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Historic Preservation Commission

Resolution No. 672

Planning Code Text Changes: Article 10

HEARING DATE: FEBRUARY 1, 2012

Project Name:	**Proposed Amendments to Article 10**
Case Number:	2011.0167T
Initiated by:	John Rahaim, Director of Planning
Initiated:	July 8, 2010
Staff Contact:	Sophie Hayward, Legislative Affairs sophie.hayward@sfgov.org, 415-558-6257
Reviewed by:	Tim Frye, Preservation Coordinator tim.frye@sfgov.org, 415-575-6822
Recommendation:	**Approve Article 10 Amendments with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND PLANNING CODE SECTION 101.1 FINDINGS.

PREAMBLE

Whereas, on February 3, 2010, the Planning Director requested that amendments be made to the Planning Code under Case Number 2010.0080T; and

Whereas, the proposed Planning Code text changes would amend several sections of the Code and in particular, to Articles 10 and 11; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on July 8, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18133 initiating amendments to the Planning Code on July 8, 2010; and

WHEREAS, pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission ("HPC") for review and recommendation to the Board of Supervisors; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance on February 2, 2012; and

WHEREAS the Planning Commission adopted Resolution No. 18531 recommending approval with modifications of the proposed ordinance to the Board of Supervisors on February 2, 2012; and

WHEREAS, the proposed Ordinance has been determined to be a non-physical activity not subject to CEQA review under the California Environmental Quality Act Section 15060(c)(2) of the CEQA guidelines; and

WHEREAS, the Historic Preservation Commission conducted duly noticed public hearings to consider the proposed amendments to Articles 10 & 11 on July 21st, August 4th, 18th, September 1st, 15th, 29th, October 6th and 15th, November 3rd and 17th, and December 1st 2010 and August 17, 2011, September 7, 2011 and September 21st, 2011, October 5th and October 19, 2011, November 2, 2011 and November 16, 2011; and

WHEREAS, Supervisor Wiener transmitted to the HPC and the Planning Department five memoranda (dated September 7th, October 3rd, 13th, 17th and 27th, 2011) in which he proposed additional amendments to Articles 10 and 11; and

WHEREAS, the HPC conducted duly noticed public hearing to consider Supervisor Wiener's additional proposed amendments to Articles 10 and 11 on January 18, 2012 and February 1, 2012; and

WHEREAS, the HPC has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the HPC has reviewed the proposed Ordinance; and

MOVED, that the HPC hereby recommends that the Board of Supervisors ***approve*** amendments to Articles 10 and 11, including those proposed amendments by Supervisor Wiener as outlined in the draft dated March 21, 2012, with the modifications outlined below.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. This Historic Preservation Commission was created in the fall of 2008 when the voters passed amendments to the San Francisco Charter establishing Section 4.135.

2. Article 10 (Preservation of Historical and Architectural and Aesthetic Landmarks) and Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-

3 Districts) are the Planning Code chapters that outline the designation and permit review processes for historic buildings.

3. These Articles have not been updated and do not conform to Charter Section 4.135. The proposed revisions will both update Article 10 to make it consistent with Charter Section 4.135 and provide additional amendments to procedures for designating buildings and districts, as well as permitting procedures, among other changes.

4. Therefore, the HPC recommends ***approval of Article 10 with modifications*** to the draft dated March 21, 2012 of the proposed Ordinance, as outlined below. The following proposed changes are not reflected in the Ordinance recommended for approval by the Planning Commission, but rather are additional modifications the HPC recommends:

   a. ***Section 1004.1(a) shall read:*** *(a) Nomination. The Department*~~,~~ or *property owner(s),* ~~or member(s) of the public~~ *may request that the HPC initiate designation of a landmark site or historic district.* When a nomination is submitted by a majority of property owners for designation of a historic district, the nomination must be ~~subscribed by or on behalf of at least 66 percent of the property owners in the proposed district~~ considered by the HPC. *A nomination for initiation shall be in the form prescribed by the HPC and shall contain supporting historic, architectural, and/or cultural documentation, as well as any additional information the HPC may require. The HPC shall hold a hearing to consider the nomination no later than 45 days from the receipt of the nomination request.* Please note, the HPC voted +6,-0 on this modification.

   b. ***Section 1004.3 shall read:*** Prior to the Board of Supervisors' vote on a proposed historic district, the Planning Department shall conduct thorough outreach to affected property owners and occupants. The Planning Department shall invite all property owners and occupants in the proposed district area to express their opinion ~~in writing~~ on the proposed designation. ~~be it in the form of a vote or a survey.~~ Such invitation shall advise owners of the practical consequences of the adoption of the district, including the availability of preservation incentives, the types of work requiring a Certificate of Appropriateness, the process and fees for obtaining a Certificate of Appropriateness, and the types of work that is generally ineligible to receive a Certificate of Appropriateness. ~~The Department's goal shall be to obtain the participation of at least half of all property owners in the proposed district. The property owners' vote shall be considered by the Board of Supervisors when taking action on the proposed district.~~ Please note, the HPC voted +4,-2 on this modification. (Hasz and Damkroger voted against.)

   c. ***Section 1006.6 shall read:*** *The proposed work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties* for individual Landmarks and contributors within historic districts, as well as any applicable guidelines, local interpretations, bulletins, or other policies. Development of local interpretations and guidelines based on the Secretary of the Interior's Standards shall be led by the Planning Department, through a public participation process, shall be found to be in conformance with the General Plan and Planning Code by the Planning Commission, and shall be adopted by ~~both~~ the HPC ~~and the Planning Commission~~.

   In the case of any apparent inconsistency among the requirements of this Section, compliance with the requirements of the Designating Ordinance shall prevail. Please note, the HPC voted +4,-2 on this modification. (Hasz and Martinez voted against.)

d. *Supervisor Wiener has proposed adding Section 1006.6(g), which would require that, for applications pertaining to City-owned property, the HPC and the Planning Department consider the relevant public agency's mission and operational needs. The HPC does not recommend including the added language at this time.* Please note, the HPC voted +6,-0 on this modification

e. *Supervisor Wiener has proposed adding Section 1006.6(h), which would provide an exemption from the requirements of Section 1006.6 when doing so would create an economic hardship for the applicant, provided specific criteria are met. The HPC does not recommend including the added language at this time; however, the HPC would encourage further study to better understand the housing shortage that the Supervisor has referred to, as well as the most appropriate solution.* Please note, the HPC voted +6,-0 on this modification

5. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

III. DOWNTOWN ELEMENT

THE DOWNTOWN PLAN GROWS OUT OF AN AWARENESS OF THE PUBLIC CONCERN IN RECENT YEARS OVER THE DEGREE OF CHANGE OCCURRING DOWNTOWN — AND OF THE OFTEN CONFLICTING CIVIC OBJECTIVES BETWEEN FOSTERING A VITAL ECONOMY AND RETAINING THE URBAN PATTERNS AND STRUCTURES WHICH COLLECTIVELY FOR THE PHYSICAL ESSENCE OF SAN FRANCISCO.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12
CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1
Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The goal of the proposed Ordinance is to correct typographical and clerical errors in the Planning Code, as well as to update Articles 10 and 11 to make it conform to Charter Section 4.135 and to improve processes.

6. The proposed Ordinance is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

G) That landmark and historic buildings will be preserved:

The proposed Ordinance will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Historic Preservation Commission on February 1, 2012.

Linda D. Avery
Commission Secretary

AYES: Damkroger, Hasz, Johns, Martinez, Matsuda, Wolfram

NOES: None

ABSENT: Chase

ADOPTED: February 1, 2012

Exhibit A: Draft Ordinance with proposed amendments to Article 10