re-organized regulations are drafted in plain English will greatly enhance the users' experience of the historic preservation regulations. Making sure to capture the intent of the regulations while presenting them in a user-friendly manner will be essential to this Update.

RECOMMENDATION NO. 2: CLARIFY THE REVIEW PROCESS FOR HISTORIC RESOURCE REVIEW

One frustration expressed by stakeholders was the disparate treatment projects were given – there does not appear to be a clear distinction of what buildings and structures qualify as a historic resource or when this review occurs in the process. There seemed to be multiple paths for identifying whether a building is a historic resource when under review by the Department. One stakeholder noted that they received a permit for work on a non-designated home that was constructed in the 1920's, but was rescinded once it became apparent that the building qualified as a historical resource under the California Environmental Quality Act (CEQA). The building had to undergo historic review and the project was revised so it did not have a significant impact and resulted in months of delay. There was no guidance in the regulations that would have informed this applicant about this possible review. This example is a clear indication that the review process for historic resources is not working.

The City has identified a classification of buildings that are not formally designated but are older and may need a higher level of design review. Because there is no codified process for these properties, the result is a haphazard and confusing process which captures some properties but not all, and applies different levels of review based on uncertain criteria. Incorporating requirements for when a proposed project must submit information to the Department so that a historic resource determination can be made will greatly reduce confusion and streamline the process. The Historic Landmarks Board should not have to conduct research and reviews of properties – the process should be pushed towards the beginning of the review process and done by the project sponsor and staff.

Recommendation 2-A: Incorporate CEQA Thresholds into Regulations and Materials.

Under CEQA, discretionary permits to properties over 50 years of age must be reviewed to see whether the building qualifies as a historical resource. If it is determined that it is a historical resource, then the project is reviewed to see if it will have a significant impact to the resource, and revisions or a lengthier environmental review may be required. Many stakeholders discussed projects where they would begin the permit review process only to be required to stop and hire a consultant to provide information to determine if their structure was historic. Other instances involved the project going to the Historic Landmarks Board and the Board conducting this research and making a determination about whether a structure was historic. Both scenarios cause delay in the permit review process and add to the overall cost of the project.

The determination of whether a building is or is not a historic resource for CEQA purposes is therefore an important first step in the review process. The thresholds should be incorporated into the regulations and application materials, along with data and materials requirements, so that the public understands the expectations and processes. The City could require basic information such as photographs, date of construction, building and permit history, and other information that is easily accessible to be submitted with permits for all projects with structures over 50 years of age. Requiring this data and information will help identify historic resources and provide consistency in the review of projects. This will also serve to prevent instances of permits be reviewed and approved only to discover they were historic and need to be revoked, and reduce the need for the Historic Landmarks Board to conduct research on a building or structure.

Recommendation 2-B: Streamline Process for Determining if a Building is Historic.

Removing the burden of doing the primary research on a building or structure to determine if it is a historical resource from the Historic Landmarks Board will streamline the review process considerably. Instead of going to a hearing, then waiting for the Historic Landmarks Board to conduct research and reviewing it at a second hearing, the data would be required upfront. Staff should review the data and make a preliminary determination if a building qualifies as a historical resource. There are several avenues that can be explored once this determination is made. If the scope of work is minor then staff can approve it administratively and provide notice to the Historic Landmarks Board. Or for certain types of larger projects, if it appears that a building may qualify as a historical resource, a higher level of review can be requested and that can be reviewed and verified by the Historic Landmarks Board. Either scenario will cut down on the time involved with historic resource determinations and improve the administration of permit review.

Recommendation 2-C: Create a List of "Trigger" Work Types for Historic Properties.

Unless a building triggers historic review staff will not ensure that the project will not have an impact. The example cited above where an applicant's permit was revoked once it became apparent that the building was a historic resource demonstrates this gap—had the review of major façade alterations been listed in the regulations, staff would have investigated whether the building was a historic resource prior to issuing any permits. Triggers must be incorporated into Design Review for properties and structures that are not designated landmarks or in historic district that enables staff to review projects so they do not have an impact. Items such as replacement of more than 10 percent of the visible windows, replacement of features such as front doors, porches and front stairways, change of façade material, are 'trigger' items that can require staff to review the building to determine if it qualifies as a historic resource (through the submittal of basic information such as photos, building date, etc. and discussed in 2-A). Establishing a list of work on buildings over fifty years of age that will require review to determine if a structure is historic will serve to prevent work to occur that may damage a historic structure.

Recommendation 2-D: Develop Neighborhood Preservation Plans.

Many stakeholders observed that regulating historic preservation is difficult because there is no 'one size fits all' solution. Historic preservation is very context specific and a type of project or modification to one structure may be benign but when applied to another structure can have significant impacts. Several stakeholders felt that a neighborhood preservation plans should be developed that identified the specific features that contributed to the unique character of the neighborhood and made it distinct—lot patterns, architectural style, setbacks, landscaping, and other characteristics.

Neighborhood preservation plans provide the opportunity to describe the age, setting, and character of a particular area, identify the important urban design and streetscape elements, and establish context sensitive objectives to be achieved through preservation. Based on this information, the plans can identify a list of specific alterations and the associated permit review level based on character of the neighborhood; a set of specific performance guidelines for new construction and alterations necessary to preserve the character of the neighborhood; rules and regulations for design review of new construction, alterations, and improvements; and where appropriate based on analy-

sis of potential for economically viable reuse, provisions for modifying permitted uses to allow economically viable adaptive reuse of historical landmarks and contributing structures within the neighborhood. This approach streamlines historic preservation because the identification of contributing features and appropriate modifications is determined up front, on a comprehensive scale rather than through development review as projects come forward, thus providing more certainty in the process.

A requirement for a neighborhood preservation plan prepared by a qualified historic preservation specialist should a requirement of an application for designation of a historic district. Additionally, the City could proactively sponsor the preparation of preservation plans for distinct neighborhoods throughout the City.

RECOMMENDATION NO. 3: IMPROVE ADMINISTRATION OF PERMIT REVIEW FOR HISTORIC RESOURCES

There was consensus among stakeholders that the permit review process for historic properties, the Design Review process in particular, was unnecessarily long and unwieldy. Currently the Historic Landmarks Board does not have final approval authority over any permits under their jurisdiction. Properties in historic districts go to the Historic Landmarks Board for review and recommendation to the Planning Commission. All projects—large and small—must have this dual review. Stakeholders noted that this joint hearing and approval complicated reviews, with the Planning Commissioners not fully appreciating the significance of historic features and characteristics and approving inappropriate projects. Some stakeholders observed that during joint hearings the Historic Landmarks Board's role tends to be overshadowed by the Planning Commission. This process is cumbersome, time consuming, and presents conflicts between two differing review bodies.

There was also general agreement among stakeholders that too many minor items had to go to a public hearing. Staff serves as the link between the public and the decision-makers, and they often provide guidance and recommendations on development. Planners should be able to review and approve minor scopes of work so that the higher review bodies—the boards and commissions—can focus on larger, more impactful projects. When staff is unable to do this, the entire process gets slowed down—seemingly insignificant projects must be scheduled for hearings which take months and cost all parties involved money and time. Likewise, the expert body for historic properties—the Historic Landmarks Board—should be able to make decisions about what projects are appropriate and compatible with a landmark and historic district. This body should have members who are skilled in the vocabulary of historic properties and have a base understanding of historic policies.

Both staff and the Historic Landmarks Board should have the ability to review and approve permits. A structure can be created so that permits are noticed and/or have proper appeal avenues, ensuring that there is an opportunity for both the public and Historic Landmarks Board review these decisions. Creating a level of administrative permits that staff can review and approve without a hearing, establishing qualifications for Historic Landmark Board members, and giving the Historic Landmarks Board final approval on certain types of projects will help reduce the time it takes to get a project approved.

Recommendation 3-A: Administrative Approvals by Staff.

An administrative permit for minor scopes of work that can be approved by staff will facilitate the streamlining of permit review, empower staff to make more decisions, and reduce a backlog of permits that require a public hearing—all improving the administration of permit review. Putting clear thresholds and requirements into the historic preservation regulations can greatly facilitate the review and approval of these types of projects. Items such as window replacement (in-kind replacement and those on non-visible facades), installation of non-visible rooftop equipment, signs and awnings that meet particular standards and other minor scopes of work, should be reviewed and approved by staff. The exact scopes of work can be determined, but the review process will be greatly reduced if there are scopes of work that can be approved by staff on historic properties. The Historic Landmarks Board would still have the opportunity to review a project either through the appeal process or through a procedure where the Historic Landmarks Board is given notice of a pending decision with the opportunity to call up for review. An administrative permit process could reduce the review time by several months.

Recommendation 3-B: Give Historic Landmarks Board Approval Authority.

The Historic Landmarks Board is the sole body that reviews and makes recommendations to the City Council on what buildings and areas qualify as a landmark and/or historic district. The members analyze the history of a building and place, determine the character-defining features, and make statements of significance. In the majority of jurisdictions where a separate landmarks body exists (both boards and commissions), that body also has the authority to review and approve alterations to landmarks and properties in historic districts. The scope of their purview is limited to aesthetic issues and the planning commission/body retains ultimate authority over the remainder of land use issues. In Sausalito, the Historic Landmarks Board's role is extremely limited. The Historic Landmarks Board should be able to review and approve alterations to projects to landmarks and properties in historic districts. These can either be appealed to the Planning Commission or particular large projects (threshold to be determined) can require review by both bodies. Another option is to have the Planning Commission, with a two-thirds vote, send the project back to the Historic Landmarks Board for reconsideration. The Planning Commission will continue to have purview of Conditional Use Permits and Design Review of non-historic properties. By enabling the Historic Landmarks Board final approval authority, permit review for historic properties will be reduced and streamlined and their role strengthened.

Recommendation 3-C: Establish Qualifications for Historic Landmark Board Members.

Chapter 2.28 of the Municipal Code lists the purpose, membership, and organization of the Historic Landmarks Board. Section 2.28.030 states that the Board "...[shall have] qualified training or experience, or with a demonstrated interest in historic preservation." Stakeholders felt that the Historic Landmark Board members needed specific qualifications - their purview was not always best served due to a lack of expertise in the field of historic preservation and/or land use. It should be noted that the Planning Commission does not have required qualifications, which was also voiced as a concern by stakeholders. Most jurisdictions have qualifications for their historic preservation commission/board members. These qualifications range from an architectural historian, to architect, land use attorney, or conservator. At-large community positions should also be included on the board. Placing qualifications on the Historic Landmarks Board positions will instill confi-

dence in the public, facilitate review, and ensure appropriate decisions to historic properties. The qualifications will relate to the duties and responsibilities of the Board and will clarify its role relative to the Planning Commission. While seemingly insignificant, placing qualifications on the Historic Landmarks Board will facilitate review of projects through their expertise and improve how permit review is conducted.

Recommendation 3-D: Expedited Permit Process and Reduced Fees.

Everyone was in agreement that it takes a long time to have a permit reviewed, especially when a historic resource was involved. In addition to creating administrative/staff approvals, another method to improve the administration of permit review is to 'fast-track' permits for designated properties and reduce permit fees associated with these permits. This will also incentivize landmark designation –the reduction of time and money for the required permits can entice many property owners. The first can be enacted through policy or codified, and the later must be passed by the City Council.

RECOMMENDATION NO. 4: PROACTIVE ACTIONS BY SAUSALITO

Many comments received from the stakeholders dealt with City resources, city data, and overall lack of assistance, be it inadequate staffing levels, poor communication between Departments, a non-user friendly website, unavailability of basic property and permit data online, and few handouts of helpful forms. Being proactive with education and outreach can go a long way in the effort to preserve historic resources. In addition, technology should be updated so to assist the public and allow them to find regulations, processes, and basic property/permit data. Without these tools, citizens become confused and frustrated, resulting in negative impressions of the City, the bureaucratic system, and of historic preservation itself. The City should actively explore updates to these systems.

Another important issue is landmark and historic district designation. Landmark and historic district designation is the clearest method for ensuring that those properties and areas in Sausalito that are important are protected and that alterations to these properties are appropriate to the building and context. These properties also have the most clear-cut permit review and approval processes. However, property owners are hesitant to designate because of the additional layer of design review and time it takes to get permits. When asked why there were so few landmarks or historic district designations, the repeated response was the burdens imposed post-designation and lack of incentives.

While both of these topics are outside the scope of this project, they are important issues that the City should be aware of and if addressed, will greatly improve relations with the public and meet the goals of this project, which is to clarify and streamline the historic preservation regulations.

Recommendation 4-A: Conduct City-Wide Surveys to Determine Historic Neighborhoods and Places.

Several stakeholders felt that a city-wide survey should be undertaken. There was a lot of discussion about neighborhood character and enhancing those qualities that make Sausalito a great place to live and do business. A survey could focus on a few neighborhoods or be larger in scope, but all

agreed that the residential portions of the City had been neglected and were under the most pressure for development and alterations. A survey can serve as an inventive for historic preservation, as it identifies qualified properties eligible for designation (thus eligible for additional incentives such as those identified below), it will create certainty early in the process about whether a building or structure is historic and streamline the permitting process, and can lead to formal designations of individual buildings and historic districts. A city-wide survey would be a valuable tool in assisting Sausalito to regulate its historic buildings and structures. However, most properties that qualify for designation likely qualify as a historical resource under CEQA and often have similar design reviews. Conversely, many stakeholders wanted more certainty in knowing what areas of the City were historic; they felt that a city-wide survey of neighborhoods would help identify historic resources (thereby preventing permit reviews being held up for this research), assist in defining characteristics of neighborhoods to retain and enhance, and would lead to more designations (and provide more certainty in the process). By providing incentives, designation offers property owners more certainty as well as possible tax and permit reductions (depending on what the City enacts).

Recommendation 4-B: Update Applications, Handouts, and Technology.

The lack of material related to how the City regulates historic resources causes undue delay and confusion. Virtually all stakeholders commented on this and said it was one of the largest hindrances of review. Without a checklist or process chart, there is no understanding of submittal requirements and how long it will take for review. All permit applications should be updated to include historic resources. A box that an applicant can check for items such as if the property is a landmark or located in a historic district or if the structure is over 50 years or older should be included on the general application. The application could then include a list of the materials that need to be submitted if a property a landmark or located in a historic district or if the structure is over 50 years old. Another option to consider as an easy method to inform the public of the process is to create a flow chart showing the various routes a permit can take for approval or disapproval. It should include appeals and encompass as many types of permit types as possible. Lastly, the processes and applications should be easily available on the City's website, and ideally, property data and permit tracking should also be available.

Recommendation 4-C: Provide Incentives for Designation.

The City Council should adopt the Mills Act Property Tax Abatement Program, which would allow designated and qualified properties to apply for a tax abatement with the City in exchange for enacting a preservation and maintenance program on the property. Each local government establishes their own criteria and determines how many contracts they will allow in their jurisdiction.

Neighborhood preservation plans discussed under Recommendation 2-D also serve as an incentive for designation, particularly if they are proactively developed by the City. Through neighborhood preservation plans contributing features and appropriate modifications are determined up front, on a comprehensive scale rather than on a piecemeal basis as projects come forward, thus providing more certainty in the process. They also allow for the modification of permitted uses to allow economically viable adaptive reuse of historical landmarks and contributing structures within the neighborhood. Several jurisdictions allow designated properties greater latitude with the uses that can locate inside. For example, designated residential properties in certain zoning districts can,

through a Conditional Use Permit approval by the Planning Commission, have low-impact commercial uses such as administrative offices, art galleries, or bed-and-breakfasts. These would be approved on a case-by-case basis and strict requirements for hours of operation can be placed on them, ensuring that they are do not impact the adjacent properties.

Recommendation 4-D: Educate City Staff and Review Bodies.

Another comment that was repeatedly mentioned was the lack of knowledge of historic preservation issues by Department staff, Historic Landmarks Board, and the Planning Commission. Many stakeholders felt frustrated by the fact that that staff too often refers items to a hearing because they are unable or unwilling to make a decision, especially with regard to historic resources. In addition to empowering staff to approve more administrative permits, staff should be versed in the policies and procedures of historic preservation. A staff planner who is dedicated to historic preservation can assist and provide guidance. Likewise, both the Historic Landmarks Board and the Planning Commission were repeatedly faulted with not focusing on relevant preservation issues or making decisions that were obviously contrary to historic preservation. At most, when new board and commission members are appointed, there should be some training with the Department to go through the review procedures and requirements.

Appendix A: Stakeholder Interviews

INTRODUCTION

In order to learn about the issues associated with regulating historic properties and buildings and whether the regulations are effectively doing this, interviews were conducted with a cross-section of "code users" and stakeholders—people who regularly use the regulations, bring preservation projects through the review system, and who have a specific interest in zoning and preservation. The people interviewed included architects, developers, business owners, planning consultants, landowners, residents, nonprofit organizations, and the Preservation Regulations Update Subcommittee and Historic Landmarks Board.

The City's consultants conducted several hour-long phone interviews and seven hour-long interview sessions on February 12, 2014. The consultants also presented the project and solicited comments from the Historic Landmarks Board on February 12, 2014. The team interviewed a total of 33 stakeholders in groups of three to five people. The interviews were conducted by senior staff from the Historic Preservation Regulations Update consulting team - Martha Miller and Tara Sullivan. No staff members were present during the interviews to encourage candid responses. The interviewees were asked a series of questions regarding the overarching concerns as well as specific topics. People attending were also given the opportunity to discuss issues of significance to them that were not otherwise discussed in response to specific questions.

STAKEHOLDER CONSENSUS

Surprisingly strong consensus among all the stakeholders emerged about what the major issues are as they relate to the regulation of historic properties. While the stakeholders may ultimately differ on the exact recommended changed, there was clear agreement that the regulations, as well as City processes, need to be revised to make it more understandable and to streamline the process. Those interviewed pointed out numerous ways in which the current processes actually work against achieving the community's vision for the City—to enhance its historic character, preserve important features, and enable future development. The following list highlights the major themes heard during these interviews, which translated into the recommendations provided in the memorandum.

- The regulations are confusing, spread out, and difficult to understand.
- The process is cumbersome, inconsistent, and too subjective.
- There is no clear methodology for knowing when a property will require historic review.
- City staff does not have sufficient ownership and knowledge of historic issues and permitting.
- Historic designation is burdensome and time-consuming.

- There is a lack of materials or information for the public to access that would explain the process and rules for historic properties.

The following section itemizes the stakeholder comments that were gathered on February 12th. They are broken down into the six major themes listed above with General Comments following.

STAKEHOLDER COMMENTS

Unclear Regulations

- Unclear guidelines and processes.
- Need to update and clarify the processes for evaluating historic properties; how the HLB and PC function and interact.
- Too many rules everywhere – consolidate.
- So many resolutions and policies have been passed that are not aligned with regard to historic preservation.
- Need to have clear rules to stop the 'bottleneck' of application backlog.
- Inconsistency of review by staff, especially of historic properties.
- Conflict between PC and HLB causes a problem – it takes the applicant down a confusing road.
- HLB, PC, City Council and staff are not on the same page. Applicants get conflicting decisions and direction.
- There should be a discrete set of rules, everyone should be treated the same in a timely manner, and there should be knowledge upfront.
- It's difficult to understand some of the verbiage in the rules and regulations. It's hard to figure out what the rules and regulations are. Make the regulations more user friendly and easy to use and understand.
- Design of historic properties is inadequate. Many alterations and new buildings are not compatible.
- We are so rigorous with review of projects but fail with code enforcement. Do work without permits, pay later. Not enough incentive to get permits.
- There is a lack of consistency to everything. The joint hearings between the PC and HLB take hours. They discuss details of a building that is not listed or historic.
- No clearly defined process as far as what the HLB is looking for as a body; they try to give direction, application submittal requirements are there but nothing is specific to the HLB, what their purview is, recommendation is, etc. HLB spends too much time educating.
- Property owners rarely want to have a historic property, even when they care about preserving the historic integrity. The process lacks this understanding.
- Conflict of PC and HLB causes a problem. It takes the applicant down a confusing road.
- 1999 Ordinance vs. 2010 Ordinance. 2010 went back to the Department of Interior standards – basically took them and made them look prettier. It's too difficult. It should be easy to determine what rules are and how they affect your project.
- An appeal to HLB review should be required to actually file an appeal and pay an appeal fee.

Difficult Design Review Process

- There needs to be consistent procedures to prevent future mistakes.

- Process is key to the update.
- Give the HLB the ability to make decisions on historic properties.
- The clearer we can be on the process, the better.
- Allow minor permits to be approved by staff.
- Once you enter the permit process [with a historic building], you enter a swamp that may or may not ever get out of. Cumbersomeness of process is driven by the HLB and PC. You never know what you will end up with at the end of the day – or even when the end of the day will arrive!
- The problem is the timeframe, especially when there is both HLB and PC review.
- Allow for the State Historic Building Code to be utilized.
- Over the counter process is not too bad. Once a project has to go to the Planning Commission, it gets a little brutal with a lot of uncertainty.
- Just to preserve what you have can be a problem. A one-to-one replacement can go through an onerous process.
- Decisions don't get made at hearings. Hearings get continued multiple times.
- City does not have in-house resources. Plans are sent out for plan check and the comments that come back are not relevant. Unnecessary waste of time.
- Process is so onerous that people do not want to be designated historic. It's onerous to become a district and it's onerous once you are designated a district.
- Expense and process does not often match the significance of a project. Small projects and 'good' projects are subject to the same onerous, confusing, time consuming process that other projects are. These should be treated differently.
- Joint hearing process is cumbersome. Sometimes the PC takes over the project or ignores the HLB's recommendations. Some have no experience with historic resources.
- The process has worked for a fair number of properties.
- The process and regulations are a disincentive to investment. It's too difficult to do anything, so instead people do nothing or try and skirt the rules.
- A simple sign in the historic district has to go through an onerous process. That is not right.
- Over the counter process is not too bad. Once a project has to go to the Planning Commission, it gets a little brutal with a lot of uncertainty.
- Planning Commission can be a lengthy, expensive process.
- If you have an approval and want to change the slightest thing even if it has no impact, not visual appearance – you have to re-notice. Nothing administrative can be done at staff. No de minimus changes.

Determining Historic Resource Review

- Identifying whether a property is historic is not clear.
- No protections for properties/buildings over 50 years old.
- Too many demolitions and alterations of historic buildings.
- Need stronger regulations, especially to prevent the tear-down of historic homes.
- Flexibility is needed. Pursue economic hardship.
- Explore preliminary review of larger projects, especially on historic properties.
- Inconsistency in review by staff of historic properties.
- Process lacks clear objectivity; it is too subjective.
- Lay down clear guidelines and processes.

- There has never been consistency in the Planning Department.
- Historic issues get brought up to stop projects, whether there is merit or not.
- City needs to have a list of historic properties and what criteria applies to them.
- Just to preserve what you have can be a problem. A one-to-one replacement can go through an onerous process.
- The City does not have accurate information on what is historic and what is not. It leads to the City itself making mistakes on projects – issuing permits when a permit should not have been issued, telling an applicant the fees for a permit and then calling the next day to correct the fees and process.
- Cannot say everything is historical. 50 year rule is too new but it's CEQA. There should be more flexibility.
- Applicant should provide background information about a property; staff decides whether it is a historic resources. If it is, then a larger analysis and review. Planner needs to do the first overview, which will allow for staff-level review and decisions.
- Process is working fine for known historic resources; it's the smaller ones, the CEQA projects that are harder. Should identify exemptions of work that can be done at staff level.
- Just because something is old, doesn't make it historic. Should determine what makes a building historic.

Empower City Staff and the Historic Landmarks Board

- Staff is not equipped to approve permits for historic properties and so refers everything to the Historic Landmarks Board unnecessarily.
- Not all HLB members are well versed on how to read a plan, understand the Secretary of the Interior's regulations, or other preservation policies. They don't have the expertise to review certain projects.
- Staffing makes a big difference; they are absolutely essential to be the bridge between the applicant and the HLB.
- Issues go beyond just the regulations. It's the staff and city management – they are overworked, understaffed, and do not make enough decisions. Some are not capable.
- Staff should be more involved in the process, including this interview.
- Staff should be able to review and approve more items.
- HLB should have background in architecture and/or design.
- HLB should have qualifications. There should be at least one at-large person on the board. Training is really needed across the board, including the PC.
- The Historic Landmarks Board doesn't get a lot of interest. Ultimately those who are appointed aren't ideal candidates. Some can't read blueprints and don't understand that there are rules that need to be followed. You can't just say how you feel about a project. One example is that the HLB agreed to allow demolition of a historic structure without following the rules.
- It's not an effective process because the HLB doesn't know what they are doing.
- Currently staff doesn't make decisions; they farm it out to consultants.
- Staff should be able to make some determinations.
- In the interviewees' experience, HLB was very informed, reasonable, and knowledgeable.
- The problem is the timeframe. Also the timeframe for HLB review and then PC review.

Designation of Historic Properties

- Update incentives – there are so few.
- Even though an interviewee has a historic house, glad it is outside the district because he is not slowed down by the process.
- There is too much additional regulation for property owners of designated buildings.
- There is a perceived community benefit to designation but no real benefit to the owner.
- Process can be onerous.
- Mills Act should be adopted. It's a good incentive program.
- Explore reduced fees, streamlined processes – see Oakland.
- Streamlined processing would be an effective incentive. Also reducing property taxes.
- Downtown, where properties are smaller and where historic considerations are more prevalent, there may be some value in having a historic district. However, the process can be onerous.
- Current regulations, particularly building code requirements, make it difficult to maintain historic integrity of buildings.
- City is narrow in its designation; Sausalito has patina with architecture, age.
- Regulations are spread out; 51% of owners can designate; no financial incentive for owners to designate; should be incentives; impede value thru designation; "noteworthy" properties – what do we do with these?

Update Public Outreach Materials, Applications, and Technology

- Need summaries of processes for customers so staff can be realistic on the time-frame of review and approval.
- City needs to have a database of historic properties that people can easily access. It should be updated regularly.
- There should be a significant amount of time and resources invested into making and accessible database of potential historic resources.
- Put out a cheat sheet or a handout – what the options are, what process is, what the regulations are. The handout should have the basics and an overview.
- Consistent information of what the requirements are is not available.
- The average homeowner or a new person coming in would not know the process.
- A cheat sheet or little booklet that is a guide to development would be helpful. Something to give a summary of what the regulations are.
- The City does not have accurate information on what is historic and what is not. It leads to the City itself making mistakes on projects – issuing permits when a permit should not have been issued, telling an applicant the fees for a permit and then calling the next day to correct the fees and process.
- There should be a tool where property owners could send an email or question to the City and get back the information within 24 hours.
- More outreach to the public about historic preservation – who's doing it, who's doing it well – would be helpful.
- There should be more of a partnership between the City and applicants/property owners.
- There should be an expert within the City that helps with the process and provides information.
- Need to conduct city-wide survey so everyone knows what buildings are historic.
- Need residential design guidelines.

- San Francisco has a great online information database. It labels properties that are over 50 years old. Then can you can click on what it means that means and what actions it may ensue. This is an essential public information tool.
- There is no list of what properties this criteria applies to. The City needs to have a database of historic properties (or potentially historic).
- Communication is a problem – both within the City and from the City to decision makers and to the public.
- In real estate transactions, there is a lot of due diligence that needs to be done very quickly. The City can help with that by providing the information upfront.
- City has certain requirements for home sales. It would be easy to have a handout for these issues – planning issues, etc. Even just as a heads up.

General Comments

- Need residential design guidelines.
- There should be different levels of consideration for residential and commercial buildings.
    - Residential should not be held to same standard as commercial. They are private properties. Historic properties give up a part of their 'ownership' or 'rights' to the public. Homes are not as visible. Evaluation of houses cannot be equivocal to that of commercial or public buildings.
    - Public buildings and buildings that serve the public have an obligation to the public. They can be treated differently.
- If the City is going to have regulations, they need to have the resources to advise public boards, applicants, and the public and to enforce. Need to have a professional staff person involved with the boards (PC and HLB).
- It comes down to good staff, good leadership, and good information.
- There has never been consistency in the Planning Department.
- The root of the problem is much larger than the historic regulations. The City does not operate well.
- City found historic significance because of an 'event' in the machine shop. The structure does not have historic significance but the structure now has to be preserved and there is no investment in it.
- Historic preservation is handled as a punitive action.
- A lot depends on the property owner. Some people are sensitive to historic aspects, others aren't.
- Enforcement action may be more effort than its worth.
- Issues go beyond historic preservation regulations to City leadership and management. It begins there.
- Historic issue gets brought up to stop projects, whether there is merit or not.
- Projects can be 'held hostage' by claims of historic significance, not facts.
- Historic resources are grouped as a whole rather than evaluated on an individual basis. Each one should be looked at individually.
- Staff should be more involved with the process, including this interview.
- This is a citywide problem, not just historic preservation.
- Other communities don't have a separate HLB committee. If they were a subset of the PC, decisions could go twice as fast. Instead of having a separate HLB, have a requirement for a member of the PC to have a historic preservation background.

- HLB, PC, City Council, and staff do not communicate. The decision makers are not on the same page. Applicants get conflicting decisions and direction. There is no liaison between the commissions. Mill Valley has a liaison between PC and City Council. This works well.
- One way to help people work on buildings rather than skirt the requirements is to provide assistance. Help them through the process rather than making the process feel like punishment. Also, look at things on a case by case basis. Recognize when something is a small project and treat it as such.
- City originally told them a sign permit was $300. Called later to say they are in a historic district and the fees are actually $5500 and an onerous review process. The City doesn't even know what the requirements are. How can they expect applicants to know?
- The Building Department issued a permit for a project that the Planning Department later said that it was historic and shouldn't have been issued permits.
- The City or HLB could become more of a resource for owners rather than just adding another layer of regulation. Work with owners and applicants rather than just adding regulations.
- City should be more of a resource and more user friendly.
- Knowledge is power. We educate ourselves to the best of our abilities but it's difficult to understand the regulations and the review process.
- The regulations and the process are here, what's missing is the education and user-friendliness.
- There are so many layers to preservation in Sausalito, which means more time and more expense.
- It's not clear as to what has been designated historic. It's also confusing as to what is a historic building and what is within the historic district.
- Sustainable Hoteliers Group did something similar which assigned a person that is available to help hotel owners meet requirements or be aware of what's available. This would the City a lot meet their goals and could help save time in the long run rather than dealing with after the fact permits, multiple hearings and decision bodies.
- Expense and process does not often match the significance of the project. Small projects and 'good' projects (one's that are preserving historic integrity and improving properties) are subject to the same onerous, confusing, time consuming process that other projects are. These should be treated differently.
- Marinship – hard to protect these buildings; need cooperation to designate; owners are not interested in designation so it's hard to regulate; lots of change; [Sausalito is] least changed City over past 60 years; tremendous pressure and feels that city will lose heart of what the City is about.
- Uses vs style/architecture is a problem. Keep flavor of Sausalito by retaining uses; if you have an old building then it is important to preserve it.
- New construction should not be designed to look historic; contemporary design is appropriate; respecting context; design is really important; regulations discourage good design; 108 Caledonia – the building to the right was constructed in 80's; the buildings don't have design integrity; HLB members should have background in arch design; cited European stands as what should be used.
- There should be rules/guidelines to adhere to but not design by committee and allow architect to design. Put trust in client.

- Downtown Guidelines recently adopted. Pretty good because can point people to them. Need similar for residential districts; limited to CEQA standards which are extremely limited – CA register triggers; very few buildings fit into this list; that's how the projects are tested. Should be more specific to the town – how do we define and what is it about a building that makes it historically significant or special? It may not be an exemplary example but contributes to the neighborhood. Real challenge.
- We should go through neighborhood by neighborhood and find character defining features; more vitality if there is a mix of old and new; (basically wants a context statement).
- The Downtown Guidelines gives people a heads-up which is good.
- List of Noteworthy Buildings is too short; need to broaden; yet need to clarify why they are on the list. Sense of place.
- What are the qualifications of the HLB? Enthusiasm?
- Code encourages teardowns: if remove more than 50% then de facto demo and variance; some older buildings need more than that – replacement of materials is above 50% = demo. Hard for smaller homes.
- Process is too slow. Design review = 6 months. Understaffed; every project is given the same level of scrutiny. Small and large. All discretionary projects have same level.
- Noticing that goes out to public is too vague. Major problem. All Agree.
- It's that city hall is really broken here. Building-Planning-Fire, etc. Don't talk to each other. This is more dysfunctional than others.

DYETT & BHATIA
Urban and Regional Planners

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