



SAN FRANCISCO PLANNING DEPARTMENT

September 10, 2014

To: Historic Preservation Commission
From: Jonas P. Ionin, Director of Commission Affairs
Re: HPC Rules & Regulations Update

Commissioners,

Attached for your review and consideration are the proposed amendments to your Rules & Regulations. The Draft includes amendments recommended by Commissioners and myself (identified in red) and additional amendments recommended by your City Attorneys (identified in blue).

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SAN FRANCISCO HISTORIC PRESERVATION COMMISSION

Rules & Regulations



SAN FRANCISCO

HISTORIC PRESERVATION COMMISSION

City and County of San Francisco, California

RULES AND REGULATIONS

ARTICLE I - NAME

Section 1 The Name of this Commission shall be "HISTORIC PRESERVATION COMMISSION."

ARTICLE II - OFFICERS AND TERMS OF OFFICE

Section 1 Officers. The Officers of this Commission shall be a President and ~~A~~a Vice President. The President and Vice President shall be members of the Historic Preservation Commission, and shall be elected at the first Regular Meeting of the Historic Preservation Commission held after the first day of January each year; or at a subsequent Meeting, the date of which is fixed by the Historic

Preservation Commission at the first Regular Meeting after the First day of January each year or at a subsequent meeting. ~~They~~ The Officers shall hold offices for one year and/or until their successors are elected. If a President and/or Vice President have not been elected and the prior President and/or Vice President are not available to serve until a successor is elected, the Commission may elect an Interim President and/or Interim Vice President to serve or its members may rotate alphabetically as Chair of each meeting until a President and/or Vice President are so elected.

Section 2

~~Administrative Commission~~ Secretary. The Commission at any Regular or Special Meeting may appoint an ~~Administrative Commission~~ Secretary who shall hold office at the pleasure of the Historic Preservation Commission and ensure Commission requests are responded to by the Department.

ARTICLE III - DUTIES OF OFFICERS

Section 1

President. The President shall preside at all meetings of the Historic Preservation Commission. The President shall approve the hearing agendas. The President shall appoint all Committees and shall perform all other duties necessary or incidental to the office. Committees shall contain up to three members of the Historic Preservation Commission.

Section 2

Vice President. In the absence of the President, or his/her inability to act, the Vice President shall assume the duties of the office of President. In the event of the absence or inability to act of both the President and Vice President, the remaining members of the Historic Preservation Commission shall appoint one of the members to act temporarily as President.

Section 3

Secretary. The duties of the ~~Administrative Commission~~ Secretary will include maintaining records of the Historic Preservation Commission meetings, hearings, and official actions, ~~and~~ certifying all official Historic Preservation Commission documents, motions and resolutions, and acting as a liaison between the Commission and the Planning Department.

ARTICLE IV - COMMITTEES

Section 1

Architectural Review Committee. (a) The Architectural Review Committee shall consist of three members of the Historic Preservation Commission. The President shall appoint the members. Members shall serve at the pleasure of the President. The purpose of the Architectural Review Committee is to provide early review and, direction, ~~and advice on design and building materials construction techniques, and interpretive displays and advice~~ to applicants, ~~staff and to provide advice on design and building materials and construction techniques to~~ and the full Historic Preservation Commission. (b) Case Scheduling. Items may be scheduled before the Architectural Review Committee upon the request of any applicant for a Certificate of Appropriateness, upon decision by the President of the Commission, or upon the request of the Director.

Section 2

~~Additional Review. The Architectural Review Committee may request projects return to the Committee for further review and follow-up.~~

ARTICLE V - MEETINGS

Section 1

Regular Meetings. Regular meetings of the Historic Preservation Commission shall be open to the public and shall be held on the first and third Wednesday of each month at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, ~~unless otherwise noticed on the meeting agenda at least 72 hours in advance of the hearing.~~ All Regular Meetings shall start at 12:30 p.m. unless otherwise noticed on the meeting agenda at least 72 hours in advance of the hearing. All Committee meetings shall precede the Regular Meeting and shall be duly noticed in accordance with the notice procedures of Section 3 below. Committee meetings that do not precede the regular meeting shall be considered Special Meetings and shall be duly noticed in accordance with the notice procedures of Section 3 below.

Section 2

Special Meetings. Special Meetings of the Historic Preservation Commission shall be open to the public and shall be held at such times and places as the Historic Preservation Commission may determine, or may be called by the President for any time or place, and must be called by him or her upon the written request of three members of the Historic Preservation Commission.

Section 3

Notice. Written notice of the time and place of every Regular and Special Meeting of the Commission shall be given to members of the Historic Preservation Commission at least twenty-four hours before the time of such Meeting, and shall be given by posting and otherwise, as required by law. No matter may be considered at any Special Meeting unless included in the Notice calling such Meeting.

Section 4

Cancellation or Change of Regular Meetings. If the Regular Meeting day falls on a legal holiday, or if a recommendation is made by the Director that a Regular Meeting be cancelled or changed, the Historic Preservation Commission or the President may cancel the Regular Meeting or fix another time thereof. Written notice of cancellation or of a change in a Regular Meeting time must be given at least ~~seventy-two~~72 hours before the scheduled time of such Meeting.

Section 5

Quorum. Quorum for the transaction of official business shall consist ~~of a majority of all voting~~four (4) members of the Historic Preservation Commission, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties, if any, provided by law.

Section 6

Attendance at meetings. Historic Preservation Commission members are required to attend all Regular Meetings. If individual Historic Preservation Commission members miss three consecutive ~~uncommunicated~~meetings without having notified the Commission Secretary prior to the meeting, the President shall be authorized to notify the Mayor about the individual's attendance.

Section 7

Voting.

~~a. Approval of any matter shall be by majority vote of the members of the Historic Preservation Commission. A tie vote on any matter before the Historic Preservation Commission shall be deemed to be disapproval thereof.~~

~~1. — Procedural Matters. —~~Pursuant to Charter Section 4.104, as to procedural matters with respect to matters of procedure the Commission may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum.

b. Except as provided in "a.4" above, every Official Act taken by the Commission, including, but not limited to, those based on its jurisdiction derived from the Charter, the Planning Code, or the Administrative Code, ~~may will~~ be by "~~m~~Motion" or "~~r~~Resolution adopted by a majority vote of all members of the Commission (four (4) votes). All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a conflict of interest or a motion adopted by a majority of the members present.

c. _____ A motion that receives less than four votes is a failed motion resulting in disapproval of the action requested to be taken by the Commission unless a substitute motion for a continuance or other action is adopted. (For example: a request for Certificate of Appropriateness (C of A) requires four votes to approve; failure to receive the four votes results in denial of the C of A.)

~~ed.~~ A Motion of Intent occurs when the Commission passes a motion by a majority of all members of the Commission that is contrary to the preliminary recommendation of the Planning Department staff and does not have findings that support the intended action. Any Commissioner absent from participation in the action of intent must be provided all relevant case material and hearing tapes for review prior to a scheduled hearing for consideration of the final motion.

Section 8

Disclosures.

a. _____ Commissioners may, at their individual discretion, engage in ex parte communications. Ex parte communications are communications received by Commissioners regarding matters pending before the Commission from any party interested in that matter, other than at a public meeting of the Commission, except communications regarding purely procedural matters such as the scheduling of a hearing. For the purpose of this Section, the following definitions apply:

1. A matter is pending before the Commission from the time an application is filed with the Planning Department until the time the Commission takes a final action on the matter.
2. A party interested in a matter means anyone who has an interest in such matter, including but not limited to any employee, representative or consultant of the project sponsor for that matter, anyone who owns or rents property within 500 feet of the subject property, or any person or organization who appears before the Commission to oppose or support the project sponsor's application or otherwise actively opposes or supports such application. ~~[OR: anyone who has a financial interest in such matter, including any employee, representative or consultant of the project sponsor for that matter and anyone who owns or rents property within 500 feet of the subject property.]~~

b. _____ If a Commissioner participates in an ex parte communication, or if a person receives such a communication and later becomes a Commissioner, such Commissioner shall promptly disclose and make part of the public record the following:

1. If the communication is written, the writing and any written response of the Commissioner to the communication.
2. If the communication is oral, a description of the communication, stating the substance of the communication, any response made by the Commissioner, and the identity of each person from whom the Commissioner received the communication.

c. Failure to comply with this section does not invalidate a Commission action. However, in the Commission's discretion and upon its own motion, such failure may constitute a ground for reconsideration, or it may constitute a ground for the Commission to reprimand the offending Commissioner.

Section 9 Order of Business. The Order of Business shall be per the agenda set by the President, although the President shall retain the discretion to make reasonable alterations to the Order of Business during the meeting. Said agenda shall be distributed to Historic Preservation Commission members and the public by the Secretary ~~in a timely manner, and in no instance with less than~~ with at least 48 hours notice.

Section 9—10 Parliamentary Procedure. The rules of parliamentary practice, as set forth in Robert's Rules of Order, shall govern all Meetings of the Historic Preservation Commission except as otherwise herein provided.

Section 1011 General Public Comment. The agenda for each Regular Meeting shall provide an opportunity for members of the public to address the Historic Preservation Commission on items of interest to the public that are within the subject matter jurisdiction of the Historic Preservation Commission, but that are not on the posted agenda for that Meeting. When this item is reached, members of the public may address the Historic Preservation Commission for up to three (3) minutes. The President may limit the total testimony by all members of the public on such item to fifteen (15) minutes.

Section 11-12 Consent Calendar: Items may be placed on a Consent Calendar section of the agenda. Items on the Consent Calendar may be approved by a single vote for all items. ~~Any one Commissioner, any member of the public, or the Director~~ may request that an item on the Consent Calendar be placed on the regular agenda for that Historic Preservation Commission Hearing or a later hearing.

Section 1213 Submittals: Procedure for submission of material related to any matter that comes before the Commission for its consideration is addressed in Appendix A attached to this document.

Section 1314 Hearings. At either a Regular or Special Meeting, a public hearing may be held on any matter that is on the posted agenda of such Meeting. The procedure for such public hearings is addressed in Appendix A attached to this document.

Section 1415 Record. ~~A-The Commission Secretary shall keep a~~ record ~~shall be kept~~ of each Regular and Special Meeting ~~by the Administrative Secretary.~~

ARTICLE VI - AMENDMENTS

These Rules and Regulations may be amended by the Historic Preservation Commission at any meeting provided that notice referring to a consideration of rules and regulations amendments is provided by listing on the published calendar.

Adopted: December 4, 2009
Amended: August 17, 2011
September 17~~21~~, 2014

Attachment: Appendix A

| :\\Commissions\HPCCommissions\HPC Rules & Regulations

APPENDIX A
of
San Francisco Historic Preservation Commission's Rules & Regulations

Submittals and Hearing Procedures:

A. Submittals

To ensure full consideration, the Historic Preservation Commission strongly encourages advance submittal. Correspondence submitted to the Historic Preservation Commission in advance of hearing must be received by the Commission Secretary no later than the close of business the day before a hearing.

Correspondence submitted to the Historic Preservation Commission on the same day, must be submitted at the hearing directly to the Historic Preservation Commission Secretary.

Correspondence sent directly to all members of the Commission, must include a copy to the Commission Secretary (commissions.secretary@sfgov.org).

For sponsor and/or opposition briefs to be included in the packet forwarded to the Historic Preservation Commission in advance of a hearing, 14 hardcopies and a .pdf copy must be provided to the staff planner no later than the close of business eight days in advance of the hearing, ~~g~~: Generally, 5 p.m. Tuesdays the week prior to the hearing.

These submittal rules and deadlines shall be strictly enforced and no exceptions shall be made without a vote of the Commission.

- I. Submittals:
 - a. Staff will provide a packet of relevant information ~~due to Commission one week in~~ advance of hearing.

- II. Content of submittals ~~should be as follows:~~
 - a. Clear plans showing a "north" directional arrow, and elevations; ~~(all plans should include a "north" directional arrow)~~
 - b. A description of the physical context of the project, including any properties or other land uses what is adjacent to, it, and a description of the historical context of the project, including the properties in back of/behind the project and those facing it the project across any right-of-way, as well as a description of the historical context of the project, and a adjacency, back and facing properties across the right-of-way to illustrate the historic context of the project (which should include color streetscape on showing both sides of street); and
 - c. Environmental and historic resource documents, which must be attached. ~~to be attached to all submittals~~

- III. Hearing Procedures:

- a. ~~A thorough description of the issue by the Director or a member of the staff~~
The Director or a member of the staff will make a thoroughly description of describe the project and any issues it raises, including a written preliminary recommendation.
- b. ~~A presentation of the proposal by t~~
The project sponsor(s) team, which may (includes the sponsor (or their designee), lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed may have up to 10 minutes to present the project proposal.
- c. ~~Any presentation of opposition to the proposal by~~
organized opposition to a project, which must include at least three speakers, may have up to for a period not to exceed 10 minutes with a minimum of three (3) speakers to speak against the project. Anyone seeking to be recognized as an o
Organized opposition will be recognized only upon written application must apply in writing to the Commission President (through the Commission Secretary) 72 hours prior before to the hearing, r. Such application should identifying the organization(s) and speaker(s).
- d. Any member of the public who supports the project may speak for not more than three (3) minutes. Public testimony from proponents of the proposal: An individual may speak for a period not to exceed three (3) minutes.
- e. Any member of the public who opposes the project may speak for not more than three (3) minutes. Public testimony from opponents of the proposal: An individual may speak for a period not to exceed three (3) minutes.
- f. Following the presentations and deliberation, the Commission may act on the matter before it. Director's preliminary recommendation must be prepared in writing.
- g. Action by the Commission on the matter before it.
- h. In public hearings on Draft Environmental Impact Reports, all individual speakers will be limited to a period not to exceed may speak for up to three (3) minutes.
- i. For r
Requests for hearing, the requestor and project sponsor may each have up to 5 minutes and the project sponsor may have up to 5 minutes to speak.
- i.j. The President (or Acting Chair) may impose reduce or extend time limits on appearances by members of the public and may otherwise exercise his or her discretion on procedures for the conduct of public hearings.

IV. Other:

- a. Revisions should be submitted to staff by 5pm Monday (two days) before the Wednesday Hearing.
- b. Revisions submitted at hearing are discouraged and will only be considered at Commission discretion

Adopted: August 17, 2011+September 17, 2014