



SAN FRANCISCO PLANNING DEPARTMENT

DATE: September 26, 2013
TO: Historic Preservation Commission
FROM: Timothy Frye, Preservation Coordinator, (415) 575-6822
RE: Delegation of Article 11 Minor Permits to Alter to the Department

1650 Mission St.
 Suite 400
 San Francisco,
 CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

Planning Code Section 1111.1(a) authorizes the Historic Preservation Commission (“HPC”) to determine if a proposed alteration to an Article 11 Significant or Contributory building or to any building within a Conservation District (known as a “Permit to Alter”) is a ‘Major’ or a ‘Minor’ Alteration and to delegate the approval, disapproval, or modification of certain types of work to the Planning Department (“Department”), whose decision is appealable to the HPC.

On October 6, 2010, the HPC approved Motion No. 0083, delegating approvals of certain scopes of work to the Department. This delegation authorization was subsequently amended twice by Motion No. 0106, approved March 2, 2011 and Motion No. 0138, approved October 5, 2011. Motion No. 0138 outlined scopes of work that the HPC considered minor in nature and the procedures that the Department must follow in the review, issuance, and appeal of these applications (hereinafter “Minor Permits to Alter”). This delegation authority was for a two-year period and expires on October 5, 2013.

The Department is requesting that the HPC pass the attached Motion extending the delegation of Minor Permits to Alter and associated procedures. The Department recommends continuing this delegation for another two-year period from the date of approval.

In the period from October 5, 2011 to present, the Department has received and processed the following number of Permits to Alter:

Major Permits to Alter (approved by the HPC)	19
Minor Permits to Alter (approved by the Department)	137
“Open” Minor Permits to Alter (active applications)	30
Requests for Hearing by the HPC (for Minor Permits to Alter)	0

The HPC’s delegation of Minor Permits to Alter to the Department has enabled applications for minor scopes of work to be reviewed and approved in a timely manner. The majority of Article 11 applications are for commercial retail stores which have a high turnover rate, both in terms of businesses and in branding and design. The Minor Permits to Alter allow for maximum flexibility while ensuring that all proposed work meets the requirements outlined by the HPC, specifically the *Secretary of the Interior’s Treatment for Historic Properties* and any additional requirements outlined in the Article 11 Appendices.

The Department believes that the delegation of Minor Permits to Alter is successful. To date, there has not been a single ‘Request for Hearing’ to the HPC, affirming the quality of the review and approval of work that the Department approves.

The Department is recommending some changes to the delegated scopes of work to expand and include scopes of work that the Department considers minor in scope and can be approved by Preservation staff. Furthermore, the added scopes of work would make the scope of work included in

the Minor Permit to Alter delegation consistent with Motion No. 0181 which delegates certain scope of work that can be approved through Administrative Certificate of Appropriateness. Below is an itemized list of scopes of work that the Department is recommending the HPC delegate to be approved in a Minor Permit to Alter.

1. **Exploratory and Investigative Work:** The removal of a limited amount of non-historic material to conduct investigation about the structure and to determine the existence of underlying historic material. This work shall be limited to no more than 5% of the total surface area on a façade and the area must be stabilized and protected after the investigation is complete. Adjacent historic surfaces must be protected during exploratory and investigative work.
2. **Window Replacement:** The replacement of windows in existing openings. This does not apply to the replacement of stained, leaded, curved glass, or art glass windows, or the replacement of glass curtain wall systems.

Primary & Visible Secondary Façades: Window replacement on primary elevations that closely match the historic (extant or not) windows in terms of configuration, material, and all exterior profiles and dimensions. Planning Department Preservation staff may require a site visit and review a mock-up of proposals for large-scale window replacement. This scope of work qualifies for staff level approval provided that:

- a. Where historic windows are proposed to be replaced, provision of a Window Condition Assessment report that documents the condition of windows that warrant replacement. This report shall be prepared by a qualified consultant and shall include photos, plans, elevation drawings, window details, and window schedule with proposed treatment repair notes.
- b. Where historic windows with true divided-lite muntins are demonstrated to be deteriorated beyond repair, replacement shall be with new windows of the same type and operation with true divided-lite muntins that closely match the historic in all exterior profiles and dimensions. Dimensioned architectural plans and details will be provided to document existing and proposed in-kind replacement window sash.
- c. Replacement of non-historic windows with new windows is based on documentation that illustrates the new windows closely match the configuration, material, and all exterior profiles and dimensions of the windows historically present.

Non-Visible Secondary Facades: The installation of new windows or mechanical vents of any within an existing opening or a modest change in window area (of no more than 100 square feet total) qualifies for staff level approval provided that:

- a. It is demonstrated that the alterations avoid unnecessary contrast with the historic form and material and are compatible with the unique features of the building.
3. **Installation of Rooftop Equipment:** The installation or replacement of rooftop equipment such as mechanical systems or wireless telecommunications equipment, excluding elevator overrides, qualifies for staff level approval provided that:
 - a. Rooftop equipment shall not result in an addition of height above one story or 12-feet; does not cover more than 75% of the total roof area; is setback from the exterior walls; and, is not visible or is minimally visible from the surrounding public right-of-way;
 - b. Rooftop equipment is installed in a manner and can be easily removed in the future without harming any historic fabric of the building; and,
 - c. All proposed ducts, pipes, and cables are located within the building and are not installed or anchored to an exterior elevation visible from a public right-of-way.

- d. Wireless equipment is not visible or is minimally visible from the surrounding public right-of-way and that does not attach directly to any historic material.
4. **Construction of a non-visible roof deck on a flat roof:** The construction of pergolas or other structures, such as a stair or elevator penthouse for roof access does not qualify under this scope of work. The construction of roof decks, including associated railings, windscreens, and planters, qualifies for staff level approval provided that:
 - a. The deck and associated features shall not be visible over street-facing elevations;
 - b. Existing access to the roof in compliance with the Building Code shall be demonstrated.
 5. **Signs & Awnings:** New tenant signs and awnings or a change of copy on existing signs & awnings that meet the Department's draft *Sign and Awning Standards* and is compatible in terms of material, location, number, size, method of attachment, and method of illumination with the building and/or district, qualifies for staff level approval provided that:
 - a. Applications for new signs and awnings shall include the removal of any abandoned conduit, outlets, attachment structures, and associated equipment;
 - b. Signs and awnings shall not obscure or spread out over adjacent wall surfaces; and shall not include new attachments to terra cotta, cast iron, or other fragile historic architectural elements and is installed in a location that avoids damaging or obscuring character-defining features.
 - c. Awnings and canopies shall use traditional shapes, forms, and materials, be no wider than the width of the window or door openings, and will have open sides and a free-hanging valance.
 - d. The awning or canopy structure shall be covered with canvas (Sunbrella or equivalent).
 - e. Any exposed structure on the underside of the awning whether in the open or closed position shall have a painted or powder-coated finish that matches the color of the awning fabric.
 - f. Signs or lettering shall be kept to a minimum size.
 - g. The installation of new signage that relates to the pedestrian scale of the street; is constructed of high-quality materials; is installed in a location that avoids damaging or obscuring character-defining features; is positioned to relate to the width of the ground-floor bays; and is illuminated through indirect means of illumination, such as reverse halo-lit.
 6. **Replacement and/or Modification of Non-Historic Storefronts:** The replacement and/or modification of non-historic (or that have not gained significance in their own right) storefront materials, including framing, glazing, doors, bulkheads, cladding, entryways, and ornament. Work shall be confined within the piers and lintels of the ground floor of the building and determined to meet the Department's draft *Design Standards for Storefronts for Article 11 Conservation Districts* and is compatible in terms of proportion, scale, configuration, materials, and details with the character-defining features of the building and/or district. This scope of work qualifies for staff level approval provided that:
 - a. The design of the new storefront system is based on physical or documented evidence of the building and matches the historic proportion, scale, profile, and finish of a storefront system from the period of significance of the building.

- b. Contemporary cladding materials that obscure the ground floor piers, lintel, and transom area of the building will be removed. All underlying historic material will be cleaned, repaired, and left exposed. The transom area will be re-glazed and integrated into the storefront system with a design based on the historic proportion, scale, configuration, materials, and details of the building.
 - c. ADA-compliant entry systems meeting all Building Code requirements will be integrated into the storefront system and will be compatible in terms of proportion, scale, configuration, materials, and details with the character-defining features of the building.
7. **Solar Panels:** The installation of structures that support solar panels, regardless of visibility, qualifies for staff level approval provided that:
 - a. The installation would not require alterations to the building greater than normally required to install a solar energy system, such as an installation with minimum spacing from the roof surface and mounted parallel with the slope of the roof (if roof is sloped greater than 1/12);
 - b. The installation is lower than the ridgeline roof, and/or set in from the perimeter walls of the building, including the building's primary façade;
 - c. Support structures shall have a powder-coated or painted finish that matches the color of the roof material.
8. **Skylights:** The installation of new or replacement of existing skylights that are deteriorated beyond repair qualifies for staff level review provided that:
 - a. Skylights are minimized from view over street facing elevations
 - b. Skylights are limited in number and size; mounted low to the roof with as low a curb as possible, flat profile; and a frame with a powder-coated or painted finish that matches the color of the roof material.
9. **Removal of non-historic features:** The removal of any features that are not historic features of the building and that have not gained significance in their own right. Examples of these features include but are not limited to fire escapes, security grilles, signage and associated conduit. The replacement of such features does not qualify under this scope of work. This scope of work qualifies for staff level approval provided that:
 - a. All anchor points and penetrations where non-historic features are removed will be patched and repaired based on the Secretary of the Interior's Standards and finished to match existing adjacent surfaces.
10. **Work described in an approved Mills Act maintenance plan.** Any work described in an approved Mills Act Rehabilitation/Restoration/Maintenance Plan that has been reviewed and endorsed by the Historic Preservation Commission, approved by the Board of Supervisors, and determined to meet the Secretary of the Interior's Standards.

Please note that the Department is currently working on the *Design Standards for Storefronts for Article 11 Conservation Districts*, which is combining the *Sign and Awning Standards* and the *Storefront Replacement Standards* into one document. The Department realized that often commercial tenants are modifying both storefronts and signage at the same time, and the intent of the new document is to provide a comprehensive set of guidelines and recommendations for these components. The Department hopes to bring this revised document to the HPC shortly for review and comment.

In sum, the Department is requesting that the HPC review the definitions and procedures outlined in this memo and adopt a motion at their October 2, 2013 hearing delegating this function to the Department.

DRAFT



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Draft Motion No.

HEARING DATE: OCTOBER 2, 2013

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

IDENTIFICATION AND DELEGATION OF SCOPES OF WORK DETERMINED TO BE MINOR PURSUANT TO ARTICLE 11 OF THE PLANNING CODE FOR APPROVAL, MODIFICATION, OR DISAPPROVAL BY THE PLANNING DEPARTMENT.

WHEREAS, Planning Code Section 1111.1(a) gives the Historic Preservation Commission ("HPC") the authority to (1) determine if a proposed alteration ("Permit to Alter") should be considered a Major or a Minor Alteration; (2) approve, modify, or disapprove applications for permits to alter or demolish Significant or Contributory buildings or any building within a Conservation District; and, (3) delegate this function to the Planning Department ("Department") for work determined to be Minor (hereinafter "Minor Permit to Alter"), whose decision is appealable to the HPC; and

WHEREAS, the HPC, at its regular hearing of October 6, 2010, approved Motion No. 0083, identifying minor scopes of work and delegating procedures and processes for the Department to issue Minor Permits to Alter. This Motion was later amended by Motion No. 0106, approved March 2, 2011 and Motion No. 0138, approved October 5, 2011. Motion No. 0138 outlined scopes of work that the HPC considered minor in nature and the procedures that the Department must follow in the review, issuance, and appeal of these applications (hereinafter "Minor Permits to Alter"). This delegation authority was for a two-year period and expires on October 5, 2013.

WHEREAS, the HPC, at its regular hearing of October 2, 2013, reviewed the processes and applications that the Department has been implementing under the authority granted to it by the HPC; and

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS the following list of scopes of work determined to be Minor Permits to Alter and the procedures outlined in Exhibit A of this Motion for delegation to the Department for approval, modification, or disapproval for two years from the date of this Motion. Specifically, the HPC adopts the following as Minor scopes of work:

1. **Exploratory and Investigative Work:** The removal of a limited amount of non-historic material to conduct investigation about the structure and to determine the existence of underlying historic material. This work shall be limited to no more than 5% of the total surface area on a façade and the area must be stabilized and protected after the investigation is complete. Adjacent historic surfaces must be protected during exploratory and investigative work.
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proposals for large- scale window replacement. This scope of work qualifies for staff level approval provided that:

- a. Where historic windows are proposed to be replaced, provision of a Window Condition Assessment report that documents the condition of windows that warrant replacement. This report shall be prepared by a qualified consultant and shall include photos, plans, elevation drawings, window details, and window schedule with proposed treatment repair notes.
- b. Where historic windows with true divided-lite muntins are demonstrated to be deteriorated beyond repair, replacement shall be with new windows of the same type and operation with true divided-lite muntins that closely match the historic in all exterior profiles and dimensions. Dimensioned architectural plans and details will be provided to document existing and proposed in-kind replacement window sash.
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 - b. Rooftop equipment is installed in a manner and can be easily removed in the future without harming any historic fabric of the building; and,
 - c. All proposed ducts, pipes, and cables are located within the building and are not installed or anchored to an exterior elevation visible from a public right-of-way.
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 - b. Existing access to the roof in compliance with the Building Code shall be demonstrated.
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of material, location, number, size, method of attachment, and method of illumination with the building and/or district, qualifies for staff level approval provided that:

- a. Applications for new signs and awnings shall include the removal of any abandoned conduit, outlets, attachment structures, and associated equipment;
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6. **Replacement and/or Modification of Non-Historic Storefronts:** The replacement and/or modification of non-historic (or that have not gained significance in their own right) storefront materials, including framing, glazing, doors, bulkheads, cladding, entryways, and ornament. Work shall be confined within the piers and lintels of the ground floor of the building and determined to meet the Department's draft *Design Standards for Storefronts for Article 11 Conservation Districts* and is compatible in terms of proportion, scale, configuration, materials, and details with the character-defining features of the building and/or district. This scope of work qualifies for staff level approval provided that:
- a. The design of the new storefront system is based on physical or documented evidence of the building and matches the historic proportion, scale, profile, and finish of a storefront system from the period of significance of the building.
 - b. Contemporary cladding materials that obscure the ground floor piers, lintel, and transom area of the building will be removed. All underlying historic material will be cleaned, repaired, and left exposed. The transom area will be re-glazed and integrated into the storefront system with a design based on the historic proportion, scale, configuration, materials, and details of the building.
 - c. ADA-compliant entry systems meeting all Building Code requirements will be integrated into the storefront system and will be compatible in terms of proportion, scale, configuration, materials, and details with the character-defining features of the building.
7. **Solar Panels:** The installation of structures that support solar panels, regardless of visibility, qualifies for staff level approval provided that:
- a. The installation would not require alterations to the building greater than normally required to install a solar energy system, such as an installation with minimum spacing

- from the roof surface and mounted parallel with the slope of the roof (if roof is sloped greater than 1/12);
- b. The installation is lower than the ridgeline roof, and/or set in from the perimeter walls of the building, including the building's primary façade;
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- a. All anchor points and penetrations where non-historic features are removed will be patched and repaired based on the Secretary of the Interior's Standards and finished to match existing adjacent surfaces.
10. **Work described in an approved Mills Act maintenance plan.** Any work described in an approved Mills Act Rehabilitation/Restoration/Maintenance Plan that has been reviewed and endorsed by the Historic Preservation Commission, approved by the Board of Supervisors, and determined to meet the Secretary of the Interior's Standards.

BE IT FURTHER RESOLVED that for any application submitted for work on an Article 11 building or site, the Department, on behalf of the HPC, shall determine that all proposed alterations to exterior features of Significant or Contributory (Categories I, II, IV) buildings or any (Categories I-V) buildings within a Conservation District shall be consistent with the architectural character of the building and/or district, the *Secretary of the Interior's Treatment of Historic Properties*, as well as any applicable guidelines, local interpretations, bulletins, or other policies, and shall comply with the following specific requirements, where applicable:

1. The distinguishing historic qualities, features, and character of the building may not be obscured, damaged, or destroyed.
2. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.
3. Distinctive architectural features which are deteriorated shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the historic material in composition, design, color, profile, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on historic, physical or pictorial evidence, if available, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
4. Contemporary design of alterations is permitted, provided that such alterations do not destroy significant exterior architectural materials, including historic storefronts, and that such design

is compatible with the size, scale, color, profile, texture, material, and character of the building and its surroundings.

5. Specifically for any building within a Conservation District, all exterior alterations shall be compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District.

BE IT FURTHER RESOLVED that the Commission GRANTS this delegation for a two-year period from the date of this Motion and that this authority may be revoked at any time within said period at the HPC's discretion.

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on October 2, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 2, 2013