File No. 120300 Committee Item No. 5
Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** April 30, 2012

Board of Supervisors Meeting **Date** 5/15/12

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☒	☒	Planning Commission Resolution No. 18531
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Completed by: Alisa Miller **Date** April 27, 2012
Completed by: Alisa Miller **Date** May 3, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Article 10 - Landmarks Preservation]

Ordinance amending the San Francisco Planning Code, Article 10, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman.*~~ Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) General Plan and Planning Code Findings.

(1) On February 2, 2012, at a duly noticed public hearing, the Planning Commission in Resolution No. 18531 found that the proposed Planning Code amendments contained in this ordinance were consistent with the City's General Plan and with Planning Code Section 101.1(b). In addition, the Planning Commission recommended that the Board of Supervisors adopt the proposed Planning Code amendments. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 120300 and is incorporated herein by reference. The Board finds that the proposed Planning Code amendments contained in this ordinance are on balance consistent with the City's General Plan and with Planning Code Section 101.1(b) for the reasons set forth in said Resolution.

(2) Pursuant to Planning Code Section 302, the Board finds that the proposed ordinance will serve the public necessity, convenience and welfare for the reasons set forth

in Planning Commission Resolution No. 18531, which reasons are incorporated herein by reference as though fully set forth.

(b) Historic Preservation Commission Findings. On October 19, 2011 at a duly noticed public hearing, the Historic Preservation Commission in Resolution No. 666 reviewed the proposed Planning Code amendments and recommended that the Board of Supervisors adopt some of the proposed amendments. On February 1, 2012 at a duly noticed public hearing, the Historic Preservation Commission reviewed additional possible amendments to Article 10, some of which have been incorporated into the proposed Planning Code amendments, provided additional recommendations, and incorporated all of its prior recommendations in Resolution No. 672, which supersedes its Resolution No. 666. A copy of said Resolution 672 and any additional recommendations of the Historic Preservation Commission are on file with the Clerk of the Board of Supervisors in File No. 120300.

(c) Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are exempt from the California Environmental Quality Act (California Public Resources Code section 21000 et seq.) (CEQA) under Section 15060(c)(2) of the CEQA Guidelines to the California Environ. Said determination is on file with the Clerk of the Board of Supervisors in File No. 120300 and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Article 10, to read as follows:

ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS

Sec. 1001. Purposes.

Sec. 1002. Powers and Duties of *Planning* Department ~~*of City Planning*~~ and ~~*City Planning*~~ *Historic Preservation* Commission.

Sec. 1003. ~~*Landmarks Preservation Advisory Board*~~ *Historic Preservation Commission*.

Sec. 1004. Designation of Landmarks and Historic Districts.

Sec. 1004.1. *Nomination and* Initiation of *Landmark and Historic District* Designation.

Sec. 1004.2. ~~*Referral to Landmarks Preservation Advisory Board.*~~*Decision by the Historic Preservation Commission.*

Sec. 1004.3. ~~*Hearing by City Planning Commission. Sec. 1004.4.*~~ Designation by Board of Supervisors.

Sec. ~~*1004.5*~~ *1004.4*. Appeal to Board of Supervisors.

Sec. ~~*1004.6*~~ *1004.5*. Notice of Designation by Board of Supervisors.

Sec. ~~*1004.7*~~ *1004.6*. Notice of Amendment or Rescission of Designation.

Sec. 1005. Conformity and Permits.

Sec. 1006. Certificate of Appropriateness Required.

Sec. 1006.1. Applications for Certificate of Appropriateness.

Sec. 1006.2. Review by *Planning* Department ~~*of City Planning and City Planning Commission*~~.

Sec. 1006.3. Scheduling and Notice of Hearing.

Sec. 1006.4. ~~*Referral to Advisory Board Prior to Hearing. Sec. 1006.5.*~~ Conduct of Hearing; Decision.

Sec. ~~*1006.6*~~ *1006.5*. Nature of ~~*Planning*~~ *Historic Preservation* Commission Decision.

Sec. ~~*1006.7*~~ *1006.6*. Standards for Review of Applications.

Sec. ~~*1006.8*~~*1006.7*. Appeals ~~*from Planning Commission Decision*~~*of a Certificate of Appropriateness*.

Sec. 1007. Unsafe or Dangerous Conditions.

Sec. 1008. Compliance with Maintenance Requirements.

Sec. 1009. Advice and Guidance to Property Owners.

Sec. 1010. Property Owned by Public Agencies.

Sec. 1011. Recognition of Structures of Merit.

Sec. 1012. Referral of Certain Matters.

Sec. 1013. Enforcement and Penalties.

Sec. 1014. Applicability.

Sec. 1015. Severability.

Appendix A List of Designated Landmarks.

Appendix B Jackson Square Historic District.

Appendix C Webster Street Historic District.

Appendix D Northeast Waterfront Historic District.

Appendix E Alamo Square Historic District.

Appendix F Liberty-Hill Historic District.

Appendix G Telegraph Hill Historic District.

Appendix H Blackstone Court Historic District.

Appendix I South End Historic District.

Appendix J Civic Center Historic District.

Appendix K Bush Street-Cottage Row Historic District.

Appendix L Dogpatch Historic District.

SEC. 1001. PURPOSES.

It is hereby found that structures, sites and areas of special character or special historical, architectural or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the prevention of such needless destruction and impairment is essential to the

health, safety and general welfare of the public. The purpose of this legislation is to promote the health, safety and general welfare of the public through:

(a) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, State or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;

(b) The development and maintenance of appropriate settings and environment for such structures, and in such sites and areas;

(c) The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest;

(d) The preservation and encouragement of a City of varied architectural styles, reflecting the distinct phases of its history: cultural, social, economic, political and architectural and

(e) The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the past.

SEC. 1002. POWERS AND DUTIES OF *PLANNING* DEPARTMENT ~~*OF CITY PLANNING*~~ AND ~~*CITY PLANNING*~~ *HISTORIC PRESERVATION* COMMISSION.

The *Planning* Department ~~*of City Planning (hereinafter referred to as the "Department")*~~ and the ~~*Planning Commission*~~*Historic Preservation Commission ("HPC")* shall have and exercise the powers and shall perform the duties set forth in this Section and elsewhere in this Article 10 with respect to historical preservation. ~~*The Department and the Planning Commission shall be*~~

~~*advised in the exercise and performance of their powers and duties by the Landmarks Preservation Advisory Board hereinafter created.*~~

(a) The ~~*Planning Commission*~~*HPC*:

(1) Shall recommend to the Board of Supervisors, after public hearing, on the designation of landmarks and historic districts, as more fully set forth ~~*in Section 1004.3*~~ below *in this Article 10*;

(2) Shall ~~*in appropriate cases, after public hearing,*~~ review and decide on applications for construction, alteration, demolition and other applications pertaining to landmark sites and historic districts, as more fully set forth below in this Article 10;

(3) May take steps to encourage or bring about preservation of structures or other features where the ~~*Planning Commission*~~*HPC* has decided to suspend action on an application, as more fully set forth in Section 1006.6 below; ~~*and*~~

(4) May establish and maintain a list of structures and other features deemed deserving of official recognition although not designated as landmarks or historic districts, and take appropriate measures of recognition, as more fully set forth in Section 1011 below;

(5) Shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act for proposed projects that may have an impact on historic or cultural resources;

(6) Shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act;

(7) Shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement;

(8) Shall have the authority to oversee and direct the survey and inventory of historic properties;

(9) Shall review and provide written reports to the Planning Commission and Board of Supervisors on ordinances and resolutions concerning historic preservation issues and historic resources, redevelopment project plans, waterfront land use and project plans, and such other matters as may be prescribed by ordinance;

(10) Shall have the authority to recommend approval, disapproval, or modification of historical property contracts pursuant to the state Mills Act to the Board of Supervisors, without referral or recommendation of the Planning Commission; and

(11) Shall recommend to the Planning Commission a Preservation Element of the General Plan, shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan, and shall comment and provide recommendations to the Planning Commission and the Board of Supervisors on other objectives, policies and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but concern historic preservation.

(b) The Department and the ~~*Planning Commission*~~*HPC*:

(1) May carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, sites and areas worthy of preservation;

(2) May consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historical preservation;

(3) May inspect and investigate structures, sites and areas which they have reason to believe worthy of preservation;

(4) May disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation, and may encourage and advise property owners in the

protection, enhancement, perpetuation and use of landmarks, property in historic districts, and other officially recognized property of historical interest;

(5) May consider methods other than those provided for in this Article 10 for encouraging and achieving historical preservation, and make appropriate recommendations to the Board of Supervisors and to other bodies and agencies, both public and private; and

(6) May establish such policies, rules and regulations as they deem necessary to administer and enforce this Article 10 *and Charter Section 4.135 establishing the HPC*.

SEC. 1003. ~~*LANDMARKS PRESERVATION ADVISORY BOARD*~~ *HISTORIC PRESERVATION COMMISSION*.

~~*There is hereby created a Landmarks Preservation Advisory Board (hereinafter referred to as the "Advisory Board"), which shall advise the Department and the Planning Commission on historical preservation matters. The Advisory Board shall consist of nine voting members appointed by the Mayor and serving at his pleasure, without salary. Of the original appointments, five shall be for a four year term and four for a two year term; after the expiration of the said original terms, all appointments shall be for four year terms. In addition, the Art Commission shall choose one of its members to be an ex officio member of the Advisory Board, without vote.*~~

~~*(a) In making appointments, the Mayor may consult persons and organizations interested in historical preservation. Appointees to the Advisory board shall be persons specially qualified by reason of training or experience in the historic and cultural traditions of the City, and interested in the preservation of its historic structures, sites and areas. The voting members shall be residents of the City.*~~

In November of 2008, the electorate approved Charter Section 4.135, creating the HPC to advise the City on historic preservation matters, participate in processes involving historic and cultural resources, and take such other actions concerning historic preservation as may be prescribed by this Code and other ordinances. Charter Section 4.135 sets forth the requirements for membership to the

HPC, as well as applicable nomination procedures and term limits for Commissioners. Additionally, Charter Section 4.135 establishes staffing for the HPC and sets forth the HPC's role in the Planning Department's budget process and establishment of rates, fees, and similar charges. Additional requirements, including those related to the establishment of rules and regulations for the HPC's organization and procedure, are set forth in Charter Sections 4.100 through 4.104.

~~*(b) The Director of City Planning, or his delegate, shall serve as Secretary of the Advisory Board, without vote. The Department shall render staff assistance to the Advisory Board.*~~

~~*(c) The Advisory Board shall elect a Chairman from among its voting members, and shall establish rules and regulations for its own organization and procedure.*~~

SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

(a) *The HPC shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under this Code to the Board of Supervisors.* Pursuant to the procedures set forth hereinafter:

(1) The Board of Supervisors may, by ordinance, designate an individual structure or other feature or an integrated group of structures and features on a single lot or site, having a special character or special historical, architectural or aesthetic interest or value, as a landmark, and shall designate a landmark site for each landmark; and

(2) The Board of Supervisors may, by ordinance, designate an area containing a number of structures having a special character or special historical, architectural or aesthetic interest or value, and constituting a distinct section of the City, as a historic district.

(b) Each such designating ordinance shall include, or shall incorporate by reference to the pertinent resolution of the ~~*Planning Commission*~~*HPC* then on file with the Clerk of the Board of Supervisors, as though fully set forth in such designating ordinance, the location and boundaries of the landmark site or historic district, a description of the characteristics of the landmark or historic district that justify its designation, and a description of the particular

features that should be preserved. Any such designation shall be in furtherance of and in conformance with the purposes of this Article 10 and the standards set forth herein.

(c) The property included in any such designation shall upon designation be subject to the controls and standards set forth in this Article 10. In addition, the said property shall be subject to the following further controls and standards if imposed by the designating ordinance:

(1) For a publicly-owned landmark, review of proposed changes to significant interior architectural features.

(2) For a privately-owned landmark, review of proposed changes requiring a permit to significant interior architectural features in those areas of the landmark that are or historically have been accessible to members of the public. The designating ordinance must clearly describe each significant interior architectural feature subject to this restriction.

(3) For a historic district, such further controls and standards as ~~*the Board of Supervisors*~~ deem*sed* necessary or desirable, including but not limited to facade, setback and height controls.

(4) For a City-owned park, square, plaza or garden on a landmark site, review of alterations as identified in the designating ordinance.

(d) The Board of Supervisors may amend or rescind a designation at any time, subject to all of the procedures set forth in this Article 10 for an original designation; provided, however, that in the event that a landmark is accidentally destroyed or is demolished or removed in conformity with the provisions of Section 1007, or is legally demolished or relocated after compliance ~~*has been had*~~ with the provisions of ~~*Section 1006.2*~~*this Article 10*, the ~~*Director of*~~ Planning *Director* may request the ~~*Planning Commission*~~*HPC* to recommend to the Board of Supervisors that the designation be amended or rescinded, and in such case the

procedures for an original designation set forth in Sections 1004.1~~,~~ *and* 1004.2 ~~*and 1004.3*~~ hereof shall not apply.

SEC. 1004.1. *NOMINATION AND* INITIATION OF *LANDMARK AND HISTORIC DISTRICT* DESIGNATION.

(a) Nomination. The Department, ~~or~~ *property owner(s),* or any member of the public *may request that the HPC initiate designation of a landmark site or historic district. When a nomination is submitted by* the owner(s) of a proposed landmark site or *a majority of property owners* ~~for designation~~ *of a* proposed *historic district, the nomination must be 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~~ *nominations* made by property owners(s) as set forth above *no later than 45 days from the receipt of the nomination request.*

(b) Initiation. Initiation of designation *of a landmark site or historic district* shall be ~~*by the Board of Supervisors or by a resolution of intention by the Planning Commission, the Art Commission or the Advisory Board, HPC or on the verified application of owners of the property to be designated or their authorized agents.*~~ *made by one of the following methods:*

(1) by resolution of the Board of Supervisors;

(2) by resolution of the HPC; or

(3) upon adoption of a resolution by the HPC to confirm a nomination made pursuant to subsection (a) above, provided that the HPC may disapprove the nomination or may request further information and continue the matter as appropriate.

The Board of Supervisors and the HPC shall make findings in support of any initiation of designation of a landmark site or historic district. The Board of Supervisors shall promptly refer any initiation of designation to the HPC for its review and recommendation. ~~*Any such application shall be filed with the Department upon forms prescribed by the Planning Commission, and shall be*~~

~~*accompanied by all data required by the Planning Commission. Where such an application is submitted for designation of a historic district, the application must be subscribed by or on behalf of at least 66 percent of the property owners in the proposed district.*~~

SEC. 1004.2. ~~*REFERRAL TO LANDMARKS PRESERVATION ADVISORY BOARD.*~~

~~*The proposed designation, resolution or application shall be promptly referred to the Advisory Board for review and report to the Planning Commission as to conformance with the purposes and standards of this Article 10. The Advisory Board shall recommend approval, disapproval or modification of the proposal, or shall report its failure to reach a decision thereon, within 60 days after such referral. If no recommendation is rendered within 60 days, the Planning Commission may consider the proposed designation as provided in Section 1004.3 below notwithstanding the lack of such a recommendation.*~~

~~*SEC. 1004.3. HEARING BY CITY PLANNING COMMISSION*~~ *DECISION BY THE HISTORIC PRESERVATION COMMISSION.*

~~*After receiving a report from the Advisory Board or after the expiration of 60 days from the date of referral to the Advisory Board, whichever is sooner, the Planning Commission*~~ *Upon initiation of designation, the HPC* shall hold a public hearing on the ~~*proposal*~~*proposed designation.*~~*; the Department shall set a time and place for such hearing*~~. A record of pertinent information presented at the hearing shall be made and maintained as a permanent record.

(a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall be given by at least one publication in a newspaper of general circulation in the City not less than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days prior to the date of hearing to the owners of all property included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the records of the ~~*Assessor*~~ *Tax Collector and to the applicant, if any*. Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record

shall not invalidate any proceedings in connection with the proposed designation. The Department may also give such other notice as it may deem desirable and practicable.

(b) Time Limitation. The ~~*Planning Commission*~~*HPC* shall ~~*consider the report and recommendation of the Advisory Board, if any, and shall*~~ consider the conformance or lack of conformance of the proposed designation with the purposes and standards of this Article 10. *Where the Board of Supervisors has referred an initiation of designation to the HPC,* ~~*The Planning Commission*~~*the HPC* shall hold a public hearing and shall approve, disapprove or modify the proposal within 90 days from the date of referral of the proposed designation to the ~~*Advisory Board*~~*HPC*. Failure to act within said time shall constitute approval. The Board of Supervisors may, by resolution, extend the time within which the ~~*Planning Commission*~~*HPC* is to render its decision.

(c) ~~*Notice of Action Taken. The Planning Commission shall promptly notify the applicant of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal together with a copy of the resolution of approval, to the Clerk of the Board of Supervisors.*~~

~~*(d) In the event that a proposed designation has been initiated prior to July 18, 2006, and the Planning Commission has failed to act upon such proposed designation as of the effective date of this ordinance, the Board of Supervisors may act on the proposed designation notwithstanding the Planning Commission failure to act on the proposed designation.*~~ *Referral of Proposed Designation. If the HPC recommends approval of a landmark designation, it shall send its recommendation to the Board of Supervisors, without referral to the Planning Commission. If the HPC recommends approval of a historic district designation, it shall refer its recommendation to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be sent by the Department to the Board of Supervisors with the HPC's recommendation. The Planning Commission's comments shall be transmitted to the Board of Supervisors as a resolution and shall (i)*

address the consistency of the proposed designation with the policies embodied in the General Plan and the priority policies of Section 101.1, particularly the provision of housing to meet the City's Regional Housing Needs Allocation, and the provision of housing near transit corridors; (ii) identify any amendments to the General Plan necessary to facilitate adoption of the proposed designation; and (iii) evaluate whether the district would conflict with the Sustainable Communities Strategy for the Bay Area. If the HPC disapproves designation of a landmark or historic district, that decision shall be final and shall not require referral unless appealed as set forth below.

SEC. ~~1004.4~~1004.3. DESIGNATION BY BOARD OF SUPERVISORS.

The Board of Supervisors shall hold a public hearing on any proposal so transmitted to it, after due notice to the owners of the property included in the proposal, and such other notice as the ~~said~~ Board may deem necessary. The Board of Supervisors may approve, ~~or~~ modify and approve, *or disapprove* the designation by a majority vote of all its members. *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 and half of all occupants in the proposed district. The property owners' and occupants' votes shall be tallied separately and combined and shall be considered by the Board of Supervisors when taking action on the proposed district.~~

SEC. ~~1004.5~~1004.4. APPEAL TO BOARD OF SUPERVISORS.

If the ~~*Planning Commission*~~*HPC* disapproves the proposed designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days by a protest subscribed by the owners of at least 20 percent of the property proposed to be designated, or by any governmental body or agency, or by an organization with a recognized interest in historical preservation; provided, however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately of the disapproval without the necessity for an appeal.

(a) Hearing. The Board of Supervisors shall hold a public hearing on any such proposal appealed to it or initiated by it, after due notice to the owners of the property included in the proposal *and any applicant(s)*, and such other notice as the said Board may deem necessary.

(b) Decision. The Board of Supervisors may overrule the ~~*Planning Commission*~~*HPC* and approve, or modify and approve, the designation by a majority vote of all its members.

(c) Resubmission, Reconsideration. If a proposal initiated by application has been disapproved by the ~~*Planning Commission*~~*HPC* or by the Board of Supervisors ~~*on appeal*~~, no subsequent application that is the same or substantially the same may be submitted or reconsidered for at least one year from the effective date of final action of the original proposal.

SEC. ~~1004.6~~1004.5. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.

When a landmark or historic district has been designated by the Board of Supervisors as provided above, the Department shall promptly notify the owners of the property included therein. The Department shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the County Recorder.

SEC. ~~1004.7~~1004.6. NOTICE OF AMENDMENT OR RESCISSION OF DESIGNATION.

When a landmark or historic district designation has been amended or rescinded, the Department shall promptly notify the owners of the property included therein, and shall cause a copy of the appropriate ordinance, or notice thereof, to be recorded in the office of the County Recorder.

SEC. 1005. CONFORMITY AND PERMITS.

(a) No person shall carry out or cause to be carried out on a designated landmark site or in a designated historic district any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, for which a City permit is required, except in conformity with the provisions of this Article 10. In addition, no such work shall take place unless all other applicable laws and regulations have been complied with, and any required permit has been issued for said work.

(b) (1) Installation of a new general advertising sign is prohibited in any ~~*H*~~*h*istoric ~~*D*~~*d*istrict or on any historic property regulated by this Article 10.

(2) The Central Permit Bureau shall not issue, and no other City department or agency shall issue, any permit for construction, alteration, removal or demolition of a structure or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage on a landmark site or in a~~*n Historic District*~~ *historic district*, except in conformity with the provisions of this Article 10. In addition, no such permit shall be issued unless all other applicable laws and regulations have been complied with.

(c) (1) Where so provided in the designating ordinance for a historic district, any or all exterior changes visible from a public street or other public place shall require approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required for such exterior changes. Such exterior changes may include, but shall not be limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and other building appendages.

(2) The addition of a mural to any landmark or contributory structure in a historic district shall require compliance with the provisions of this Article 10, regardless of whether or not a City permit is required for the mural.

(3) Alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies such alterations, shall require approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required.

(d) The Department shall maintain with the Central Permit Bureau a current record of designated landmarks and historic districts. Upon receipt of any application for a permit to carry out any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly forward such permit application to the Department.

(e) After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether ~~*Section 1006 requires*~~ a Certificate of Appropriateness *is required or has been approved* for the work proposed in such permit application. If ~~*such*~~ *a* Certificate *of Appropriateness* is required and has been issued, and if the permit application conforms to ~~*such*~~ *the work approved in the* Certificate *of Appropriateness*, the permit application shall be processed without further reference to this Article 10. If ~~*such*~~ *a* Certificate *of Appropriateness* is required and has not been issued, or if ~~*in the sole judgment of the Department*~~ the permit application does not ~~*so*~~ conform *to what was approved*, the permit application shall be disapproved or held by the Department until such time as conformity does exist *either through modifications to the proposed work or through the issuance of an amended or new Certificate of Appropriateness*~~*; the decision and action of the*~~

~~*Department shall be final*~~. Notwithstanding the foregoing, in the following cases the Department shall process the permit application without further reference to this Article 10:

(1) When the application is for a permit to construct on a landmark site where the landmark has been lawfully demolished and the site is not within a designated historic district;

(2) When the application is for a permit to make interior alterations only on a privately-owned structure or on a publicly-owned structure, unless the designating ordinance requires review of such alterations to the privately- or publicly-owned structure pursuant to Section 1004(c) hereof. *Notwithstanding the foregoing, if any proposed interior alteration requiring a permit would result in any significant visual or material impact to the exterior of the subject building, a Certificate of Appropriateness shall be required to address such exterior effects.*

(3) When the application is for a permit to do ordinary maintenance and repairs only. For the purpose of this Article 10, "ordinary maintenance and repairs" shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage *of existing materials*, including repair of damage caused by fire or other disaster;

(4) *When the application is for a permit to maintain, repair, rehabilitate, or improve streets and sidewalks, including sidewalk widening, accessibility, and bulb-outs, unless such streets and sidewalks have been explicitly called out in a landmark's or district's designating ordinance as character defining features of the landmark or district.* ~~*When the application is for a permit to comply with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed work complies with the UMB Retrofit Architectural Design Guidelines, which guidelines shall be adopted by the Planning Commission.*~~

(f) For purposes of this Article 10, demolition shall be defined as any one of the following:

(1) Removal of more than 25 percent of the surface of all external walls facing a public street(s); or

(2) Removal of more than 50 percent of all external walls from their function as all external walls; or

(3) Removal of more than 25 percent of external walls from function as either external or internal walls; or

(4) Removal of more than 75 percent of the building's existing internal structural framework or floor plates unless the City determines that such removal is the only feasible means to meet the standards for seismic load and forces of the latest adopted version of the San Francisco Building Code and the State Historical Building Code.

(g) The following procedures shall govern review of the addition of murals to any landmark or contributory structure in a historic district:

(1) Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property owned by the City, no Certificate of Appropriateness shall be required. On such structures, the Art Commission shall not approve the mural until the ~~*Advisory Board*~~*HPC* has provided advice to the Art Commission on the impact of the mural on the historical structure. The ~~*Advisory Board*~~*HPC* shall provide advice to the Art Commission within ~~*50*~~ *45* days of receipt of a written request for advice and information regarding the placement, size and location of the proposed mural;

(2) Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property that is not owned by the City, a Certificate of Appropriateness shall be required. The ~~*Advisory Board*~~*HPC* shall not act on the Certificate of Appropriateness until the Art Commission has provided advice to the ~~*Advisory Board*~~*HPC* on the mural. The Art Commission shall provide advice to the ~~*Advisory Board*~~*HPC* within 50 days of receipt of a written request for advice and information regarding the proposed mural.

SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

A Certificate of Appropriateness shall be required and shall govern review of permit applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set forth in Section 1005(e), for the following types of work affecting the character-defining features as listed pursuant to Section 1004(b) of the Code: ~~*In the case of*~~:

(1) Any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section 1005(g), or other appendage, for which a City permit is required, on a landmark site or in a historic district;

(2) Exterior changes in a historic district visible from a public street or other public place, where the designating ordinance requires approval of such changes pursuant to the provisions of this Article 10; ~~*and*~~

(3) The addition of a mural to any landmark or contributory structure in a historic district, which is not owned by the City or located on property owned by the City, as set forth in Planning Code Section 1005(g), regardless of whether or not a City permit is required for the mural; ~~*and*~~ *or*

(4) Alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies the alterations that require approval under this Article 10.

~~*A Certificate of Appropriateness shall be required and shall govern review of permit applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set forth in Section 1005(e).*~~ The procedures, requirements, controls and standards in Sections 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness; provided, however, that the designating ordinance for a historic district, or for a City-owned park, square, plaza or garden on a landmark site, may modify or add to these procedures, requirements, controls and standards.

SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

(a) Who May Apply. An application for a Certificate of Appropriateness may be filed by the owner, or authorized agent for the owner, of the property for which the Certificate is sought.

(b) Where to File. Applications shall be filed in the office of the *Planning* Department ~~*of City Planning*~~.

(c) Content of Applications. The content of applications shall be in accordance with the policies, rules and regulations of the Department and the ~~*City Planning Commission*~~*HPC*. All applications shall be upon forms prescribed therefor*e*, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. In general, the application shall be accompanied by plans and specifications showing the proposed exterior appearance, including but not limited to color, texture of materials, and architectural design and detail; drawings or photographs showing the property in the context of its surroundings may also be required. The applicant may be required to file with ~~*his*~~ *the* application ~~*the*~~ *additional* information needed for the preparation and mailing of notices as specified in Section 1006.3.

(d) Verification. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.

(e) ~~*Conditional Uses. In the case of any proposal for which the City Planning Code requires a conditional use authorization in addition to a Certificate of Appropriateness, the Department may combine the required applications, notices and hearings for administrative convenience and in the interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.*~~ *Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC shall review and act on any Certificate of Appropriateness before any other planning approval action. For*

projects that (1) require a conditional use authorization or permit review under Section 309, et. seq. of the Code, and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Code and take into account all relevant General Plan and Planning Code policies, in addition to all applicable historic preservation provisions. For projects located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code and take into account all relevant General Plan and Planning Code policies, in addition to all applicable historic preservation provisions.

(f) Permit and Application Fee Waivers. In cases of economic hardship, an applicant may be partially or fully exempt from paying fees pursuant to Section 350(e)(2).

SEC. 1006.2. REVIEW BY *PLANNING* DEPARTMENT ~~*OF CITY PLANNING AND CITY PLANNING COMMISSION*~~.

~~*(a) Cases Other Than Construction, Removal or Demolition.*~~

~~*(1) In the case of any alteration of a structure or any work involving a sign, awning, marquee, canopy or other appendage, or exterior changes in a historic district visible from a public street or other public place, or alterations to a City owned park, square, plaza or garden on a landmark site, where a Certificate of Appropriateness is required, the application for said Certificate shall be reviewed by the Department with the advice of the Advisory Board. The department, with the advice of the Advisory Board, shall determine within 20 days after the application is accepted for filing, whether or not the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district; and the Department shall notify the applicant of the determination made. If it is determined that there would be no such significant impact or potential detriment, the Department shall issue a Certificate of Appropriateness to the applicant.*~~

~~(2) If it is determined that the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district, or upon request of the Planning Commission, the Planning Commission shall hold a public hearing on the application.~~

~~(b) Construction, Removal or Demolition. The Planning Commission shall hold a public hearing on the application for a Certificate of Appropriateness for any construction, removal or demolition of a structure, except as may be otherwise provided in the designating ordinance for a historic district or for City-owned park, square, plaza or garden on a landmark site.~~

The Department shall review an application for a Certificate of Appropriateness and determine within 30 days of submittal whether the application is complete or whether additional information is required.

(a) Minor Alterations. The HPC may define certain categories of work as Minor Alterations and delegate approval of an Administrative Certificate of Appropriateness for such Minor Alterations to Department staff. If the HPC delegates such approvals to Department staff, Minor Alterations shall include the following categories of work:

(1) Work the sole purpose and effect of which is to comply with the Unreinforced Masonry Building (UMB) Seismic Retrofit Ordinance and where the proposed work complies with the UMB Retrofit Architectural Design Guidelines adopted by the HPC; or

(2) Any other work so delegated to the Department by the HPC.

(b) Administrative Certificates of Appropriateness. Upon receipt of a building permit application, an Administrative Certificate of Appropriateness for Minor Alteration work may be approved by the Department without a hearing before the HPC. The Department shall mail the Department's written decision on an Administrative Certificate of Appropriateness to the applicant and to any individuals or organizations who so request. Any Departmental decision on an Administrative Certificate of Appropriateness may be appealed to the HPC within 15 days of the date of the written

decision. The HPC may also request review of any Departmental decision on an Administrative Certificate of Appropriateness by its own motion within 20 days of the written decision.

(c) Applications for a Certificate of Appropriateness that are not Minor Alterations delegated to Department staff shall be scheduled for hearing by the HPC pursuant to Sections 1006.3 and 1006.4 below.

SEC. 1006.3.SCHEDULING AND NOTICE OF HEARING.

(a) ~~When an application for a Certificate of Appropriateness has been filed and Section 1006.2 provides that the Planning Commission shall hold a public hearing thereon,~~ If a public hearing before the HPC on a Certificate of Appropriateness is required, a timely appeal has been made of an Administrative Certificate of Appropriateness, or the HPC has timely requested review of an Administrative Certificate of Appropriateness, the Department shall set a time and place for said hearing within a reasonable period. Notice of the time, place and purpose of the hearing shall be given by the Department as follows:

~~(a)~~(1) By mail to the applicant *not less than 20 days prior to the date of the hearing*;

~~(b) By mail not less than 10 days prior to the date of the hearing to the owners of all real property that is the subject of the application and, if said property is in a historic district, to the owners of all real property within the historic district, using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;~~

~~(c) By publication at least once in a newspaper of general circulation in the City not less than 20 days prior to the date of the hearing;~~

(2) By mail to any interested parties who so request in writing to the Department;

(3) For landmark sites: by mail not less than 20 days prior to the date of the hearing to all owners and occupants of the subject property and owners and occupants of properties within 150 feet of the subject property;

(4) For buildings located in historic districts: by mail not less than 20 days prior to the date of the hearing to all owners and occupants of the subject property, all owners of properties within 300 feet of the subject property, and all occupants of properties within 150 feet of the subject property.

(5) By posting notice on the site not less than 20 days prior to the date of the hearing; and

~~*(d)*~~*(6)* Such other notice as the Department ~~*shall*~~ deem*s* appropriate.

(b) For the purposes of mailed notice, the latest citywide assessment roll for names and addresses of owners shall be used, and all efforts shall be made to the extent practical, to notify occupants of properties in the notification area. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action.

SEC. 1006.4.~~*REFERRAL TO ADVISORY BOARD PRIOR TO HEARING.*~~

~~*Where a public hearing before the Planning Commission has been scheduled thereon, the application for a Certificate of Appropriateness shall be promptly referred to the Advisory Board and shall be considered by the Advisory Board at its next regular meeting, or at a special meeting called for that specific purpose. The Advisory Board shall render a report to the Planning Commission at or prior to the scheduled public hearing; failure of the Advisory Board to consider the application or to render a report shall not constitute grounds for continuation of the public hearing.*~~

~~*SEC. 1006.5*~~ CONDUCT OF HEARING; DECISION.

Where a public hearing before the ~~*Planning Commission*~~*HPC* has been scheduled:

(a) Report and Recommendation. The Department shall make necessary investigations and studies prior to the hearing of the ~~*Planning Commission*~~*HPC*. The *Department*

shall provide its report and recommendation ~~*of the Director of Planning shall be submitted at the hearing*~~ *to the HPC*.

(b) Record. A record shall be kept of the pertinent information presented at the hearing, and such record shall be maintained as a part of the permanent public records of the Department. A verbatim record may be made if permitted or ordered by the ~~*Planning Commission*~~*HPC*.

(c) Continuations. The ~~*Planning Commission*~~*HPC* shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.

(d) Decision. *The HPC shall approve, disapprove, or approve with modifications Certificates of Appropriateness for work to designated landmarks or within historic districts, except where it delegates such decisions to Departmental staff under the provisions of Section 1006.2 above.* The decision of the ~~*Planning Commission*~~*HPC* shall be rendered within 30 days from the date of conclusion of the hearing; failure of the ~~*Commission*~~ *HPC* to act within the prescribed time shall be deemed to constitute disapproval of the application. The decision of the ~~*Planning Commission*~~*HPC*~~*, in either approving or, disapproving the application pursuant to Section 1006.6,*~~ shall be final except upon the filing of a valid appeal to the *Board of Appeals or* Board of Supervisors as provided in Section ~~*1006.8*~~*1006.7*. ~~*The decision of the Planning Commission, in suspending action on an application pursuant to Section 1006.6, shall be final.*~~ If the ~~*Planning Commission*~~*HPC*, or the *Board of Appeals or* Board of Supervisors on appeal, approves the application~~*, or after the expiration of any suspension period imposed by the Commission*~~, the Department shall issue a Certificate of Appropriateness to the applicant.

(e) Time Limit for Exercise. When approving an application for a Certificate of Appropriateness as provided herein, the ~~*Planning Commission*~~*HPC* may impose a time limit for

submission of a permit application conforming to the Certificate; otherwise, such permit application must be submitted within a reasonable time.

(f) Delegation of Hearing. The ~~*Planning Commission*~~*HPC* may delegate to a committee of one or more of its members, or to the Director of Planning or his *or her* designee~~, or to the Advisory Board~~, or to any combination of the foregoing, the holding of the hearing required by this Article 10 for a Certificate of Appropriateness. The delegate or delegates shall submit to the ~~*Planning Commission*~~*HPC* a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the ~~*Commission*~~*HPC* in reaching its decision in the case.

(g) Reconsideration. Whenever an application has been disapproved by the ~~*Planning Commission*~~*HPC*, or by the *Board of Appeals or* Board of Supervisors on appeal as described in Section ~~*1006.8*~~*1006.7*, no application, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the ~~*Planning Commission*~~*HPC* within a period of one year from the effective date of final action upon the earlier application.

SEC. ~~*1006.6*~~*1006.5*. NATURE OF ~~*PLANNING*~~*HISTORIC PRESERVATION* COMMISSION DECISION.

The decision of the ~~*Planning Commission*~~*HPC* after its public hearing shall be in accordance with the following provisions:

(a) If the application for a Certificate of Appropriateness proposes construction or alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, or exterior changes in a historic district visible from a public street or other public place, the ~~*Planning Commission*~~*HPC* shall approve ~~*or*~~, disapprove*, or modify* the application in whole or in part.

(b) If the application proposes removal or demolition of a structure on a designated landmark site, the ~~*Planning Commission*~~*HPC* may disapprove or approve the application, or may suspend action on it for a period not to exceed 180 days; provided that the Board of Supervisors by resolution may, for good cause shown, extend the suspension for an additional period not to exceed 180 days, if the said Board acts not more than 90 days and not less than 30 days prior to the expiration of the original 180-day period.

(c) If the application proposes removal or demolition of a structure in a designated historic district, other than on a designated landmark site, the ~~*Planning Commission*~~*HPC* may disapprove or approve the application, or may suspend action on it for a period not to exceed 90 days, subject to extension by the Board of Supervisors as provided in the preceding subsection; provided, however, that the designating ordinance for the historic district may authorize the suspension of action for an alternate period which shall in no event exceed 90 days, without extension, and in such event the provision of the designating ordinance shall govern.

(d) In the event action on an application to remove or demolish a structure is suspended as provided in this Section, the ~~*Planning Commission*~~*HPC*~~*, with the advice and assistance of the Advisory Board,*~~ may take such steps as it determines are necessary to preserve the structure concerned, in accordance with the purposes of this Article 10. Such steps may include, but shall not be limited to, consultations with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

SEC. ~~*1006.7*~~*1006.6*. STANDARDS FOR REVIEW OF APPLICATIONS.

The ~~*Planning Commission,*~~*HPC,* the Department~~*, and the Advisory Board*~~*, and, in the case of multiple approvals under Section 1006.1(f), the Planning Commission, and any other decisionmaking*

body shall be guided by the standards in this Section in their review of applications for Certificates of Appropriateness for proposed work on a landmark site or in a historic district. In appraising the effects and relationships mentioned herein, the ~~*Planning Commission, the Department and the Advisory Board*~~ *decisionmaking body* shall in all cases consider the factors of architectural style, design, arrangement, texture, materials, color, and any other pertinent factors.

(a) The proposed work shall be appropriate for and consistent with the effectuation of the purposes of this Article 10.

(b) 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; such local interpretations and guidelines shall be found 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. If either body fails to act on any such local interpretation or guideline within 180 days of either body's initial hearing where the matter was considered for approval, such failure to act shall constitute approval by that body. In the case of any apparent inconsistency among the requirements of this Section, compliance with the requirements of the designating ordinance shall prevail.

~~*(b)*~~*(c)* For applications pertaining to landmark sites, the proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its major interior architectural features. The proposed work shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and

its site, as viewed both in themselves and in their setting, nor of the historic district in applicable cases.

~~(c)~~*(d)* For applications pertaining to property in historic districts, other than on a designated landmark site, any new construction, addition or exterior change shall be compatible with the character of the historic district as described in the designating ordinance; and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore, and not to damage or destroy, the exterior architectural features of the subject property which are compatible with the character of the historic district. Notwithstanding the foregoing, for any exterior change where the subject property is not already compatible with the character of the historic district, reasonable efforts shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility. Where the required compatibility exists, the application for a Certificate of Appropriateness shall be approved.

~~(d)~~*(e)* For applications pertaining to all property in historic districts, the proposed work shall also conform to such further standards as may be embodied in the ordinance designating the historic district.

~~(e)~~*(f)* For applications pertaining to the addition of murals on a landmark or contributory structure in a historic district, the ~~*Advisory Board and the Planning Commission*~~*HPC* shall consider only the placement, size and location of the mural, to determine whether the mural covers or obscures significant architectural features of the landmark or contributory structure. For purposes of review under this Article 10, the City shall not consider the content or artistic merit of the mural.

(g) For applications pertaining to property in a historic district in a RH, RM, RTO, NC or UMU district, the HPC, or the Planning Department if the scope of work has been delegated pursuant to Section 1006.2(a), shall exempt such applications from the requirements of Section 1006.6 when compliance would create a significant economic hardship for the applicant, provided that:

(1) The scope of the work does not constitute a demolition pursuant to Section 1005(f);

(2) The Planning Department has determined that the applicant meets the requirement for economic hardship, such that the fees have been fully or partially waived pursuant to Section 1006.1 of this Code;

(3) The Zoning Administrator has determined that in all other aspects the project is in conformance with the requirements of the Planning Code;

(4) The applicant and the Department have demonstrated that the project utilizes materials, construction techniques, and regulations, such as the California Historic Building Code, to best achieve the goal of protecting the integrity of the district, while reducing costs to the applicant; and

(5) The HPC, or the Planning Department if the scope of work has been delegated pursuant to Section 1006.2(a), has confirmed that all requirements listed herein have been met, and has determined, pursuant to Section 1006.4, that issuance of a Certificate of Appropriateness that fully or partially waives the requirements of Section 1006.6 will not be detrimental to the integrity of the district.

(h) For applications pertaining to residential projects within historic districts that are receiving a direct financial contribution or funding from local, state, or federal sources for the purpose of providing a subsidized for-sale housing unit or units to residents earning 120% and below area median income *or rental housing unit* or units to residents earning 100% and below area median income and where at least 80 percent of the units are so subsidized, *the HPC shall exempt such applications from the requirements of Section 1006.6 provided that:*

(1) The scope of the work does not constitute a demolition pursuant to Section 1005(f);

(2) The applicant and the Department have demonstrated that the project utilizes materials, construction techniques, and regulations, such as the California Historic Building Code, to best achieve the goal of protecting the integrity of the district;

(3) The applicant has demonstrated that the project has considered all local, state, and federal rehabilitation incentives and taken advantage of those incentives as part of the project, when possible and practical; and

(4) The HPC has confirmed that all requirements listed herein have been met, and has determined, pursuant to Section 1006.4 of this Code, that issuance of a Certificate of Appropriateness that fully or partially waives the requirements of Section 1006.6 will not be detrimental to the integrity of the district and furthers the City's housing goals.

SEC. ~~1006.8~~*1006.7*. APPEALS ~~*FROM PLANNING COMMISSION DECISION*~~*OF A CERTIFICATE OF APPROPRIATENESS*.

(a) Right of Appeal. *The HPC's or the Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use authorization, the decision shall not be appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the decision by a majority vote.* ~~*The action of the Planning Commission in approving or disapproving in whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the Board of Supervisors in accordance with this Section. An action of the Commission*~~ *Any Certificate of Appropriateness* so appealed ~~*from*~~ shall not become effective unless and until approved by the *Board of Appeals or* Board of Supervisors in accordance with this Section. Nothing in this Section shall be construed to authorize the appeal of any decision under Section ~~*1006.6*~~*1006.5* of this Article 10 to suspend action on an application.

(b) Notice of Appeal. Any appeal under this Section shall be taken by filing written notice of appeal with the *Board of Appeals or Clerk of the* Board of Supervisors, *whichever entity is appropriate under the requirements of subsection (a),* within 30 days after the date of action by the ~~*Planning Commission*~~*HPC or Planning Commission*. ~~*In the case of a historic district, the notice of*~~

~~*appeal shall be subscribed by the owners of at least 20 percent of the property affected by the proposed Certificate of Appropriateness; for the purposes of this calculation, the property affected shall be deemed to be all property within the historic district. In the case of a landmark not in a historic district, the notice of appeal shall be subscribed by the property owner, or by any governmental body or agency, or by an organization with a recognized interest in historical preservation.*~~

(c) Hearing. ~~*Upon the filing of such written notice of appeal so subscribed, t*~~*T*he Board of Supervisors, *the Board of Appeals* or the Clerk*(s)* thereof shall set a time and place for hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing. The *Board of Appeals or the* Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon; provided that, if the full membership of the ~~*Board*~~*board hearing the appeal* is not present on the last day on which ~~*said*~~ *the* appeal is set or continued for hearing within said period, the ~~*Board*~~*board* may postpone ~~*said*~~ *the* hearing and decision thereon until, but not later than, the full membership of the ~~*Board*~~*board* is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the *Board of Appeals or the* Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the ~~*action*~~*decision* of the *HPC or* Planning Commission.

(d) ~~*Decision. In acting upon any such appeal, the Board of Supervisors may disapprove the action of the Planning Commission only by a vote of not less than of all members of the Board.*~~

~~*(e)*~~ Decisions Affecting City Hall. The provisions of this Subsection shall govern decisions by the ~~*City Planning Commission*~~*HPC* on a Certificate of Appropriateness for alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the approval or disapproval by the ~~*City Planning Commission*~~*HPC* of a Certificate of Appropriateness for alteration of City Hall, the Secretary of the ~~*City Planning Commission*~~*HPC* shall transmit to the Clerk of the Board of Supervisors written notification of the

~~Commission~~*HPC*'s decision. The Clerk shall set a time and place for hearing on the decision, which shall be not less than 10 nor more than 30 days after receipt of such notification. The Board of Supervisors may ~~either~~ approve, disapprove, or modify the ~~Commission's~~ *HPC's* decision by majority vote. The Board of Supervisors must take this action within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said hearing is set or continued within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of the receipt of written notification. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the ~~City Planning Commission~~*HPC*.

SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

None of the provisions of this Article 10 shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the ~~Superintendent~~ *Director* of the ~~Bureau~~ *Department* of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the proposed measures have been declared necessary~~,~~ by such official~~,~~ to correct the ~~said~~ condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be damaged by fire, or other calamity, or by Act of God or by the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

The owner, lessee or other person in actual charge of a landmark, or of a structure in ~~a~~an historic district, shall comply with all applicable codes, laws and regulations governing the maintenance of the property. It is the intent of this Section to preserve from deliberate or inadvertent neglect the exterior portions of such landmark or structure, the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion. *Failure to comply with this Section shall be subject to enforcement and penalties pursuant to Section 1013 below.*

SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

The ~~*Advisory Board*~~*HPC* may, upon request of the property owner, render advice and guidance with respect to any proposed work for which a Certificate of Appropriateness is not required, on a designated landmark site or in a designated historic district. In rendering such advice and guidance, the ~~*Advisory Board*~~*HPC* shall be guided by the purposes and standards in this Article 10. This Section shall not be construed to impose any regulations or controls upon any property.

SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

(a) The Department shall take appropriate steps to notify all public agencies ~~*which*~~*that* own or may acquire property in the City, about the existence and character of designated landmarks and historic districts; if possible, the Department shall cause a current record of such landmarks and *historic* districts to be maintained in each such public agency. In the case of any publicly owned property on a landmark site or in a historic district which is not subject to the permit review procedures of the City, the agency owning the said property shall seek the advice of the ~~*Planning Commission*~~*HPC* prior to approval or authorization of any construction, alteration or demolition thereon; and the ~~*Planning Commission, with the aid of the Advisory Board and*~~*HPC,* in consultation with the Art Commission in appropriate cases, shall

render a report to the owner as expeditiously as possible, based on the purposes and standards in this Article 10. ~~*If Planning Commission review of a public project involving*~~ *In the case of any publicly owned property on a landmark site or in a historic district that is subject to the permit review procedures of the City under any other law or under the Charter, the agency owning the property shall be subject to the provisions of this Article 10, and if the project involves* construction, alteration or demolition on a landmark site or in a historic district ~~*is required under any other law, or under the Charter, the Planning Commission shall render the report referred to in this Section to such public agency without specific request therefor*~~ *a Certificate of Appropriateness shall be required subject to the procedures set forth in this Article 10*.

(b) All officers, boards, commissions and departments of the City shall cooperate with the ~~*Advisory Board and the Planning Commission*~~*HPC* in carrying out the spirit and intent of this Article 10.

(c) Nothing in this Article 10 shall be construed to impose~~d~~ any regulations or controls upon designated landmarks owned or controlled by the Golden Gate Bridge Highway and Transportation District.

SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

(a) The ~~*Advisory Board may recommend, and the Planning Commission*~~*HPC* may approve~~,~~ a list of structures of historical, architectural or aesthetic merit ~~*which*~~ *that* have not been designated as landmarks and are not situated in designated historic districts. ~~*The said*~~*This* list may be added to from time to time. The purpose of this list shall be to recognize and encourage the protection, enhancement, perpetuation and use of such structures. The ~~*Advisory Board and the Planning Commission*~~*HPC* shall maintain a record of historic structures in the City ~~*which*~~*that* have been officially designated by agencies of the State or federal government, and shall cause such structures to be added to the aforesaid list.

(b) Nothing in this Article 10 shall be construed to impose any regulations or controls upon such structures of merit included on ~~the said~~*such a* list and neither designated as landmarks nor situated in historic districts.

(c) The ~~*Planning Commission, with the advice of the Advisory Board,*~~*HPC* may authorize such steps as it deems desirable to recognize the merit of, and to encourage the protection, enhancement, perpetuation and use of any such listed structure, or of any designated landmark or any structure in a designated historic district, including but not limited to the issuance of a certificate of recognition and the authorization of a plaque to be affixed to the exterior of the structure; and the ~~*Planning Commission*~~*HPC* shall cooperate with appropriate State and federal agencies in such efforts.

(d) The ~~*Planning Commission, with the advice of the Advisory Board,*~~*HPC* may make recommendations to the Board of Supervisors and to any other body or agency responsible, to encourage giving names pertaining to San Francisco history to streets, squares, walks, plazas and other public places.

SEC. 1012. Referral of Certain Matters.

Prior to passage by the Board of Supervisors, the following matters shall be submitted to the HPC for its written report regarding effects upon historic or cultural resources: ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; and waterfront land use and project plans.

(a) Time Period for Review. The HPC shall submit any written report to the Board of Supervisors within 90 days of the date of referral. Failure of the HPC to act within the prescribed time shall be deemed to constitute a recommendation of disapproval, except that the Board of Supervisors may, by resolution, extend the prescribed time within which the HPC is to render its report.

(b) Report to Planning Commission. If the Planning Commission is required to take action on the matter, the HPC shall submit any report to the Planning Commission as well as to the Board of Supervisors.

(c) Referral Back of Proposed Amendments to the Municipal Code. In acting upon any proposed amendment to the Municipal Code concerning historic preservation issues and historic resources, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been referred to the HPC for its written report. Should the Board of Supervisors adopt a motion proposing to modify the amendment while it is before the Board, the amendment and the motion proposing modification shall be referred back to the HPC for its written report. In all such cases of referral back, the amendment and the proposed modification shall be heard by the HPC according to the requirement for a new proposal.

SEC. 1013. ENFORCEMENT AND PENALTIES.

Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this Code.

SEC. 1014. APPLICABILITY.

(a) No application for a permit to construct, alter or demolish any structure or other feature on a *proposed* landmark site or in a *proposed* historic district, filed subsequent to the day that ~~*an application has been filed or*~~ a resolution adopted to initiate designation *or a resolution adopted to confirm initiation of designation* of the ~~*said*~~ *proposed* landmark site or historic district, shall be approved by the Department while proceedings are pending on such designation~~*; provided however, that after 180 days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.*~~ *for 180 days after a resolution is passed initiating designation or confirming nomination of designation.*

The HPC or the Board of Supervisors may approve by resolution a one-time extension of up to 90 days of the above-time period. The Board of Supervisors may approve by resolution one further extension of up to 90 days. If final action on such designation has not been completed before the end of the relevant time period, the permit application may be approved.

Notwithstanding the above, the Department may approve a permit to construct, alter, or demolish a structure or other feature on a proposed landmark site or in a proposed historic district while proceedings are pending on a proposed designation if the property owner or authorized agent of the property owner applies for and is granted approval of a Certificate of Appropriateness for such work pursuant to the requirements of this Article 10.

(b) The provisions of this Article 10 shall be inapplicable to the construction, alteration or demolition of any structure or other feature on a landmark site or in a historic district, where a permit for the performance of such work was issued prior to the effective date of the designation of the said landmark site or historic district, and where such permit has not expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

SEC. 1015. - SEVERABILITY.

If any Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase of this Article 10 or any part thereof, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Article 10 or any part thereof. The Board of Supervisors hereby declares that it would have passed each Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase thereof, *and any amendments thereto,* irrespective of the fact that any one or more Sections, Subsections, Subdivisions, Paragraphs, sentences, clauses or phrases be declared unconstitutional.

Section 3. The Appendices to Article 10 are not amended by this ordinance and thus have not been included here for brevity.

Section 4. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 5. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Marlena G. Byrne
Deputy City Attorney

FILE NO. 120300

REVISED LEGISLATIVE DIGEST
(5/8/12, Amended in Board)

[Planning Code - Article 10 - Landmarks Preservation]

Ordinance amending the San Francisco Planning Code, Article 10, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

Existing Law

Article 10 of the Planning Code, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," sets forth the requirements, procedures, and standards for designating and approving alterations and additions to and demolition of locally designated landmarks and historic districts. Article 10 establishes the various roles of the Landmarks Preservation Advisory Board (LPAB), the Planning Commission, and the Board of Supervisors, as well as the Planning Department, with regard to City-designated landmarks and historic districts. In addition to designating many individual landmarks, Article 10 includes designation of 12 local historic districts.

Once a property has been designated, either individually or as a property within a historic district, the procedures set forth in Article 10 apply to applications for permits to alter, add an addition to, or demolish designated properties, generally requiring a Certificate of Appropriateness be approved by the Planning Department or Planning Commission, with the advice of the LPAB, for such work. Article 10 includes noticing and public hearing procedures, and specific requirements for work to publicly owned structures, including City Hall.

Amendments to Current Law

The proposed ordinance would comprehensively amend Article 10 to remove reference to the former LPAB, remove most references to the Planning Commission, and add appropriate reference to the Historic Preservation Commission (HPC) to reflect that the LPAB no longer exists and that Charter Section 4.135 delegates all of the LPAB's and much of the Planning Commission's former responsibilities to the HPC.

The proposed ordinance would also make a number of changes to the procedures for designating City landmarks and historic districts and for approving Certificates of Appropriateness for designated properties, including, among others, the following:

- Only the Board of Supervisors or the HPC may initiate designation of a landmark or historic district. Under the current Code, these bodies, as well as the Planning Commission and the Art Commission may do so. (*See* new Section 1004.1(b).)
- The Planning Department must conduct certain types of outreach to any area proposed to be designated as a new historic district. (*See* new Section 1004.3.)
- The Planning Department may approve "Administrative Certificates of Appropriateness" for work to designated landmarks or properties within historic district where the work proposed is considered a "Minor Alteration," as defined by the HPC. Such work would not require the approval of the HPC unless the Department's decision is appealed to the HPC. (*See* new Section 1006.2.)
- In order to receive a Certificate of Appropriateness for work to a designated landmark or a contributor to a historic district, the work must comply with the *Secretary of the Interior's Standards for Treatment of Historic Properties* ("Secretary's Standards"). The Planning Department will develop local interpretations and guidelines based on the Secretary's Standards, which interpretations and guidelines shall be adopted by both the HPC and the Planning Commission. (*See* new Section 1006.6(b).)
- For property within a historic district in certain zoning districts, compliance with the standards for review of Certificates of Appropriateness, including the Secretary's Standards, shall not be required when it would result in a significant economic hardship, subject to certain conditions. (*See* new Section 1006.6(g).)
- For residential properties within a historic district that are providing government subsidized for-sale or rental housing, compliance with the standards for review of Certificates of Appropriateness, including the Secretary's Standards, shall not be required subject to certain conditions. (*See* new Section 1006.6(h).)
- Publicly-owed properties designated as landmarks or historic districts under Article 10 and subject to the permit review procedures of the City shall comply with the Certificate of Appropriateness procedures. (*See* Section 1010.)
- Once landmark or historic district designation has been initiated by the Board of Supervisors or the HPC, no permit for work to such property may be approved for 180 days or until the designation is approved or denied, whichever comes first, unless the project receives a Certificate of Appropriateness. (*See* Section 1014.)

Background Information

Article 10 has not been amended since the voter-approved passage of San Francisco Charter Section 4.135 in November of 2008, which abolished the LPAB, created the HPC, and removed the Planning Commission and Department from much of their prior roles in approving landmark and historic district designations and approving Certificates of Appropriateness. Because the LPAB ceased to exist on December 31, 2008, the Code has been interpreted since then as referring to the HPC whenever the LPAB is mentioned.

FILE NO. 120301

REVISED LEGISLATIVE DIGEST
(5/8/12, Amended in Board)

[Planning Code - Article 11 - Historic Preservation in the C-3 Districts]

Ordinance amending the San Francisco Planning Code, Article 11, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

Existing Law

Article 11 of the Planning Code, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," sets forth the requirements, procedures, and standards for designating and approving alterations and additions to and demolition of properties designated as "Significant" or "Contributory" or within Conservation Districts within the C-3 zoning districts, which are generally located in the City's downtown financial district. Article 11 establishes the various roles of the Landmarks Preservation Advisory Board (LPAB), the Planning Commission, and the Board of Supervisors, as well as the Zoning Administrator and the Planning Department, with regard to City-designated historic properties within these downtown areas. In addition to designating individual properties, Article 11 includes designation of six Conservation Districts.

Once a property has been designated, either individually or as a property within a Conservation District, under Article 11, the procedures set forth in Article 11 apply to applications for permits to alter or demolish designated properties, generally requiring a approval by the Zoning Administrator or Planning Commission, with the advice of the LPAB, for such work. Article 11 includes noticing and public hearing procedures both for designation and for permit approval.

Amendments to Current Law

The proposed ordinance would comprehensively amend Article 11 to remove reference to the former LPAB, remove most references to the Planning Commission and the Zoning Administrator, and add appropriate reference to the Historic Preservation Commission (HPC) to reflect that the LPAB no longer exists and that Charter Section 4.135 delegates all of the LPAB's and much of the Planning Commission's and Zoning Administrator's former responsibilities to the HPC.

The proposed ordinance would also make a number of changes to the procedures for designating properties under Article 11, including designating or altering designations of Conservation Districts, and for approving permits to alter or demolish, including, among others, the following:

- Only the Board of Supervisors and the HPC may initiate designation of a property under Article 11. Under the current Code, these bodies, as well as the Planning Commission, may do so. (*See* new Section 1106(a).)
- The Planning Department must conduct certain types of outreach to any area proposed to be designated as a new Conservation District or where a district boundary is proposed to be altered. (*See* new Section 1107(e).)
- Specific requirements for applications for permits to alter or demolish are set forth in Section 1111, and include specific additional requirements for applications for permits to demolish.
- The Planning Department may approve "Minor Alteration" permits for work to Article 11 properties, where the work meets certain requirements as defined by the HPC. Such work would not require the approval of the HPC unless the Department's decision is appealed to the HPC. (*See* new Section 1111.1.)
- In order to receive a permit to alter, the proposed work must comply with the *Secretary of the Interior's Standards for Treatment of Historic Properties* ("Secretary's Standards"). The Planning Department will develop local interpretations and guidelines based on the Secretary's Standards, which interpretations and guidelines shall be adopted by both the HPC and the Planning Commission. (*See* new Section 1111.6(b).)
- Standards and requirements for permits to demolish are set forth in new Section 1111.7, and include more stringent requirements for approving a demolition than in the current Code. Under the proposed legislation:
    - An application to demolish a significant building or a contributory building that has sold TDR may be approved if the property retains no substantial market value or reasonable use or if an imminent safety hazard exists.
    - For contributory buildings that have not sold TDR, an application to demolish may be approved for the previous two reasons, or additionally if the physical condition of the structure means that rehabilitation and reuse of the structure would not meet the proposed project's goals and specific economic, social, or other benefits outweigh the benefit conferred by preserving the building.
    - For unrated buildings within a Conservation District, demolition may be approved under the proposed legislation if the building has not gained historic significance since it was rated and the proposed replacement building is compatible with the district.

Background Information

Article 11 has not been amended since the voter-approved passage of San Francisco Charter Section 4.135 in November of 2008, which abolished the LPAB, created the HPC, and removed the Planning Commission and Zoning Administrator from much of their prior roles in approving designations under Article 11 and approving permits to alter and demolish. Because the LPAB ceased to exist on December 31, 2008, the Code has been interpreted since then as referring to the HPC whenever the LPAB is mentioned.

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PLANNING DEPARTMENT

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March 22, 2012

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2011.0167T:**
Planning Commission Recommendations Regarding Articles 10 and 11 of the Planning Code

BOS File No: 120300 **(pending)**
Planning Commission Recommendation: *Approval*

Dear Ms. Calvillo,

Attached are recommendations made by the Planning Commission to the Board of Supervisors regarding proposed amendments to Articles 10 and 11 of the Planning Code.

On July 8, 2010 the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a proposed Ordinance. As originally proposed, this ordinance was a Planning Code "Clean Up" amendment proposed by Department Staff.

At the request of the Planning Commission, the portions of the proposed amendment that dealt with Articles 10 and 11 were severed; the Planning Commission asked the Historic Preservation Commission (HPC) to review the amendments to Articles 10 and 11 and to provide a recommendation to both the Planning Commission and to the Board of Supervisors. This request was made pursuant to Charter Section 4.135, which states that any proposed ordinance concerning historic preservation must be submitted to the HPC for its review and recommendation to the Board of Supervisors.

The Planning Commission conducted duly noticed public hearings to consider adopting the amendments, as well as further modifications recommended by Supervisor Wiener on August 5, 2010, October 27, 2011, and February 2, 2012.

The proposed Ordinance initiated by the Planning Commission would significantly amend Articles 10 and 11 of the Planning Code (hereafter referred to as "Code") in order to conform to Charter Section 4.135, which established the Historic Preservation Commission. The proposed Ordinance would replace all references to the former Landmarks Preservation Advisory Board (LPAB) with the Historic Preservation Commission, would amend procedures such as noticing,

recommendations to the Board of Supervisors, and landmark and landmark district designation processes, as well as re-classification of buildings subject to Article 11. Below is a summary of the primary topics proposed for amendment, which includes:

- Designations, review of applications, scheduling and notice, appeals, and applicability;
- Economic hardship and fee waivers for Certificates of Appropriateness;
- Community input for historic district designations;
- Local interpretations of the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

The full extent of the proposed changes is included in the attached proposed Ordinances for Articles 10 and 11.

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c).

At the February 2 hearing, the Commission voted to recommend **approval** of the proposed Ordinance. Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

cc:
Mayor's Office, Jason Elliot
Supervisor Scott Wiener
Supervisor Christina Olague
Deputy City Attorney, Marlena Byrne

Attachments (one copy of the following):
Planning Commission Resolution 18531
Planning Commission Executive Summary for Case No. 2011.0167T
Draft Ordinances for Articles 10 and 11

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Planning Commission Resolution 18531

Planning Code Text Changes: Articles 10 and 11

HEARING DATE: FEBRUARY 2, 2012

Project Name:	**Proposed Amendments to Article 10 and to Article 11**
Case Number:	2011.0167T
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 and 11 Amendments**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND PLANNING CODE ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS – AND ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS; 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 August 5, 2010, October 27, 2011, and February 2, 2012; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); 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 1 2010 and August 17, 2011 and September 7, 2011, September 21st, 2011, October 5th, October 19, 2011, November 2, November 16th 2011, January 18, 2012, and February 1, 2012;

WHEREAS, the Historic Preservation Commission will transmit its recommendation to the Board of Supervisor's for its review; and

WHEREAS, the Planning Commission 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 Planning Commission has reviewed the proposed Ordinances; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors *approve* the proposed Ordinance for Article 10 and the Ordinance for Article 11 detailed in the drafts dated March 21, 2012.

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 make them consistent with Charter Section 4.135. In addition, substantive amendments have been made based on an extensive review process.

4. Therefore, the Planning Commission recommends *approval of the proposed Ordinances amending Articles 10 and 11.*

5. **General Plan Compliance.** The proposed Ordinances are, 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 Ordinances is to correct typographical and clerical errors to the Planning Code, as well as to update Articles 10 and 11 to make it conform to Charter Section 4.135, and to make substantive changes.

6. The proposed Ordinances are 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 Ordinances 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 Ordinances will not impact existing housing and neighborhood character.

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

The proposed Ordinances 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 Ordinances 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 Ordinances 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 Ordinances will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission, and make other significant amendments with the intention of preserving landmark and historical buildings.

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

The proposed Ordinances 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 2, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore, Sugaya

NOES: None

ABSENT: None

ADOPTED: February 2, 2012

Exhibit A: Draft Ordinance with amendments to Article 10 and Draft Ordinance with amendments to Article 11.

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Proposed Planning Code Amendments to Articles 10 and 11

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HEARING DATE: FEBRUARY 2, 2011
(Continued from the December 8, 2011 Public Hearing)

Project Name:	Planning Code Amendments: Articles 10 & 11
Case Number:	2011.0167T
Staff Contact:	Sophie Hayward, Legislative Affairs sophie.hayward@sfgov.org
Reviewed by:	Tim Frye, Preservation Coordinator tim.frye@sfgov.org, 415-575-6822
Recommendation:	Recommend Approval

Please Note: The Historic Preservation Commission (HPC) will consider the same item at their February 1, 2012 hearing. Any action taken by the HPC will be transmitted to the Board of Supervisors, and will be relayed to this commission on the date of the February 2, 2012 hearing.

PLANNING CODE AMENDMENT

This case concerns the Planning Code Amendments to Articles 10 and 11.

On July 8, 2010, the Planning Commission initiated a text change to the Planning Code as part of the regular "Code Clean-Up" legislation. Included in this initiation were Planning Code changes intended to make the Code consistent with Charter Section 4.135, which establishes the Historic Preservation Commission. As noted in the July 8, 2010 initiation packet:

> The Historic Preservation Commission ("HPC") was created in the fall of 2008. Articles 10 and 11 are the Planning Code chapters that outline the designation and permit review processes for historic buildings and have not been updated and do not conform to Charter Section 4.135. At the request of the Planning Commission and the HPC, the Department is proposing amendments to these two Articles. These revisions will simply make them consistent with Charter Section 4.135. There will not be any substantive changes to the Planning Code; the amendments will only remove references to the former Landmarks Preservation Advisory Board and where appropriate, the Planning Commission, to reflect the Charter.[1]

[1] "Case No. 2010.0080T Executive Summary for Initiation of Planning Code Changes," available online at: http://sf-planning.org/ftp/files/Commission/CPCPackets/2010.0080t.pdf (October 18, 2011)

In order to provide more time for discussion regarding proposed changes to Articles 10 and 11, the Planning Commission severed Articles 10 and 11 from the so-called "Code Clean Up" legislation. The Code Clean-Up legislation moved on to the Board of Supervisors without addressing proposed changes to Articles 10 and 11.

A parallel review process was initiated by the Historic Preservation Commission (HPC) in July, 2010. During a series of public hearings between July and December, 2010, the HPC drafted revisions to Planning Code Articles 10 and 11. The City Attorney's office has reviewed the amendments to both Articles 10 and 11 as drafted by the HPC and has made suggested revisions on the drafts in order to approve them as-to-form. At its October 19, 2011 hearing, the HPC passed Resolution Number 666 recommending approval of Article 10 as amended. At its November 2, 2011 hearing, the HPC passed Resolution Number 667 recommending approval of Article 11 as amended. In addition, Supervisor Wiener has proposed additional amendments – not all of which have been reviewed by the HPC at this time – to Articles 10 and 11.

The Way It Is Now:

The proposed Ordinance would significantly amend Articles 10 and 11 of the Planning Code (hereafter referred to as "Code") in order to conform to Charter Section 4.135, which established the Historic Preservation Commission. The proposed Ordinance would replace all references to the former Landmarks Preservation Advisory Board (LPAB) with the Historic Preservation Commission, would amend procedures such as noticing, recommendations to the Board of Supervisors, and landmark and landmark district designation processes, as well as re-classification of buildings subject to Article 11. Below is a summary of the primary topics proposed for amendment, which includes:

- Designations, review of applications, scheduling and notice, appeals, and applicability;
- Economic hardship and fee waivers for Certificates of Appropriateness;
- Community input for historic district designations;
- Local interpretations of the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

The full extent of the proposed changes is included in the attached redlined draft Ordinances for Articles 10 and 11. The attached draft Ordinances show both the amendments proposed by the HPC, and the additional amendments proposed by Supervisor Wiener. Please note that for the most part, when changes have been made to Article 10 that are also applicable to Article 11.

- **Section 1004.1 – Initiation of Designation, Section 1004.2 Referral Landmarks Preservation Advisory Board, Section 1004.3 – Hearing by the City Planning Commission, Section 1004.4 – Designation by the Board of Supervisors.**

  The existing Article 10 allows for the initiation of an individual landmark by five bodies: the Board of Supervisors, the Planning Commission, the Arts Commission, the Landmarks Preservation Advisory Board, or the individual property owner. Historic districts may be initiated by a similar list of sponsors: the Board of Supervisors, the Planning Commission, the Arts Commission, the Landmarks Preservation Advisory Board, or 66% of property owners in the proposed district. Any initiation is forwarded to the LPAB for their recommendation, which is

then forwarded to the Planning Commission for its recommendation to the Board of Supervisors. The Board of Supervisors may approve or modify and approve the designation.

- **Section 1006.1 – Applications for Certificate of Appropriateness**

  The existing Section 1006.1(e) allows the Department to combine applications, notices, and hearings for projects that require both Conditional Use Authorization and a Certificate of Appropriateness. These projects are to be heard by the Planning Commission.

- **Section 1006.2 – Review by Department of City Planning and City Planning Commission**

  Under the current Article 10, the Department reviews with the LPAB applications for alterations to individual landmarks or to buildings within historic districts. If the LPAB finds that the proposal would be a significant impact, it refers the permit to the Planning Commission for its review. For applications for demolition or new construction, the permit is referred to the Planning Commission.

- **Section 1006.3 – Scheduling and Notice of Hearing**

  Currently, no notice is required, except for applications for Certificates of Appropriateness that are referred to the Planning Commission. In those cases, a 20-day newspaper ad is required, as is a mailed notice to owners 10-days prior to the hearing.

- **Section 1006.7 – Standards for Review of Applications**

  The current version of Article 10 requires that the Planning Commission and the Department, in their consideration of applications for Certificates of Appropriateness, be guided by standards that are outlined in this section, that focus on compatibility. There is no explicit reference to the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

- **Section 1006.8 – Appeals from Planning Commission Decision**

  Decisions made by the Planning Commission regarding Certificates of Appropriateness may be appealed to the Board of Supervisors within 30 days of the date of action.

- **Section 1014 – Applicability**

  In the existing Article 10, no application for a permit to construct, alter, or demolish any structure on a proposed landmark site may be approved once an application has been filed to designated the site or district in which it is located.

- **Section 1111.7 – Permits for Signs**

  In the existing Article 11, this Section relates to permits for new signs. The HPC has proposed modifications that would re-write this Section so that it addresses applications for demolition.

The Way It Would Be:

Below is a summary of how the proposed Ordinance would amend the following major Sections within the Code:

- **Section 1004.1 – Nomination and Initiation of Designation Landmark and Historic District Designation, 1004.2 – Decision by the Historic Preservation Commission, and 1004.3 – Designation by the Board of Supervisors.**

The HPC-proposed amendment would allow the Planning Department, property owner, or any member of the public to request that the HPC vote to initiate landmark designation. Supervisor Wiener's proposed amendment would retain the requirement outlined in the existing Article 10, which requires, in the case of a proposed historic district designation, that the nomination be subscribed by 66% of the property owners in the proposed historic district. As outlined in the HPC-proposed amendment, the initiation of a designation may be made by resolution of the Board of Supervisors or by resolution of the HPC.

If the HPC, at its initiation hearing, recommends approval of an **individual landmark designation**, that recommendation will be forwarded directly to the Board of Supervisors for its consideration, and will not be forwarded to the Planning Commission. If the HPC, at its initiation hearing, recommends approval of an **historic district designation**, that recommendation will be forwarded first to the Planning Commission for its recommendation, and then on to the Board of Supervisors for its consideration.

Supervisor Wiener has proposed an additional modification, which would require that in its review of an historic district designation, the Planning Commission's recommendation will include findings regarding the district's consistency with the General Plan, and specifically policies that encourage the production of housing and transit-oriented development.

If the HPC, at its initiation hearing, disapproves designation of an individual landmark or historic district, that decision is final unless it is appealed.

The Board of Supervisors will consider any initiated designation of an individual landmark or historic district, and may approve, modify and approve, or disapprove the designation. Supervisor Wiener has recommended a modification that would require, in the case of proposed historic districts that the Planning Department conduct outreach to invite all property owners to express their opinion on the nomination, with a goal of obtaining the participation of at least 50% of property owners within the proposed district.

- Section 1005(e)(4)

This is a new subsection proposed by Supervisor Wiener, which states that when an application is made for a permit for work on a sidewalk or street within a designated historic district, the processes outlined in Article 10 do not apply unless the streets and sidewalks of the district have been explicitly called out as character-defining features in the designating ordinance.

- **Section 1006.1 – Applications for Certificate of Appropriateness**

As amended by the HPC, Section 1006.1(e) would require that for projects that require multiple approvals in addition to the Certificate of Appropriateness, the HPC would first review and act on the Certificate of Appropriateness prior to any other planning approval. For projects that require Conditional Use Authorization or permit review under Section 309, and that do **not** concern individually designated structures (i.e., for projects that are located within historic districts), the Planning Commission may modify the decision of the HPC on the Certificate of Appropriateness with a 2/3 vote.

Supervisor Wiener has proposed a further amendment that would require that, when the Planning Commission modifies decisions by the HPC in the cases outlined above, the Planning

Commission takes into account all relevant General Plan and Planning Code policies in addition to all applicable historic resource provisions of the Code.

In addition, Supervisor Wiener has proposed a new subsection 1006.1(f) that would establish Permit and Application Fee Waivers to waive all or part of fees associated with Certificates of Appropriateness in cases of economic hardship. In addition, fees for Certificates of Appropriateness would be waived for permit applications for City-owned properties.

- **Section 1006.2 – Review by Planning Department**

  The revised Article 10 outlines a process by which the HPC may delegate to the Department specific scopes of work to the Planning Department for its review and approval. These "Administrative" Certificates of Appropriateness do not require notification or a public hearing before the HPC. This function is currently not allowed under the existing Article 10 but is allowed under Article 11.

- **Section 1006.3 – Scheduling and Notice of Hearing**

  The revised Article 10, as outlined above, eliminates the requirement that Certificates of Appropriateness for alteration permits be referred to the Planning Commission. In addition, the revised Article 10 consolidates the notification procedures and timeline for HPC hearings for Certificates of Appropriateness, and eliminates the requirement for notice in the newspaper.

  The HPC-proposed amendments would provide mailed notice for applications within historic districts to owners and occupants within 300 feet of the subject property. Supervisor Wiener's proposed amendment would reduce that radius to within 150 feet of the subject property.

- **Section 1006.6 Standards for Review of Applications.**
  This section has been re-numbered from 1006.7 to 1006.6. The HPC-proposed amendments require that the HPC, the Department, and in the case of multiple approvals, the Planning Commission, shall be ensure that applications for proposed work are consistent with the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.

  Supervisor Wiener has recommended alternative language that would require that the HPC or Planning Commission shall consider whether the proposed work is consistent with the *Standards*, as interpreted by the Department in Guidelines, Interpretations, or Bulletins adopted by the HPC and the Planning Commission. Development of these local interpretations of the *Standards* would be a public process led by the Planning Department.

  In addition, Supervisor Wiener has proposed the addition of new subsections 1006.6(g) and (h), which would further address economic hardship. The proposed new subsection 1006.6(g) would require that, for projects proposed by public agencies or for City-owned properties, the Department and the HPC shall consider the relevant public agency's mission and constraints in considering the application. The new subsection 1006.6(h) would apply to applications for permits win RH, RM, RTO and NC districts, and would allow an exemption from the requirements of Section 1006.6 (conformance with the *Standards*) when conformance would create a significant economic hardship, provided that the scope of the project does not include demolition, fees have been waived pursuant to Section 1006.1, and the Zoning Administrator has determined that all other aspects of the project are Code-complying. Finally, for undeveloped or

vacant lots, or non-contributors within historic districts, an exemption from the requirements of 1006.6 (conformance with the *Standards*) is also available.

- **Section 1006.7 – Appeals of a Certificate of Appropriateness**

  This section has been renumbered from 1006.8 to 1006.7. The HPC has proposed modifying this section such that decisions on Certificates of Appropriateness may be appealed to the Board of Appeals rather than the Board of Supervisors. In cases that include Conditional Use Authorizations or approval by the Board of Supervisors, the decision may be appealed to the Board of Supervisors, which may modify the decision by a majority vote.

- **Section 1014 – Applicability**

  As revised by the HPC, no permit may be approved for one year after a resolution is passed initiating designation or confirming nomination of a proposed landmark or district. The HPC or the Board of Supervisors may further extend this time period for up to 180 days. However, work may be approved on such sites with pending designations, provided a Certificate of Appropriateness is granted for the work.

  Supervisor Wiener has proposed an amendment to the changes recommended by the HPC, which would prohibit work on sites with pending designations for 180 days, rather than one year. His amendments would allow the Board of Supervisors to extend this period for up to 90 days.

- **Section 1111.7 – Standards and Requirements for Review of Applications for Demolition**

  The existing Article 11 outlines a higher level of review for the demolition of Significant Buildings (Categories I and II buildings within the C-3 zoning districts). However, for Contributory Buildings that **have not sold TDR** (Categories III and IV buildings within the C-3 zoning districts), the criteria were less stringent. Under the existing Article 11 if a Contributory Building **has sold its TDR**, it is reviewed with the same criteria as if it were a Significant Building (since the property owner has already received a financial gain through the sale of their TDR).

  The HPC has proposed modifications that would change the criteria for evaluation of permits to demolish. For Significant Buildings (Categories I and II) and for Contributory Buildings (Categories III and IV) that have sold their TDR, the HPC may approve the demolition provided it makes findings that the property retains no substantial market or reasonable use, or if an imminent safety hazard has been identified with demolition as the only feasible means to secure public safety. For Contributory Buildings (Categories III and IV) from which no TDR has been transferred, a demolition may be approved using the same findings as those listed above, or findings that because of the physical condition of the structure, rehabilitation and reuse will not meet the goals and objectives of the project, that the replacement building is compatible with the district in which the structure is located, and that specific economic, social, and other benefits of the replacement building outweigh the benefit conferred through the historic preservation of the structure. Finally, for any Category V (Not Rated) building within a conservation district, demolition may be approved if the building has not gained historic significance since the time of its rating and that the proposed replacement building is compatible with the district.

REQUIRED COMMISSION ACTIONS

The proposed Ordinance is before the Commission so that it may approve or disapprove the proposed Planning Code Amendments, and forward its recommendation on to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

ENVIRONMENTAL REVIEW

The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

Since the distribution of correspondence with the October 27, 2011 informational hearing packets, the Department has received two additional letters, one from San Francisco Architectural Heritage, and one from SPUR.

RECOMMENDATION:	Recommendation of Approval to forward to the Board of Supervisors

Attachments:

Exhibit A: Draft Ordinances for Articles 10 and 11

Exhibit B: Draft Planning Commission Resolutions: Recommending Approval of Amendments to the Planning Code Articles 10 and 11

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March 26, 2012

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2011.0167T:**
Historic Preservation Commission Recommendations Regarding Articles 10 and 11 of the Planning Code

BOS File No: 120300 **(pending)**
Historic Preservation Commission Recommendation: ***Approval with Modifications***

Dear Ms. Calvillo,

Attached are recommendations made by the Historic Preservation Commission (HPC) to the Board of Supervisors regarding proposed amendments to Articles 10 and 11 of the Planning Code. A recommendation on the same Articles by the Planning Commission has also been transmitted to you under separate cover. Please include these recommendations by the HPC as a report in your file for the Planning Commission-initiated legislation.

On July 8, 2010 the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of a proposed Ordinance. As originally proposed, this Ordinance was a Planning Code "Clean Up" amendment proposed by Department Staff.

At the request of the Planning Commission, the portions of the proposed amendment that dealt with Articles 10 and 11 were severed; the Planning Commission asked the Historic Preservation Commission (HPC) to review the amendments to Articles 10 and 11 and to provide a recommendation to both the Planning Commission and to the Board of Supervisors. This request was made pursuant to Charter Section 4.135, which states that any proposed Ordinance concerning historic preservation must be submitted to the HPC for its review and recommendation to the Board of Supervisors.

The HPC conducted duly noticed public hearings to consider the Planning Commission-initiated amendments, as well as further modifications recommended by Supervisor Wiener on the following dates:

- **2010:** July 21st, August 4th and 18th, September 1st, 15th and 29th, October 6th, and 15th, November 3rd and 17th, and December 1st;

- **2011:** August 17th, September 7th and 21st, October 5th and October 19th, November 2nd and 16th;
- **2012:** January 18th and February 1st, 2012.

The HPC passed **Resolution 672**, which addresses proposed amendments to Article 10, as well as **Resolution 673**, which addresses proposed amendments to Article 11. The Resolutions recommend specific changes to the language of Articles 10 and 11 drafted by the HPC, and also incorporate some of the additional changes proposed by Supervisor Wiener. The final set of recommendations by the HPC does not include all of the proposed amendments by Supervisor Wiener, as outlined below and in the attached motions:

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.)

f. ***Section 1107(e) shall read:*** Prior to the Board of Supervisors' vote on a proposed boundary change, 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 area covered by the proposed boundary change to express their opinion ~~**in writing**~~ on the proposed boundary change. ~~**be it in the form of a vote or a survey with the goal of obtaining the participation of at least half of all property owners in the area.**~~ Such invitation shall advise owners of the practical consequences of the adoption of the proposed boundary change, including the availability of preservation incentives, the types of work requiring a Permit to Alter, the process and fees for obtaining a Permit to Alter, and the types of work that is generally ineligible to receive a Permit to Alter. ~~**The property owners' vote shall be considered by the Board of Supervisors when taking action on the proposed boundary change.**~~

g. *Supervisor Wiener has proposed adding* ***Sections 1111 (f) and (g)****, 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.*

h. ***Section 1111.6 shall read:*** *The proposed work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties* for significant and contributory buildings, 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.

i. *Section 1111.7(a)(3): Supervisor Wiener recommended that language be added that would modify the timeframe for reclassification of Category V buildings, and that would make denials of applications for demolition of Category V buildings subject to a finding that the demolition*

would substantially diminish the integrity of the conservation district. The HPC does not recommend including the added language.

j. ***Section 1111.7(b) shall read:*** *(b) The cumulative effects on the integrity of the Conservation District associated with demolition of a Contributory Building shall be considered and may be grounds for denial of the Permit to Demolish,* ~~if it is found that the demolition would substantially diminish the integrity of the Conservation District.~~

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the February 1 hearing, the HPC voted to recommend **approval with modifications** of the proposed Ordinances. Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

John Rahaim
Director of Planning

cc:
Deputy City Attorney, Marlena Byrne

Attachments (one copy of the following):
Historic Preservation Resolution Nos. 672 and 673
Historic Preservation Commission Executive Summary for Case No. 2011.0167T

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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

SAN FRANCISCO
PLANNING DEPARTMENT

Memo to the Historic Preservation Commission

HEARING DATE: JANUARY 18, 2012

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Planning
Information:
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Project Name:	**Planning Code Amendments: Articles 10 & 11**
Case Number:	2011.0167T
Initiated by:	John Rahaim, Director of Planning
Staff Contact:	Sophie Hayward, Legislative Affairs sophie.hayward@sfgov.org, 415-558-6372
Reviewed by:	Tim Frye, Preservation Coordinator tim.frye@sfgov.org, 415-575-6822

This memorandum concerns the Planning Code Amendments to Articles 10 and 11.

The proposed revisions to Planning Code Articles 10 and 11 were drafted by the Historic Preservation Commission (HPC) over the course of a series of hearings held between July and December, 2010. The City Attorney's office has reviewed the amendments to both Articles 10 and 11 as drafted by the HPC and has suggested revisions to the drafts in order to approve them as-to-form. In addition, on September 7, October 3, October 13, October 17, and October 27, 2011, Supervisor Wiener circulated five Memoranda to the Historic Preservation Commission with proposed further amendments to Articles 10 and 11. On December 1, 2011, the Department received a set of proposed amendments by Supervisor Wiener in draft Ordinance-form that incorporated much of what the five memos had proposed. The Planning Commission considered these amendments as an informational item at their December 8, 2011 public hearing, and is scheduled to make a formal recommendation to the Board of Supervisors at the February 2, 2012 hearing. The HPC has not yet considered the proposed amendments transmitted to the Department by Supervisor Wiener on December 1, 2011.

Included as attachments in today's packet are:

1. A clean copy of Article 10 that reflects the changes incorporated through the adopted Resolution 666 passed on October 19, 2011 and a clean copy of Article 11 that reflects the changes incorporated through the adopted Resolution 667 passed on November 2, 2011;
2. A copy of Article 10 and a copy of Article 11 that show the further amendments proposed by Supervisor Wiener.

SUMMARY OF AUGUST 17, 2011-NOVEMBER 16, 2011 HPC HEARINGS

Beginning in August, 2011, the HPC began a review of proposed edits to Articles 10 and 11 suggested by Deputy City Attorney Marlena Byrne intended to clarify the language and to approve the two ordinances as-to-form.

At the October 19, 2011 public hearing, the HPC adopted Resolution Number 666 recommending that the Planning Commission recommend that the Board of Supervisors adopt an Ordinance that would amend Article 10. At the November 2, 2011 hearing, the HPC passed Resolution Number 667 recommending that the Planning Commission recommend approval to the Board of Supervisors of an Ordinance that would amend Article 11.

In addition, at the October 27, November 2, and November 16th hearings the Commission discussed proposed amendments to Articles 10 and 11 made by Supervisor Wiener in five memos addressed to the Commission, dated September 7, October 3, October 13, October 17, and October 27, 2011.

SUMMARY OF THE DECEMBER 8, 2011 PLANNING COMMISSION HEARING

At the December 8, 2011 Planning Commission hearing, the Commission held an informational hearing to consider the proposed amendments by Supervisor Wiener to the versions of Articles 10 and 11 as drafted by the HPC. At the hearing, Staff provided an overview presentation about the existing versions of Articles 10 and 11, proposed changes by the HPC, and additional modifications recommended by Supervisor Wiener.

No action was taken at the hearing; the item is scheduled for action by the Planning Commission at the February 2, 2012 public hearing.

ISSUES FOR DISCUSSION AT THE JANUARY 18, 2012 HPC HEARING

Due to the timing of the Department's receipt of the proposed amendments to Articles 10 and 11 by Supervisor Wiener on December 1, 2011, the HPC has not considered the full amendments in Ordinance form. The primary issue for consideration at the January 18, 2011 public hearing is the draft Ordinance with the amendments proposed by Supervisor Wiener. The full text is included with your packets as Exhibit C. Below is a summary that outlines "The Way it is Now," and the "The Way it Would Be," highlighting differences between the proposed amendments proposed by the HPC and by Supervisor Wiener.

Please note that the proposed amendments by Supervisor Wiener are in draft form at this time, and have not been formally introduced at the Board of Supervisors. If further amendments are introduced by Supervisor Wiener that have not been considered by the HPC, the Ordinance will be re-referred to the HPC for its review.

The recommendation of the HPC will be forwarded to the Board of Supervisors for its consideration.

The proposed Ordinance would significantly amend Articles 10 and 11 of the Planning Code (hereafter referred to as "Code") in order to conform to Charter Section 4.135, which established the Historic Preservation Commission. The proposed Ordinance would replace all references to the former Landmarks Preservation Advisory Board (LPAB) with the Historic Preservation Commission, would amend procedures such as noticing, recommendations to the Board of Supervisors, and landmark and landmark district designation processes, as well as re-classification of buildings subject to Article 11. Below is a summary of the primary topics proposed for amendments, which include:

- Designations, review of applications, scheduling and notice, appeals, and applicability;
- Economic hardship and fee waivers for Certificates of Appropriateness;
- Community input for historic district designations;
- Local interpretations of the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

The full extent of the proposed changes is included in the attached redlined draft Ordinances for Articles 10 and 11 attached as Exhibit C. The attached draft Ordinances show both the amendments proposed by

the HPC, and the additional amendments proposed by Supervisor Wiener. Please note that for the most part, when changes have been made to Article 10 they are also applicable to Article 11.

The Way It Is Now:

Below is a summary of relevant sections of the existing Planning Code Articles 10 and 11:

- **Section 1004.1 – Initiation of Designation, Section 1004.2 Referral Landmarks Preservation Advisory Board, Section 1004.3 – Hearing by the City Planning Commission, Section 1004.4 – Designation by the Board of Supervisors.**

  The existing Article 10 allows for the initiation of an individual landmark designation by five bodies: the Board of Supervisors, the Planning Commission, the Arts Commission, the Landmarks Preservation Advisory Board, or the individual property owner. Historic districts may be initiated by a similar list of sponsors: the Board of Supervisors, the Planning Commission, the Arts Commission, the Landmarks Preservation Advisory Board, or 66% of property owners in the proposed district. Any initiation is forwarded to the LPAB for their recommendation, which is then forwarded to the Planning Commission for its recommendation to the Board of Supervisors. The Board of Supervisors may approve or modify and approve the designation.

- **Section 1006.1 – Applications for Certificate of Appropriateness**

  The existing Section 1006.1(e) allows the Department to combine applications, notices, and hearings for projects that require both Conditional Use Authorization and a Certificate of Appropriateness. These projects are to be heard by the Planning Commission.

- **Section 1006.2 – Review by Department of City Planning and City Planning Commission**

  Under the current Article 10, the Department reviews with the LPAB applications for alterations to individual landmarks or to buildings within historic districts. If the LPAB finds that the proposal would be a significant impact, it refers the permit to the Planning Commission for its review. For applications for demolition or new construction, the permit is referred to the Planning Commission.

- **Section 1006.3 – Scheduling and Notice of Hearing**

  Currently, no notice is required, except for applications for Certificates of Appropriateness that are referred to the Planning Commission. In those cases, a 20-day newspaper ad is required, as is a mailed notice to owners 10-days prior to the hearing.

- **Section 1006.7 – Standards for Review of Applications**

  The current version of Article 10 requires that the Planning Commission and the Department, in their consideration of applications for Certificates of Appropriateness, be guided by standards that are outlined in this section that focus on compatibility. There is no explicit reference to the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

- **Section 1006.8 – Appeals from Planning Commission Decision**

  Decisions made by the Planning Commission regarding Certificates of Appropriateness may be appealed to the Board of Supervisors within 30 days of the date of action.

- **Section 1014 – Applicability**

In the existing Article 10, no application for a permit to construct, alter, or demolish any structure on a proposed landmark site may be approved once an application has been filed to designated the site or district in which it is located.

- Section 1111.7 – Permits for Signs

  In the existing Article 11, this Section relates to permits for new signs. The HPC has proposed modifications that would re-write this Section so that it addresses applications for demolition.

The Way It Would Be:

Below is a summary of how the proposed Ordinance would amend the following major Sections within the Code:

- Section 1004.1 – Nomination and Initiation of Designation Landmark and Historic District Designation, 1004.2 – Decision by the Historic Preservation Commission, and 1004.3 – Designation by the Board of Supervisors.

  Pursuant to the Prop J Charter Amendment, the HPC and the Board of Supervisors have the authority to nominate historic landmark and historic district designations. The HPC-proposed amendment would allow a property owner or any member of the public to request that the HPC vote to initiate landmark designation. Supervisor Wiener's proposed amendment would **retain** the requirement outlined in the existing Article 10 that requires, in the case of member of the public requesting nomination of a historic district, that the nomination be subscribed by 66% of the property owners in the proposed historic district. As outlined in the HPC-proposed amendment, the initiation of a designation may be made by resolution of the Board of Supervisors or by resolution of the HPC.

  If the HPC, at its initiation hearing, recommends approval of an **individual landmark designation**, that recommendation will be forwarded directly to the Board of Supervisors for its consideration, and will not be forwarded to the Planning Commission. If the HPC, at its initiation hearing, recommends approval of an **historic district designation**, that recommendation will be forwarded first to the Planning Commission for its recommendation, and then on to the Board of Supervisors for its consideration.

  Supervisor Wiener has proposed an additional modification, which would require that in its review of an historic district designation, the Planning Commission's recommendation will include findings regarding the district's consistency with the General Plan, and specifically policies that encourage the production of housing and transit-oriented development.

  If the HPC, at its initiation hearing, disapproves designation of an individual landmark or historic district, that decision is final unless it is appealed.

  The Board of Supervisors will consider any initiated designation of an individual landmark or historic district, and may approve, modify and approve, or disapprove the designation. Supervisor Wiener has recommended a modification that would require, in the case of proposed historic districts that the Planning Department conduct outreach to invite all property owners to express their opinion on the nomination, with a goal of obtaining the participation of at least 50% of property owners within the proposed district.

- Section 1005(e)(4)

This is a new subsection proposed by Supervisor Wiener, which states that when an application is made for a permit for work on a sidewalk or street within a designated historic district, the processes outlined in Article 10 do not apply unless the streets and sidewalks of the district have been explicitly called out as character-defining features in the designating ordinance.

- **Section 1006.1 – Applications for Certificate of Appropriateness**

  As amended by the HPC, Section 1006.1(e) would require that for projects that require multiple approvals in addition to the Certificate of Appropriateness, the HPC would first review and act on the Certificate of Appropriateness prior to any other planning approval. For projects that require Conditional Use Authorization or permit review under Section 309, and that do **not** concern individually designated structures (i.e., for projects that are located within historic districts), the Planning Commission may modify the decision of the HPC on the Certificate of Appropriateness with a 2/3 vote.

  Supervisor Wiener has proposed a further amendment that would require that, when the Planning Commission modifies decisions by the HPC in the cases outlined above, the Planning Commission takes into account all relevant General Plan and Planning Code policies in addition to all applicable historic resource provisions of the Code.

  In addition, Supervisor Wiener has proposed a new subsection 1006.1(f) that would establish Permit and Application Fee Waivers to waive all or part of fees associated with Certificates of Appropriateness in cases of economic hardship. In addition, fees for Certificates of Appropriateness would be waived for permit applications for City-owned properties.

- **Section 1006.2 – Review by Planning Department**

  The revised Article 10 outlines a process by which the HPC may delegate to the Department specific scopes of work to the Planning Department for its review and approval. These "Administrative" Certificates of Appropriateness do not require notification or a public hearing before the HPC. This function is currently not allowed under the existing Article 10 but is allowed under Article 11.

- **Section 1006.3 – Scheduling and Notice of Hearing**

  The revised Article 10, as outlined above, eliminates the requirement that Certificates of Appropriateness for alteration permits be referred to the Planning Commission. In addition, the revised Article 10 consolidates the notification procedures and timeline for HPC hearings for Certificates of Appropriateness, and eliminates the requirement for notice in the newspaper.

  The HPC-proposed amendments would provide mailed notice for applications within historic districts to owners and occupants within 300 feet of the subject property. Supervisor Wiener's proposed amendment would reduce that radius to within 150 feet of the subject property.

- **Section 1006.6 Standards for Review of Applications.**
  This section has been re-numbered from 1006.7 to 1006.6. The HPC-proposed amendments require that the HPC, the Department, and in the case of multiple approvals, the Planning Commission, shall be ensure that applications for proposed work are consistent with the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.

Supervisor Wiener has recommended alternative language that would require that the HPC or Planning Commission shall consider whether the proposed work is consistent with the *Standards*, as interpreted by the Department in Guidelines, Interpretations, or Bulletins adopted by the HPC and the Planning Commission. Development of these local interpretations of the *Standards* would be a public process led by the Planning Department.

In addition, Supervisor Wiener has proposed the addition of new subsections 1006.6(g) and (h), which would further address economic hardship. The proposed new subsection 1006.6(g) would require that, for projects proposed by public agencies or for City-owned properties, the Department and the HPC shall consider the relevant public agency's mission and constraints in considering the application. The new subsection 1006.6(h) would apply to applications for permits win RH, RM, RTO and NC districts, and would allow an exemption from the requirements of Section 1006.6 (conformance with the *Standards*) when conformance would create a significant economic hardship, provided that the scope of the project does not include demolition, fees have been waived pursuant to Section 1006.1, and the Zoning Administrator has determined that all other aspects of the project are Code-complying.

- **Section 1006.7 – Appeals of a Certificate of Appropriateness**

  This section has been renumbered from 1006.8 to 1006.7. The HPC has proposed modifying this section such that decisions on Certificates of Appropriateness may be appealed to the Board of Appeals rather than the Board of Supervisors. In cases that include Conditional Use Authorizations or approval by the Board of Supervisors, the decision may be appealed to the Board of Supervisors, which may modify the decision by a majority vote.

- **Section 1014 – Applicability**

  As revised by the HPC, while a designation is pending and under consideration, no permit may be approved for up to 180 days for landmark sites and up to 1year for historic districts.. The HPC or the Board of Supervisors may further extend this time period for an additional to 180 days. However, work may be approved on such sites with pending designations, provided a Certificate of Appropriateness is granted for the work.

  Supervisor Wiener has proposed an amendment to the changes recommended by the HPC, which would prohibit work on sites with pending designations for 180 days for both proposed landmark sites and historic districts, rather than up to one year for historic districts. His amendments would allow the HPC and Board of Supervisors to extend this period for up to 90 days and the Board of Supervisors only to allow for a final additional 90-day extension.

- **Section 1111.7 – Standards and Requirements for Review of Applications for Demolition**

  The existing Article 11 outlines a higher level of review for the demolition of Significant Buildings (Categories I and II buildings within the C-3 zoning districts). However, for Contributory Buildings that **have not sold TDR** (Categories III and IV buildings within the C-3 zoning districts), the criteria were less stringent. Under the existing Article 11 if a Contributory Building **has sold its TDR**, it is reviewed with the same criteria as if it were a Significant Building (since the property owner has already received a financial gain through the sale of their TDR).

  The HPC has proposed modifications that would change the criteria for evaluation of permits to demolish. For Significant Buildings (Categories I and II) and for Contributory Buildings

(Categories III and IV) that have sold their TDR, the HPC may approve the demolition provided it makes findings that the property retains no substantial market or reasonable use, or if an imminent safety hazard has been identified with demolition as the only feasible means to secure public safety. For Contributory Buildings (Categories III and IV) from which no TDR has been transferred, a demolition may be approved using the same findings as those listed above, or findings that because of the physical condition of the structure, rehabilitation and reuse will not meet the goals and objectives of the project, that the replacement building is compatible with the district in which the structure is located, and that specific economic, social, and other benefits of the replacement building outweigh the benefit conferred through the historic preservation of the structure. Finally, for any Category V (Not Rated) building within a conservation district, demolition may be approved if the building has not gained historic significance since the time of its rating and that the proposed replacement building is compatible with the district.

ENVIRONMENTAL REVIEW

The proposed amendment is considered a non-physical activity not subject to CEQA review under Section 15060(c)(2) of the CEQA Guidelines.

RECOMMENDATION

The Department recommends two modifications to the proposed Ordinance as amended by Supervisor Wiener. The first is substantive, while the second is typographical.

Compliance with the Secretary of the Interior's *Standards and Guidelines for the Treatment of Historic Properties.* Supervisor Wiener has added language in Section 1006.6 of Article 10 (Pages 29-30 of the Draft Ordinance for Article 10) and to Section 1111.6 (Pages 35-36 of the Draft Ordinance for Article 11) that would strike the language added by the HPC that calls for proposed work being evaluated for Certificates of Appropriateness to comply with the Secretary of the Interior's *Standards and Guidelines for the Treatment of Historic Properties* (the *Standards*). The Supervisor has replaced the language with a requirement that the *Standards*, as interpreted for San Francisco, be considered. **The Department recommends that compliance with the Secretary of the Interior's Standards be retained. The Department will present revised language for discussion at the January 18, 2012 hearing for discussion.**

Typographical Errors. Language add to Section 1111 on Page 29 of the Draft Ordinance that reads, "Residential projects where 80% or more of the units are designated for household with an income of 150% or less than the area median income shall be exempt from the requirements of Section 1111" is redundant, and has been moved to subsection (g) on Page 28. The language on Page 28 of Section 1111(g) should refer to Section 1111(g), and not to Section 1006.6, which is in Article 10.

In sum, the Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance with amendments by Supervisor Wiener and adopt the attached Draft Resolution to that effect.

Attachments:

Exhibit A: HPC-adopted amendments to Article 10

Exhibit B: HPC-adopted amendments to Article 11
Exhibit C: Draft Ordinances showing Supervisor Wiener's proposed changes to Articles 10 and 11
Exhibit D: Draft Resolutions Recommending Adoption with Modifications to the Board of Supervisors for amendments to Articles 10 and 11.

4/30/12
Received in
Committee

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY
EDMUND G. BROWN, JR., *Governor*

OFFICE OF HISTORIC PRESERVATION
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April 13, 2012

Timothy Frye
Preservation Coordinator
City and County of San Francisco
Department of Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Dear Mr. Frye:

RE: **PROPOSED AMENDMENTS TO ARTICLES 10 AND 11 OF THE PLANNING CODE**

Thank you for forwarding the proposed amendments to Articles 10 and 11 of the Planning Code pursuant to your Certified Local Government Agreement.

I have had the opportunity to review Article 10 (updates through March 30) and Article 11 (updated through March 22). Based on that review and on our meeting with Supervisor Scott Wiener, Historic Preservation Commission President Charles Chase, and the Planning Department February 16, 2012, I believe the content of the amendments is consistent with the Certified Local Government program.

If you have additional comments or questions, please do not hesitate to contact Lucinda Woodward, Supervisor of the Local Government Program, at (916) 445-7028 or at lwoodward@parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Fw: Issues Re: Articles 10 & 11 and NEPA Review/55 Laguna Approvals [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027]

Rick Caldeira to: Annette Lonich 05/08/2012 11:58 AM

For file.

---- Forwarded by Rick Caldeira/BOS/SFGOV on 05/08/2012 12:00 PM ----

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Date:	05/08/2012 10:53 AM
Subject:	Re: Issues Re: Articles 10 & 11 and NEPA Review/55 Laguna Approvals [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027]

To clarify, the HPC will only be reviewing the CofA at the May 16th hearing. The Section 106 review will take place at a later date not yet determined.

Shelley Caltagirone
Preservation Planner, NW Quadrant
Planning Department, City and County of San Francisco
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05/08/2012 09:06 AM

To David.Chiu@sfgov.org, scott.wiener@sfgov.org, "Supervisor Eric L. Mar" <Eric.L.Mar@sfgov.org>, Malia.Cohen@sfgov.org, Christina.Olague@sfgov.org, Mark.Farrell@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor David Campos <david.campos@sfgov.org>, John.Avalos@sfgov.org

cc awmartinez@earthlink.net, andrew.wolfram@perkinswill.com, c.chase@argsf.com, RSEJohns@yahoo.com, cdamkroger@hotmail.com, karlhasz@gmail.com, diane <diane@johnburtonfoundation.org>, planning@rodneyfong.com, cwu.planning@gmail.com, rm@well.com, wordweaver21@aol.com, plangsf@gmail.com,

mooreurban@aol.com, hs.commish@yahoo.com, Linda Avery <Linda.Avery@sfgov.org>, Board.of.Supervisors@sfgov.org, "john.rahaim" <john.rahaim@sfgov.org>, Eugene.Flannery@sfgov.org, rick.caldeira@sfgov.org, Alisa.Miller@sfgov.org, Andrea.Ausberry@sfgov.org, olson.lee@sfgov.org, marlena.byrne@sfgov.org, bill.wycko@sfgov.org, Tina Tam <Tina.Tam@sfgov.org>, Tim.Frye@sfgov.org, Shelley.Caltagirone@sfgov.org, mwdonaldson@parks.ca.gov, lwoodward@parks.ca.gov, ddutschke@parks.ca.gov, Ernest.Molins@hud.gov, anthony_veerkamp@nthp.org, cheitzman@californiapreservation.org, mbuhler@sfheritage.org, sfpreservationconsortium@yahoogroups.com, Save_UCBE_Laguna_St_Campus@yahoogroups.com, sotf@sfgov.org

Subject Issues Re: Articles 10 & 11 and NEPA Review/55 Laguna Approvals [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027]

Dear President Chiu and Members of the Board:

Next week, on May 16th, the Historic Preservation Commission (HPC) will hear an informational presentation on the 55 Laguna Mixed Use Project (Project). According to the Mayor's Office of Housing (MOH), the HPC may make comments on the design of the Project and convey their comments to the Planning Commission. The HPC will also hold a hearing to take action on two items--the Certificate of Appropriateness and the Section 106 Review and Comment. However, under the National Environmental Policy Act (NEPA) an agency shall not issue any approvals or consents for agreements or arrangements directly related to the Project, or take any other major federal actions in connection with it until the Environmental Impact Statement (EIS) is completed. The Project requires an EIS because it involves substantial adverse impacts to historical resources that cannot be mitigated--the demolition of two contributing buildings to the San Francisco State Teachers College National Register Historic District (District), the loss of the integrity of the District, and the potential loss of a contributing district to a discontiguous group of related California Register of Historical Resources-eligible State Teacher's College campuses/districts, are all part of the Project description.

To date, the City has not circulated an environmental document on either the proposed Amendments to Articles 10 & 11 of the Planning Code (Amendments) or the revised Project for public comment. Therefore, the HPC will not have the benefit of reviewing said environmental documents before taking the aforementioned actions. Herein, we raise broad concerns regarding the NEPA/National Historic Preservation Act (NHPA) Section 106 process and the California Environmental Quality Act (CEQA) process for both the Amendments and the Project [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027], and we reserve the right to raise additional issues. The District is in immediate danger as demolition and construction associated with the Project are tentatively scheduled to commence in Summer-Fall 2012. The proposed Amendments will affect the

Project by lessening the standards of review which may unlawfully and adversely impact the Project. The concurrent approval process for the Amendments and the Project appear to constitute piecemealing under NEPA and CEQA.

We are particularly concerned about the following issues regarding the proposed Amendments as they may adversely impact the Project:

1) The proposed new limitations on the authority of the Historic Preservation Commission to review proposed alterations in historic districts and conservation districts. • The proposed amendments conflict with specific language in the voter approved City Charter (Prop J) that mandates HPC review of all work within historic districts and conservation districts. Articles 10 and11 cannot limit this authority.

2) The requirement for the Planning Department to develop–and the Planning Commission to adopt–"local interpretations" of the Secretary of the Interior's Standards. • Not only is this inconsistent with the independent authority given the HPC by the City Charter (Prop J) to review all proposed changes to landmarks and districts, but this requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement. • The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The Secretary's Standards for rehab are broad and have flexibility. Supervisor Wiener has not demonstrated why "local interpretations" of these standards are necessary.

3) The proposed "exemption" from preservation requirements for affordable housing projects until it can be further studied. • The proposed legislation exempts all "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit." This is an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship. • Supervisor Wiener has yet to demonstrate that historic preservation adversely impacts "affordable housing."

San Francisco developers have been successfully adapting and reusing historical resources for housing in compliance with the Secretary of the Interior's Standards for many years. There is no reason to weaken preservation law in the City now. A short-list of such projects follows:

http://fr.wikipedia.org/wiki/Fichier:Southern_Pacific_Hospital_(San_Francisco).JPG (Former Southern Pacific Company Hospital, National Register Historic District No. 89000319, Local Landmark No. 191)
http://www.sanfranciscocondomania.com/area/BUENA-VISTA-PARK.php (Former St. Joseph's Hospital, National Register No. 85001016)
http://www.noehill.com/sf/landmarks/nat1986000148.asp (Former YMCA Hotel, National Register No. 86000148)
http://www.ridingcompany.com/content/representative-projects/san-francisco-and-peninsula/shriners-childrens-hospital.html (Former Shriner's Hospital, Local Landmark No. 221)
http://www.vmwp.com/projects/notre-dame-senior-housing.php (Former Notre Dame School,

Local Landmark No. 137)
http://www.noehill.com/sf/landmarks/sf067.asp and
http://www.noehill.com/sf/landmarks/sf068.asp (Former Tanforan Cottages, Local Landmarks Nos. 67 and 68)

Also see:
http://www.friendsof1800.org/ADVOCACY/ucextension.html (Former San Francisco State Teacher's College, National Register Historic District No. 07001391)

The proposed Amendments are not ready for a vote. Please continue Items 22 and 23 on today's agenda until the outstanding issues raised by the preservation community can be resolved.

Sincerely,

Cynthia Servetnick, Director
Save the Laguna Street Campus

In addition to the below-linked documents, which were provided to the Clerk of the Board on a disc, we hereby incorporate the the following documents by reference into this email: 1) the administrative record for the 55 Laguna Mixed Use Project (Planning Case 2004.0773E!MTZC and 2011.0450C); 2) the administrative record for the proposed Amendments to Articles 10 & 11 of the Planning Code (BOS Files 120300 & 120301); 3) the administrative record for Sunshine Ordinance Task Force Complaint 12027; and 4) the administrative record and all documents and records of court proceedings associated with the Save the Laguna Street Campus v. City and County of San Francisco, A.F. Evans Development Co. and the Regents of the University of California (Case No. CPF-08-508277 and Civil No. A-124531).

No.	Date	Document(s)	Link
1	5/8/12	Art 10 BOS Packet	https://www.box.com/sha
2	5/8/12	Art 11 BOS Packet	https://www.box.com/sha
3	5/7/12	Art 10 + 11 Joint SFAH, CPF, NTHP Comments	https://www.box.com/sha
4	5/3/12	Art 10 + 11 StLSC Comments	https://www.box.com/sha
5	5/2/12	Art 10 + 11 PC Chart	https://www.box.com/sha
6	5/2/12	SOTF Complaint - SFAH Emails	https://www.box.com/sha
7	4/30/12	Art 10 + 11 SFPC Letter	https://www.box.com/sha
8	4/30/12	Art 10 + 11 SFAH Chart	https://www.box.com/sha
9	4/30/12	SOTF Complaint - SFPC Letter	https://www.box.com/sha
10	4/30/12	SOTF Complaint - SFAH Letter	https://www.box.com/sha
11	4/30/12	SOTF Complaint - BOS LU Caption Notes	https://www.box.com/sha
12	4/27/12	SOTF Complaint	https://www.box.com/sha
13	4/24/12	Community Mtgs Notice	https://www.box.com/sha
14	4/24/12	SHPO-DOE Letter	https://www.box.com/sha
15	4/24/12	MOH-SHPO Letter - Sec 106	https://www.box.com/sha
16	4/23/12	Public Outreach	https://www.box.com/sha
17	4/20/12	APE Definition	https://www.box.com/s
18	4/20/12	Description of Undertaking (NEPA)	https://www.box.com/

19	4/16/12	Notice of HPC Sec 106-CofA Hearing (5-16-12)	https://www.box.com/sha
20	4/16/12	MOH Emails on 5-16-12 HPC Hearing (NEPA)	https://www.box.com/sha
21	4/13/12	SOTF Complaint - SHPO Letter	https://www.box.com/sha
22	4/12/12	UDAT Comments	https://www.box.com/sha
23	4/3/12	MOH-SHPO Letter - Sec 106	https://www.box.com/sha
24	3/29/12	Revised HPSR - Sec 106	https://www.box.com/sha
25	3/27/12	VerPlanck Letter - Sec 106	https://www.box.com/sha
26	3/26/12	APE Comments - Sec 106	https://www.box.com/sha
27	3/23/12	SHPO Submittal - Sec 106	https://www.box.com/sha
28	3/13/12	UDAT Comments	https://www.box.com/sha
29	3/13/12	APE Graphic - Sec 106	https://www.box.com/sha
30	3/9/12	Consulting Party Status Request	https://www.box.com/sha
31	2/14/12	Final Scoping Report (NEPA)	https://www.box.com/sha
32	1/18/12	StLSC Scoping Comments (NEPA)	https://www.box.com/sha
33	12/20/11	StLSC Sec 106 Part Letter	https://www.box.com/sha
34	12/19/11	Project Summary (NEPA)	https://www.box.com/sha
35	12/19/11	Site Plan (NEPA)	https://www.box.com/sha
36	12/16/11	Mercy Housing RFP (NEPA)	https://www.box.com/sha
37	12/7/11	Art 10 + 11 SHPO Letter	https://www.box.com/sha
38	12/7/11	SOTF Complaint - SHPO Letter	https://www.box.com/sha
39	12/5/11	NOI (NEPA)	https://www.box.com/sha
40	9/14/11	StLSC CU Appeal	https://www.box.com/sha
41	8/4/11	StLSC Planning Letter	https://www.box.com/sha
42	8/4/11	StLSC CU Appeal	https://www.box.com/sha
43	1/19/11	Planning LOD	https://www.box.com/sha
44	1/4/11	StLSC Apt Dist Letter	https://www.box.com/sha
45	12/14/10	StLSC Apt Dist Letter	https://www.box.com/sha
46	10/20/09	Cal Gov Code § 14671.2, 2010	https://www.box.com/sha
47	11/4/08	Prop J (Final)	https://www.box.com/sha
48	9/18/08	Regents Mtg	https://www.box.com/sha
49	9/18/08	Regents Findings	https://www.box.com/sha
50	8/13/08	UC PRA, Holmes-Culley, RFP, Fact Sheet, Capacity Study, Deed	https://www.box.com/sha
51	8/13/08	UC PRA 2, Background, Sublease, RFQ	https://www.box.com/sha
52	7/29/08	Prop J (Proposed)	https://www.box.com/sha
53	4/1/08	Preservation Bulletins	https://www.box.com/sha
54	3/31/08	NEPA-NHPA Review Letter	https://www.box.com/sha
55	3/25/08	HUD Emails	https://www.box.com/sha
56	3/4/08	Public Comment	https://www.box.com/sha
57	3/4/08	SFAH Comments (CEQA)	https://www.box.com/sha
58	3/4/08	MPA 1 of 3 (CEQA)	https://www.box.com/sha
59	3/4/08	MPA 2 of 3 (CEQA)	https://www.box.com/sha
60	3/4/08	MPA 3 of 3 (CEQA)	https://www.box.com/sha
61	1/7/08	National Register Nomination (w/out photos) and Listing (SHPO)	https://www.box.com/sha
62	7/30/07	SFAH Comments (CEQA)	https://www.box.com/sha
63	6/14/07	SFAH Comments (CEQA)	https://www.box.com/sha

64	5/1/07	Public Comment (CEQA)	https://www.box.com/s'
65	4/13/07	UC Letter	https://www.box.com/s.
66	3/14/07	SHPO Letter (CEQA)	https://www.box.com/sha
67	1/19/07	Programmatic Agreement (Final)	https://www.box.com/sha
68	10/4/06	Conflict Emails	https://www.box.com/sha
69	8/4/05	SFLN	https://www.box.com/sha
70	6/29/05	RE Research	https://www.box.com/sha
71	4/1/05	HVNA	https://www.box.com/sha
72	2/5/04	CA-RP Manual	https://www.box.com/sha
73	1/20/80	63 AGO 132 (1980 WL 96811)	https://www.box.com/sha

Fle 120300 & 120301: Revisions of Articles 10 and 11

Board of Supervisors to: Carmen Chu, David Campos, David Chiu, Eric L Mar, John Avalos, Sean Elsbernd, Malia Cohen, Scott Wiener, 05/08/2012 04:32 PM

From: Joan Joaquin-Wood <joanwood@earthlink.net>
To: "Sup.Mark Farrell" <Mark.Farrell@sfgov.org>, supervisor jane kim <jane.kim@sfgov.org>, "David Campos Suprv." <David.Campos@sfgov.org>,
Cc: "Bd.of Supes S.F." <board.of.supervisors@sfgov.org>
Date: 05/08/2012 01:19 AM
Subject: Revisions of Articles 10 and 11

Dear Supervisors: Please do not approve Sup. Wiener's and Olague's revisions to Article 10 and 11 without further changes. Revisions that need to be further modified or eliminated include requirement of written request for historical districts, local conformity to the Secretary of Interior's LEED standards, elimination of streets and sidewalks, and exclusion of public housing projects. Altogether Wiener's and Olague's amendments water down and sabotage Proposition J and therefore defy the electorate's wishes which established the Historic Preservation Commission in 2008. Thank you for your consideration.
Joan Wood, North Beach

Joan Wood

From:	Karen Babbitt <karenbabbitt@yahoo.com>
To:	Eric Mar <Eric.L.Mar@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, Carmen Chu <Carmen.Chu@sfgov.org>, Jane Kim <Jane.Kim@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, David Campos <David.Campos@sfgov.org>, Malia Cohen <Malia.Cohen@sfgov.org>, John Avalos <John.Avalos@sfgov.org>,
Cc:	Clerk of the Board <Board.of.Supervisors@sfgov.org>
Date:	05/08/2012 01:16 PM
Subject:	Please vote no on Article 10 & 11 Planning Code Amendments

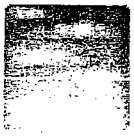
Dear Supervisors,

With apologies for the late email, I'm writing today to urge you to vote no on items 22 and 23 on your meeting agenda today regarding amending Planning Code Articles 10 & 11.

I care about both affordable housing and historic preservation and I truly don't see the need for these amendments. If the Guardian article is correct, affordable housing advocates didn't support these amendments at the Land Use Committee. I find that telling, along with the fact that the SF Tenants' Union opposes the amendments.

I keep reading and reading about them, and still can't figure out who would actually benefit if they are adopted. My concern is that it would turn out to be developers interested in tearing down historic structures (part of our history and what makes this place unique and not Anytown, USA) to build more market rate condos, that few here can actually afford.

Thank you for your work,
Karen



File 120300 120301: Articles 10 and 11 - ADOPT THE HPC VERSION WITHOUT AMENDMENTS

Peggy Nevin to: Alisa Miller 05/08/2012 01:24 PM

From:	James Michael Buckley <buckleyj@MIT.EDU>
To:	"Eric.L.Mar@sfgov.org" <Eric.L.Mar@sfgov.org>, "Mark.Farrell@sfgov.org" <Mark.Farrell@sfgov.org>, "David.Chiu@sfgov.org" <David.Chiu@sfgov.org>, "Carmen.Chu@sfgov.org" <Carmen.Chu@sfgov.org>, "Christina.Olague@sfgov.org" <Christina.Olague@sfgov.org>, jane kim <Jane.Kim@sfgov.org>, "Sean.Elsbernd@sfgov.org" <Sean.Elsbernd@sfgov.org>, "Scott.Wiener@sfgov.org" <Scott.Wiener@sfgov.org>, "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>, "John.Avalos@sfgov.org" <John.Avalos@sfgov.org>
Cc:	"angela.calvillo@sfgov.org" <angela.calvillo@sfgov.org>, Mike Buhler <mbuhler@sfheritage.org>
Date:	05/06/2012 07:27 PM
Subject:	Articles 10 and 11 - ADOPT THE HPC VERSION WITHOUT AMENDMENTS

Supervisors:

As a long-time developer of affordable housing in San Francisco and a former member of the Historic Preservation Commission (HPC), I urge you to adopt the changes to Articles 10 and 11 as approved by the HPC. I was able to participate in the initial drafting of the new Articles 10 and 11 while a member of the Commission, and I know that the HPC took pains to hear from many parties and incorporate their concerns into the draft provisions.

A number of amendments to the HPC version have been proposed that would significantly weaken preservation restrictions without adding any true additional value. In particular, two proposed amendments seem to be aimed at a perceived conflict between the needs of affordable housing and historic preservation in San Francisco's planning code. However, there is no evidence that historic preservation interferes with the development of much-needed new affordable housing in San Francisco. In fact, there are many examples of how preservation of existing historic structures helps maintain and enhance opportunities for the development of low-income housing, and the proposed amendments may actually help market-rate housing developments move forward that would have a negative effect on low-income housing resources in the city.

My concerns include the following:

- An amendment under Section 1006.6(h) would exempt all "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit." First, this rule does not refer to any standard definition of affordable housing, such as that used by the Mayor's Office of Housing or by HUD; instead, it allows for any project with any claim to "subsidy" to be exempt from historical regulations. This could include, for example, a tax-exempt bond that requires minimal affordability within a mostly market-rate development, or any market-rate project that includes below-market rate housing as part of the city's inclusionary zoning provision. Second, any project that does offer significant affordability will likely use government funds that trigger historic preservation review anyway, so this proposed rule will not assist any

project that has significant affordability.

- Amendment 1004.2(c) 1107(d) requires the Planning Commission to comment on the consistency of any proposed historic district with "the provision of housing to meet the City's Regional Housing Needs Allocation," and "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area." There is no evidence that historic districts negatively impact the city's ability to meet any of these housing provisions; in reality, the small areas covered by potential historic districts have a much smaller impact on affordable housing than most other development decisions, such as approval of market-rate projects that might crowd out affordable housing opportunities or infrastructure projects that could lead to higher land values that would negatively impact existing low-income housing. There is no reason to require higher scrutiny of historic district designations in relation to housing issues than any other planning decision.

The housing-related changes proposed to the original HPC-approved Articles 10 and 11 are unnecessary. There is no threat to the development of affordable housing by the operation of the City's existing preservation program; since its establishment by Prop J, the HPC has not held up any affordable housing development and has in fact fostered the development of new housing in historic buildings, as in CCDC's Otis St. project. The city's ongoing survey program continues to map out potential historic resources before they become obstacles to advanced housing development projects. No affordable housing advocates have complained about the city's historic preservation efforts as an impediment to the production of new below-market rate housing.

I urge you to adopt the procedures for implementing Articles 10 and 11 that the majority of parties have worked out.

Sincerely,

James Buckley, PhD
Lecturer in Housing
Massachusetts Institute of Technology
(formerly of BRIDGE Housing and Citizens Housing)

James M. Buckley
Lecturer
MIT Dept. of Urban Studies and Planning

Supes Letter re- Art 10 & 11.docx

School of
Architecture and
Planning

Massachusetts Institute of Technology | Department of Urban Studies and Planning | 77 Massachusetts Avenue Room 7-337 | Cambridge Massachusetts 02139-4307 | Phone 617-253-7736 Fax 617-258-8594 URL https://dusp.mit.edu/

March 19, 2012

Supervisors:

As a long-time developer of affordable housing in San Francisco and a former member of the Historic Preservation Commission (HPC), I urge you to adopt the changes to Articles 10 and 11 as approved by the HPC. I was able to participate in the initial drafting of the new Articles 10 and 11 while a member of the Commission, and I know that the HPC took pains to hear from many parties and incorporate their concerns into the draft provisions.

A number of amendments to the HPC version have been proposed that would significantly weaken preservation restrictions without adding any true additional value. In particular, two proposed amendments seem to be aimed at a perceived conflict between the needs of affordable housing and historic preservation in San Francisco's planning code. However, there is no evidence that historic preservation interferes with the development of much-needed new affordable housing in San Francisco. In fact, there are many examples of how preservation of existing historic structures helps maintain and enhance opportunities for the development of low-income housing, and the proposed amendments may actually help market-rate housing developments move forward that would have a negative effect on low-income housing resources in the city.

My concerns include the following:

- An amendment under Section 1006.6(h) would exempt all "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit." First, this rule does not refer to any standard definition of affordable housing, such as that used by the Mayor's Office of Housing or by HUD; instead, it allows for any project with any claim to "subsidy" to be exempt from historical regulations. This could include, for example, a tax-exempt bond that requires minimal affordability within a mostly market-rate development, or any market-rate project that includes below-market rate housing as part of the city's inclusionary zoning provision. Second, any project that does offer significant affordability will likely use government funds that trigger historic preservation review anyway, so this proposed rule will not assist any project that has significant affordability.

- Amendment 1004.2(c) 1107(d) requires the Planning Commission to comment on the consistency of any proposed historic district with "the provision of housing to meet the City's Regional Housing Needs Allocation," and "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area." There is no evidence that historic districts negatively impact the city's ability to meet any of these housing provisions; in reality, the small areas covered by potential historic districts have a much smaller impact on affordable housing than most other development decisions, such as approval of market-rate projects that might crowd out affordable housing opportunities or infrastructure projects that could lead to higher land values that would negatively impact existing low-income

housing. There is no reason to require higher scrutiny of historic district designations in relation to housing issues than any other planning decision.

The housing-related changes proposed to the original HPC-approved Articles 10 and 11 are unnecessary. There is no threat to the development of affordable housing by the operation of the City's existing preservation program; since its establishment by Prop J, the HPC has not held up any affordable housing development and has in fact fostered the development of new housing in historic buildings, as in CCDC's Otis St. project. The city's ongoing survey program continues to map out potential historic resources before they become obstacles to advanced housing development projects. No affordable housing advocates have complained about the city's historic preservation efforts as an impediment to the production of new below-market rate housing.

I urge you to adopt the procedures for implementing Articles 10 and 11 that the majority of parties have worked out.

Sincerely,
Error! Bookmark not defined.

James Buckley, PhD
Lecturer in Housing
Massachusetts Institute of Technology

File 120300 & 120301: Articles 10 and 11, May 7th Agenda
Peggy Nevin to: Alisa Miller 05/08/2012 01:39 PM

From: Susan Brandt-Hawley <susanbh@econet.org>
To: Susan Brandt-Hawley <susanbh@preservationlawyers.com>, angela.calvillo@sfgov.org
Cc: David Chiu <David.Chiu@sfgov.org>, Judson True <Judson.True@sfgov.org>, Scott Wiener <scott.wiener@sfgov.org>, andres.power@sfgov.org, Christina.Olague@sfgov.org, chris.durazo@sfgov.org, Eric Mar <Eric.L.Mar@sfgov.org>, Nickolas.pagoulatos@sfgov.org, Malia Cohen <Malia.Cohen@sfgov.org>, megan.hamilton@sfgov.org, Jane Kim <jane.kim@sfgov.org>, April.Veneracion@sfgov.org, John Avalos <John.Avalos@sfgov.org>, raquel.redondiez@sfgov.org, David Campos <david.campos@sfgov.org>, hillary.ronen@sfgov.org, Mark Farrell <Mark.Farrell@sfgov.org>, Rick Caldeira <Rick.Caldeira@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, olivia.scanlon@sfgov.org, Carmen Chu <Carmen.Chu@sfgov.org>, Katy.Tang@sfgov.org, john.rahaim@sfgov.org, Tim.Frye@sfgov.org, Charles Chase <c.chase@argsf.com>, kate stacy <Kate.Stacy@sfgov.org>, Dennis Herrera <cityattorney@sfgov.org>, bill.wycko@sfgov.org
Date: 05/07/2012 11:05 AM
Subject: Articles 10 and 11, May 7th Agenda

Good morning.

Please consider this letter to President Chiu and the Board of Supervisors regarding CEQA review required for proposed amendments to Articles 10 and 11.

Please feel free to contact me to discuss the issues raised. Thank you.

Susan Brandt-Hawley
Brandt-Hawley Law Group
707.938.3900
preservationlawyers.com

Brandt-Hawley Letter re Articles 10 and 11 May 7'12.pdf

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

May 7, 2012

The Honorable David Chiu, President
and Members of the Board of Supervisors
City of San Francisco
via email

Subject: May 8th Agenda
Items 22 and 23
Proposed Amendments of Planning Code Articles 10 and 11
CEQA Violations

Dear President Chiu and Supervisors:

On behalf of The Prop J Committee, an unincorporated association of individuals and organizations that support the enforcement of Proposition J and the requirements of the City Charter, I respectfully request that the Board postpone its consideration of revisions to Articles 10 and 11 of the Planning Code pending compliance with CEQA.

The Planning Department has proposed that this Board find that significant amendments now proposed to Articles 10 and 11 are exempt from environmental review under CEQA Guideline section 15060(c)(2). This Guideline encompasses activities that "will not result in a direct or reasonably foreseeable indirect physical change in the environment."

Environmental review is indeed pointless for projects causing no physical changes to the environment. But that is not the case here. CEQA "projects" include not only obvious physical activities like proposals for construction or demolition, but also the adoption of municipal codes and regulations that indirectly affect development approvals. These include actions like the "enactment or amendment of zoning ordinances and the adoption and amendment of General Plans or elements ..." (CEQA Guideline § 15378 (a).)

This Board's approval of Planning Code amendments to Articles 10 and 11

intended to regulate discretionary development permits will have indirect environmental impacts. The proposed amendments inarguably reduce protections to historic resources and therefore have reasonably foreseeable, potentially significant indirect physical impacts — just like an amendment to zoning controls or to the General Plan.

Please do not approve and instead remand these proposed amendments to the Planning Department to prepare environmental review as required by CEQA, to consider impacts and feasible mitigations and alternatives.

Proposed amendments that have potentially significant impacts include:

#1. Section 1006.6(h) -- Exemption for projects with a subsidized for-sale or rental housing unit.

This proposed amendment requires the Historic Preservation Commission to exempt from all preservation review standards "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit" meeting certain requirements.

The Charter provision creating the HPC provides that: "The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks or within historic districts."

The fact that a housing project has qualified for funding does not mean that it cannot also negatively impact historic resources. This proposed exemption of unknown numbers of historic properties and districts from preservation standards may result in adverse physical impacts to historic resources.

#2. Sections 1004.3 and 1107(e) -- Written vote of owners required for designation of Historic Districts & Conservation Districts.

Proposed amendments require the Planning Department to conduct a written vote or survey of all owners and occupants in a proposed historic district (Art. 10) or conservation district (Art. 11) and require the Board of Supervisors to consider a tabulation of the votes before taking action on the proposed district.

These amendments single out historic preservation for disparate treatment,

as other zoning changes in the City are not subject to written vote. The amendments impose a significant new procedural hurdle to designation of new historic or conservation districts. Failure to designate worthy districts thwarts protections to historic resources and leads to adverse physical impacts. In addition to significant and unanalyzed expense to the Planning Department, this requirement could also cause time limits provided in other parts of Article 10 to be exceeded by delaying the issuance of a demolition or alteration permit while designation is pending.

#3. Sections 1006.6(b) and 1111.6(b) -- "Local interpretations" of the *Secretary of the Interior's Standards*.

Amendments to these sections would require local interpretations of the federal *Secretary of the Interior's Standards*. These interpretations are to be adopted by both the HPC and the Planning Commission, and if either body fails to act within 180 days of its hearing on such standards, its failure to act is deemed approval. This could lead to inappropriate standards if time runs out. The federal *Standards* are recognized by CEQA and cannot be weakened by a local interpretation; to the extent these amendments attempt to do so, they also weaken protections to historic resources and require CEQA review.

#4. Section 1111.7(b) -- Reducing protections for Contributory Buildings proposed for demolition.

This amendment provides that as to the demolition of contributory buildings from which no transfer of development rights (TDR) have occurred, cumulative impacts of demolition may only be considered if the demolition would substantially diminish district integrity.

This new limitation on the review authority of the HPC would weaken existing oversight and could result in impacts to individual historic resources.

#5. Section 1004.1 – Landmark and historic district nominations.

This amendment deletes language approved by the HPC that would allow members of the public to nominate landmarks and historic districts. If only property owners and the Planning Department can nominate properties for listing, many deserving properties may not be listed and thus would be unprotected.

#6. Sections 1004.2(c) and 1107(d) – Requirement for Planning Commission review of Historic Districts and Conservation Districts for consistency with vague regional housing goals.

These amendments require the Planning Commission to comment on the consistency of any proposed historic district (Art. 10) or conservation district (Art. 11) with "the provision of housing to meet the City's Regional Housing Needs Allocation," "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area."

The Planning Commission is not required to consider these planning goals when it rezones other areas of the City. This proposal singles out historic preservation for disparate treatment and imposes an additional hurdle on designation of historic/conservation districts that may reduce such protections.

#7. Sections 1005(e)(4) and 1110(a) -- Exempting streets and sidewalks from protection.

These amendments exempt from HPC review and protection improvements to sidewalks and streets, including sidewalk widening, accessibility, and bulb-outs, on landmark sites and in historic districts unless streets and sidewalks are specifically called out as character-defining features in the designating ordinance.

This exemption eliminates HPC analysis of potential adverse impacts of such "improvements" on the integrity of landmarks and historic districts, and would adversely impact existing landmarks and historic districts that were designated at a time when such features were not "called out" in the designating ordinance.

Examples of "improvements" that may not be subject to HPC review under this amendment could include: AT&T utility cabinets on sidewalks, the replacement of existing light posts and fixtures with incompatible ones, removal of street trees or other landscaping features, cobblestone paving and historic glass sidewalk lights. Another example is street repair work in the Jackson Square Historic District. Because the area was built on bay fill and the water table is close to the surface, street repairs require special precautions to prevent damage to historic buildings.

#8. Section 1006 -- Limiting the HPC's Charter authority.

Under this amendment, a Certificate of Appropriateness would only be

required for "work affecting the character-defining features" called out in the designating ordinance.

The Charter provision creating the HPC provides that: "The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks or within historic districts." Its decisions involve a determination as to whether proposed work "affects the character defining features" of a building or district.

This amendment may be interpreted to allow a pre-determination for each application before it gets to the HPC for a Certificate of Appropriateness as to (1) what are the character-defining features, and (2) whether the proposed work would "affect" them. This could shift the authority to make these determinations from the HPC to the Planning Department staff, and significantly and improperly limit the Charter authority given to the HPC and weaken existing protections.

Of particular concern is the fact that many existing landmarks and historic districts were designated at a time when such features were not required to be "called out" in the designating ordinance. In particular, contributory resources in historic districts may not have been described in this manner.

***

The proposed amendments to Articles 10 and 11 of the Planning Code are discretionary actions that may have significant physical environmental impacts. They are not within the scope of CEQA Guideline section 15060(c)(2) that only exempts activities that "*will not result* in a direct or reasonably foreseeable indirect physical change in the environment." The amendments must receive CEQA review before approval is considered by the Board of Supervisors.

Thank you.

Sincerely,

Susan Brandt-Hawley

cc: Angela Calvillo, Clerk of the Board of Supervisors
Dennis Herrera, City Attorney
Kate Stacy, Deputy City Attorney
Bill Wycko, Environmental Review Officer
Mike Buhler, Executive Director, San Francisco Architectural Heritage

Re: Issues Re: Articles 10 & 11 and NEPA Review/55 Laguna Approvals [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027]

Shelley P Caltagirone to: Cynthia Servetnick 05/08/2012 10:53 AM

Cc: Alisa.Miller, Andrea.Ausberry, andrew.wolfram, anthony_veerkamp, awmartinez, bill.wycko, Board.of.Supervisors, "Carmen.Chu", cdamkroger, cheitzman, Christina.Olague, cwu.planning, c.chase, Supervisor David Campos, David.Chiu,

To clarify, the HPC will only be reviewing the CofA at the May 16th hearing. The Section 106 review will take place at a later date not yet determined.

Shelley Caltagirone
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Planning Department, City and County of San Francisco
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Cynthia Servetnick <cynthia.servetnick@gmail.com>

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05/08/2012 09:06 AM

To David.Chiu@sfgov.org, scott.wiener@sfgov.org, "Supervisor Eric L. Mar" <Eric.L.Mar@sfgov.org>, Malia.Cohen@sfgov.org, Christina.Olague@sfgov.org, Mark.Farrell@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor David Campos <david.campos@sfgov.org>, John.Avalos@sfgov.org

cc awmartinez@earthlink.net, andrew.wolfram@perkinswill.com, c.chase@argsf.com, RSEJohns@yahoo.com, cdamkroger@hotmail.com, karlhasz@gmail.com, diane <diane@johnburtonfoundation.org>, planning@rodneyfong.com, cwu.planning@gmail.com, rm@well.com, wordweaver21@aol.com, plangsf@gmail.com, mooreurban@aol.com, hs.commish@yahoo.com, Linda Avery <Linda.Avery@sfgov.org>, Board.of.Supervisors@sfgov.org, "john.rahaim" <john.rahaim@sfgov.org>, Eugene.Flannery@sfgov.org, rick.caldeira@sfgov.org, Alisa.Miller@sfgov.org, Andrea.Ausberry@sfgov.org, olson.lee@sfgov.org, marlena.byrne@sfgov.org, bill.wycko@sfgov.org, Tina Tam <Tina.Tam@sfgov.org>, Tim.Frye@sfgov.org, Shelley.Caltagirone@sfgov.org, mwdonaldson@parks.ca.gov, lwoodward@parks.ca.gov, ddutschke@parks.ca.gov, Ernest.Molins@hud.gov, anthony_veerkamp@nthp.org, cheitzman@californiapreservation.org, mbuhler@sfheritage.org, sfpreservationconsortium@yahoogroups.com, Save_UCBE_Laguna_St_Campus@yahoogroups.com, sotf@sfgov.org

Subject Issues Re: Articles 10 & 11 and NEPA Review/55 Laguna Approvals [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027]

File 120300
120301

-------- Forwarded message ---------
From: **Cynthia Servetnick** <cynthia.servetnick@gmail.com>
Date: Tue, May 8, 2012 at 9:06 AM
Subject: Issues Re: Articles 10 & 11 and NEPA Review/55 Laguna Approvals [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027]
To: David.Chiu@sfgov.org, scott.wiener@sfgov.org, "Supervisor Eric L. Mar" <Eric.L.Mar@sfgov.org>, Malia.Cohen@sfgov.org, Christina.Olague@sfgov.org, Mark.Farrell@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor David Campos <david.campos@sfgov.org>, John.Avalos@sfgov.org
Cc: awmartinez@earthlink.net, andrew.wolfram@perkinswill.com, c.chase@argsf.com, RSEJohns@yahoo.com, cdamkroger@hotmail.com, karlhasz@gmail.com, diane <diane@johnburtonfoundation.org>, planning@rodneyfong.com, cwu.planning@gmail.com, rm@well.com, wordweaver21@aol.com, plangsf@gmail.com, mooreurban@aol.com, hs.commish@yahoo.com, Linda Avery <Linda.Avery@sfgov.org>, Board.of.Supervisors@sfgov.org, "john.rahaim" <john.rahaim@sfgov.org>, Eugene.Flannery@sfgov.org, rick.caldeira@sfgov.org, Alisa.Miller@sfgov.org, Andrea.Ausberry@sfgov.org, olson.lee@sfgov.org, marlena.byrne@sfgov.org, bill.wycko@sfgov.org, Tina Tam <Tina.Tam@sfgov.org>, Tim.Frye@sfgov.org, Shelley.Caltagirone@sfgov.org, mwdonaldson@parks.ca.gov, lwoodward@parks.ca.gov, ddutschke@parks.ca.gov, Ernest.Molins@hud.gov, anthony_veerkamp@nthp.org, cheitzman@californiapreservation.org, mbuhler@sfheritage.org, sfpreservationconsortium@yahoogroups.com, Save_UCBE_Laguna_St_Campus@yahoogroups.com, sotf@sfgov.org

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BOARD OF SUPERVISORS
SAN FRANCISCO
2012 MAY -8 AM 9:52
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SAN FRANCISCO

Dear President Chiu and Members of the Board:

Next week, on May 16th, the Historic Preservation Commission (HPC) will hear an informational presentation on the 55 Laguna Mixed Use Project (Project). According to the Mayor's Office of Housing (MOH), the HPC may make comments on the design of the Project and convey their comments to the Planning Commission. The HPC will also hold a hearing to take action on two items--the Certificate of Appropriateness and the Section 106 Review and Comment. However, under the National Environmental Policy Act (NEPA) an agency shall not issue any approvals or consents for agreements or arrangements directly related to the Project, or take any other major federal actions in connection with it until the Environmental Impact Statement (EIS) is completed. The Project requires an EIS because it involves substantial adverse impacts to historical resources that cannot be mitigated--the demolition of two contributing buildings to the San Francisco State Teachers College National Register Historic District (District), the loss of the integrity of the District, and the potential loss of a contributing district to a discontiguous group of related California Register of Historical Resources-eligible State Teacher's College campuses/districts, are all part of the Project description.

To date, the City has not circulated an environmental document on either the proposed Amendments to Articles 10 & 11 of the Planning Code (Amendments) or the revised Project for public comment. Therefore, the HPC will not have the benefit of reviewing said environmental documents before taking the aforementioned actions. Herein, we raise broad concerns regarding the NEPA/National Historic Preservation Act (NHPA) Section 106 process and the California Environmental Quality Act (CEQA) process for both the Amendments and the Project [BOS Files 120300 & 120301, Planning Cases 2004.0773E!MTZC & 2011.0450C and SOTF Complaint 12027], and we reserve the right to raise additional issues. The District is in immediate danger as demolition and construction associated with the Project are tentatively scheduled to commence in Summer-Fall 2012. The proposed Amendments will affect the Project by lessening the standards of review which may unlawfully and adversely impact the Project. The concurrent approval process for the Amendments and the Project appear to constitute piecemealing under NEPA and CEQA.

We are particularly concerned about the following issues regarding the proposed Amendments as they may adversely impact the Project:

1) The proposed new limitations on the authority of the Historic Preservation Commission to review proposed alterations in historic districts and conservation districts. • The proposed amendments conflict with specific language in the voter approved City Charter (Prop J) that mandates HPC review of all work within historic districts and conservation districts. Articles 10 and11 cannot limit this authority.

2) The requirement for the Planning Department to develop–and the Planning Commission to adopt–"local interpretations" of the Secretary of the Interior's Standards. • Not only is this inconsistent with the independent authority given the HPC by the City Charter (Prop J) to review all proposed changes to landmarks and districts, but this requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement. • The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The Secretary's Standards for rehab are broad and have flexibility. Supervisor Wiener has not demonstrated why "local interpretations" of these standards are necessary.

3) The proposed "exemption" from preservation requirements for affordable housing projects until it can be further studied. • The proposed legislation exempts all "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit." This is an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship. • Supervisor Wiener has yet to demonstrate that historic preservation adversely impacts "affordable housing."

San Francisco developers have been successfully adapting and reusing historical resources for housing in compliance with the Secretary of the Interior's Standards for many years. There is no reason to weaken preservation law in the City now. A short-list of such projects follows:

http://fr.wikipedia.org/wiki/Fichier:Southern_Pacific_Hospital_(San_Francisco).JPG (Former Southern Pacific Company Hospital, National Register Historic District No. 89000319, Local Landmark No. 191)
http://www.sanfranciscocondomania.com/area/BUENA-VISTA-PARK.php (Former St. Joseph's Hospital, National Register No. 85001016)
http://www.noehill.com/sf/landmarks/nat1986000148.asp (Former YMCA Hotel, National Register No. 86000148)
http://www.ridingcompany.com/content/representative-projects/san-francisco-and-peninsula/shriners-childrens-hospital.html (Former Shriner's Hospital, Local Landmark No. 221)
http://www.vmwp.com/projects/notre-dame-senior-housing:php (Former Notre Dame School, Local Landmark No. 137)
http://www.noehill.com/sf/landmarks/sf067.asp and http://www.noehill.com/sf/landmarks/sf068.asp (Former Tanforan Cottages, Local Landmarks Nos. 67 and 68)

Also see:
http://www.friendsof1800.org/ADVOCACY/ucextension.html (Former San Francisco State Teacher's College, National Register Historic District No. 07001391)

The proposed Amendments are not ready for a vote. Please continue Items 22 and 23 on today's agenda until the outstanding issues raised by the preservation community can be resolved.

Sincerely,

Cynthia Servetnick, Director
Save the Laguna Street Campus

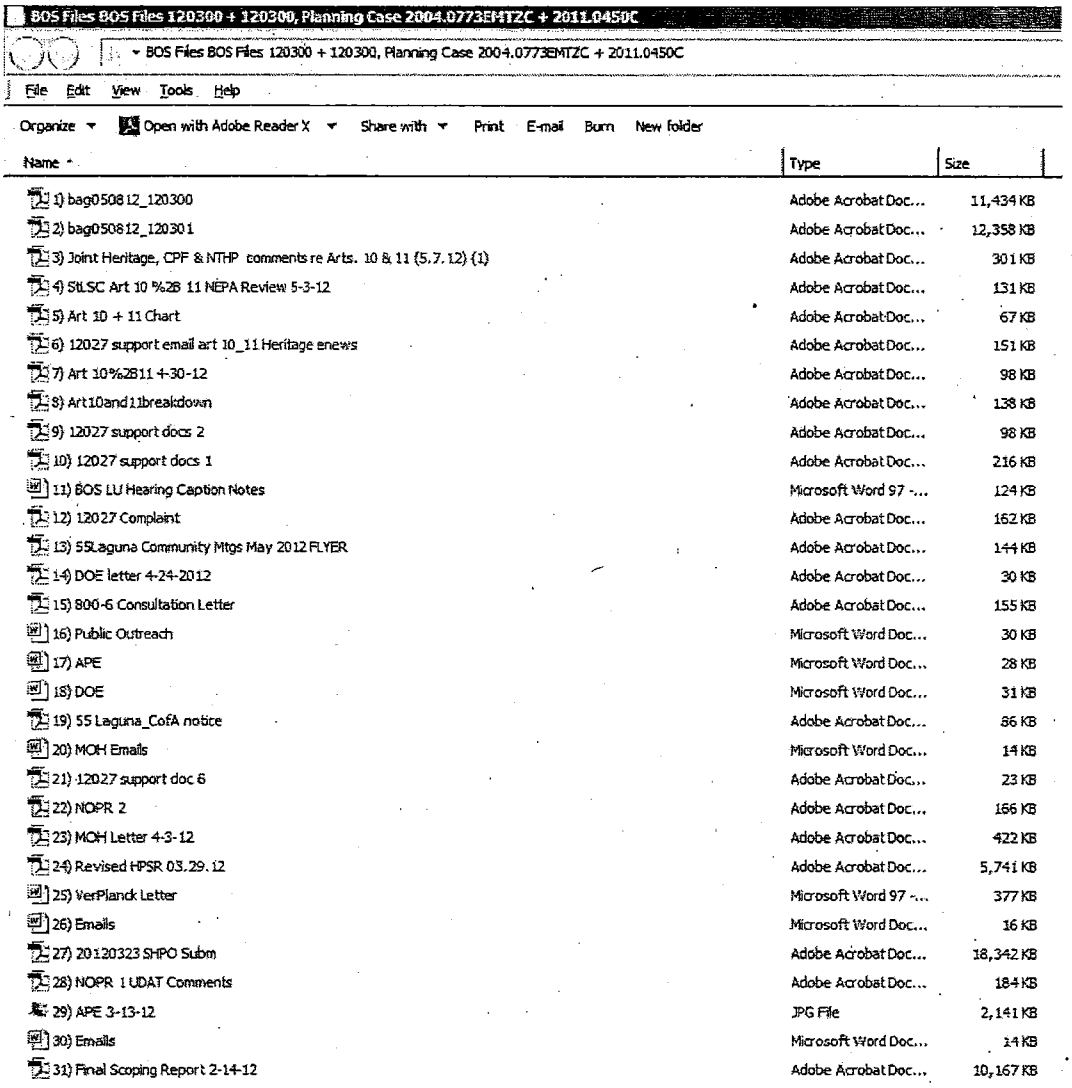
In addition to the below-linked documents, which were provided to the Clerk of the Board on a disc, we hereby incorporate the the following documents by reference into this email: 1) the administrative record for the 55 Laguna Mixed Use Project (Planning Case 2004.0773E!MTZC and 2011.0450C); 2) the administrative record for the proposed Amendments to Articles 10 & 11 of the Planning Code (BOS Files 120300 & 120301); 3) the administrative record for Sunshine Ordinance Task Force Complaint 12027; and 4) the administrative record and all documents and records of court proceedings associated with the Save the Laguna Street Campus v. City and County of San Francisco, A.F. Evans Development Co. and the Regents of the University of California (Case No. CPF-08-508277 and Civil No. A-124531).

No.	Date	Document(s)	Link
1	5/8/12	Art 10 BOS Packet	https://www.box.com/shared/static/1513d77e73cf5d359672.pdf
2	5/8/12	Art 11 BOS Packet	https://www.box.com/shared/static/fcf195c0c685c7dfef52.pdf
3	5/7/12	Art 10 + 11 Joint SFAH, CPF, NTHP Comments	https://www.box.com/shared/static/cee1abcfd99f048a25e3.pdf
4	5/3/12	Art 10 + 11 StLSC Comments	https://www.box.com/shared/static/7d4ec503f2e484b68e65.pdf
5	5/2/12	Art 10 + 11 PC Chart	https://www.box.com/shared/static/0ea5e914815a966a319b.docx
6	5/2/12	SOTF Complaint - SFAH Emails	https://www.box.com/shared/static/7e22e70df279b513cd04.pdf
7	4/30/12	Art 10 + 11 SFPC Letter	https://www.box.com/shared/static/49924091239fbe1c8198.pdf
8	4/30/12	Art 10 + 11 SFAH Chart	https://www.box.com/shared/static/0fb476b97b8a008452a7.pdf
9	4/30/12	SOTF Complaint - SFPC Letter	https://www.box.com/shared/static/6e8718370fdfb6a4976d.pdf
10	4/30/12	SOTF Complaint - SFAH Letter	https://www.box.com/shared/static/07d0e3903f289733ece5.pdf
11	4/30/12	SOTF Complaint - BOS LU Caption Notes	https://www.box.com/shared/static/abcb1c062b5475757575.doc
12	4/27/12	SOTF Complaint	https://www.box.com/shared/static/b6d239b9e88dffed6da2.pdf
13	4/24/12	Community Mtgs Notice	https://www.box.com/shared/static/837023973aa2e32869d2.pdf
14	4/24/12	SHPO-DOE Letter	https://www.box.com/shared/static/5febd0b16ac025e81dcd.pdf
15	4/24/12	MOH-SHPO Letter - Sec 106	https://www.box.com/shared/static/ae23e588ca59be3e0629.pdf
16	4/23/12	Public Outreach	https://www.box.com/shared/static/f7491cf15132cd85f91e.docx
17	4/20/12	APE Definition	https://www.box.com/shared/static/83fad77590d45ae100bb.docx
18	4/20/12	Description of Undertaking (NEPA)	https://www.box.com/shared/static/629a2693f84b81e9ce08.docx
19	4/16/12	Notice of HPC Sec 106-CofA Hearing (5-16-12)	https://www.box.com/shared/static/48c8ca565a854ddb2570.pdf
20	4/16/12	MOH Emails on 5-16-12 HPC Hearing (NEPA)	https://www.box.com/shared/static/2d282f888b6e50dce9c9.docx
21	4/13/12	SOTF Complaint - SHPO Letter	https://www.box.com/shared/static/eb8d14894c08ae8375a6.pdf
22	4/12/12	UDAT Comments	https://www.box.com/shared/static/f718a6f4797943abeeee.pdf
23	4/3/12	MOH-SHPO Letter - Sec 106	https://www.box.com/shared/static/dd9d7721f1b8c582620b.pdf
24	3/29/12	Revised HPSR - Sec 106	https://www.box.com/shared/static/03fc2742b5c104bf3783.pdf
25	3/27/12	VerPlanck Letter - Sec 106	https://www.box.com/shared/static/a6d597290c8bca1298b8.doc
26	3/26/12	APE Comments - Sec 106	https://www.box.com/shared/static/a114353032f8dcc2db97.docx
27	3/23/12	SHPO Submittal - Sec 106	https://www.box.com/shared/static/bd40f916661f48cb87be.pdf
28	3/13/12	UDAT Comments	https://www.box.com/shared/static/95d7332220a837f4b992.pdf
29	3/13/12	APE Graphic - Sec 106	https://www.box.com/shared/static/b3eeaa69ac5cb25af07e.jpg
30	3/9/12	Consulting Party Status Request	https://www.box.com/shared/static/15b41f5655edbf508e27.docx
31	2/14/12	Final Scoping Report (NEPA)	https://www.box.com/shared/static/9e79d6c4370b647182a4.pdf
32	1/18/12	StLSC Scoping Comments (NEPA)	https://www.box.com/shared/static/cb52e8fef7b895da80e9.pdf
33	12/20/11	StLSC Sec 106 Part Letter	https://www.box.com/shared/static/5972de9cb4ff56e2c409.pdf

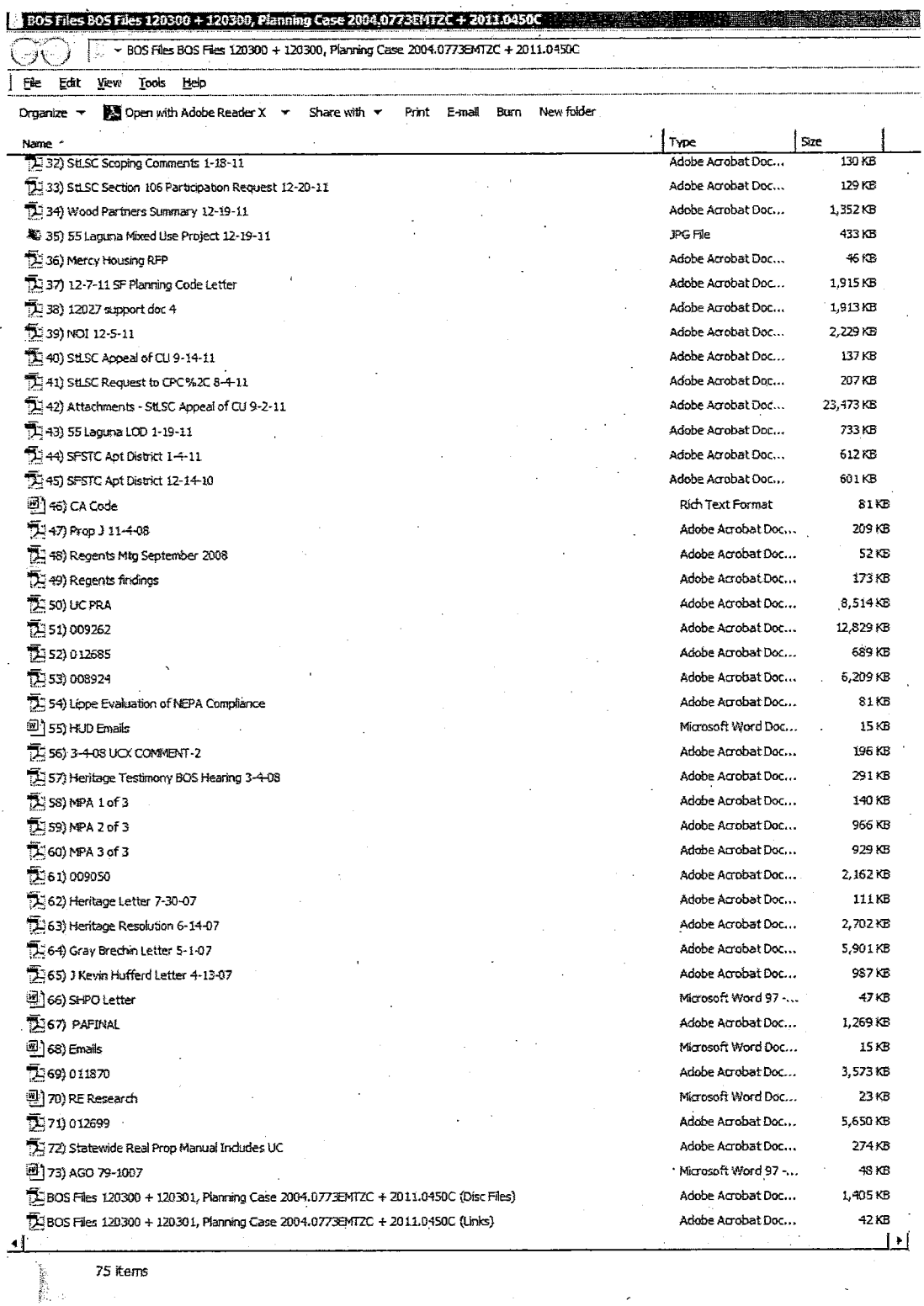
34	12/19/11	Project Summary (NEPA)	https://www.box.com/shared/static/79bc6d178b89ac17a4b5.pdf
35	12/19/11	Site Plan (NEPA)	https://www.box.com/shared/static/954f4c773fd8e9c8d0e7.jpg
36	12/16/11	Mercy Housing RFP (NEPA)	https://www.box.com/shared/static/fbb0a0da51941c57b57a.pdf
37	12/7/11	Art 10 + 11 SHPO Letter	https://www.box.com/shared/static/821157b2cca3d38b1250.pdf
38	12/7/11	SOTF Complaint - SHPO Letter	https://www.box.com/shared/static/ee5022856fcfea4824f0.pdf
39	12/5/11	NOI (NEPA)	https://www.box.com/shared/static/19a03448a3f04013d496.pdf
40	9/14/11	StLSC CU Appeal	https://www.box.com/shared/static/b673ed59b1ae2878bb58.pdf
41	8/4/11	StLSC Planning Letter	https://www.box.com/shared/static/abe4b39463e55ff043d3.pdf
42	8/4/11	StLSC CU Appeal	https://www.box.com/shared/static/d5b9ef9ae027d7f1c294.pdf
43	1/19/11	Planning LOD	https://www.box.com/shared/static/34701a049e319a93128b.pdf
44	1/4/11	StLSC Apt Dist Letter	https://www.box.com/shared/static/3015e72358a9de29991b.pdf
45	12/14/10	StLSC Apt Dist Letter	https://www.box.com/shared/static/8d3c202acaf1a6abdf95.pdf
46	10/20/09	Cal Gov Code § 14671.2, 2010	https://www.box.com/shared/static/0195b66f75e3ab7eb1cf.rtf
47	11/4/08	Prop J (Final)	https://www.box.com/shared/static/70319fdb62120b0fe391.pdf
48	9/18/08	Regents Mtg	https://www.box.com/shared/static/5d4297e178d500e49d00.pdf
49	9/18/08	Regents Findings	https://www.box.com/shared/static/86ee6e3734b552c4a5bf.pdf
50	8/13/08	UC PRA, Holmes-Culley, RFP, Fact Sheet, Capacity Study, Deed	https://www.box.com/shared/static/94f5e1556b7a77e1e085.pdf
51	8/13/08	UC PRA 2, Background, Sublease, RFQ	https://www.box.com/shared/static/949c8300ef49a41b4cf6.pdf
52	7/29/08	Prop J (Proposed)	https://www.box.com/shared/static/8f1ede5c54e1b4aeece9.pdf
53	4/1/08	Preservation Bulletins	https://www.box.com/shared/static/27b376ca0170d735739f.pdf
54	3/31/08	NEPA-NHPA Review Letter	https://www.box.com/shared/static/5219428243750b3c332b.pdf
55	3/25/08	HUD Emails	https://www.box.com/shared/static/f8c5a50ed00f9fdde9ef.docx
56	3/4/08	Public Comment	https://www.box.com/shared/static/1b94ce9a92af992fd06f.pdf
57	3/4/08	SFAH Comments (CEQA)	https://www.box.com/shared/static/f55592348b85682497b2.pdf
58	3/4/08	MPA 1 of 3 (CEQA)	https://www.box.com/shared/static/4f8813d289b3718d565f.pdf
59	3/4/08	MPA 2 of 3 (CEQA)	https://www.box.com/shared/static/469b6a5fcb96e9725f5b.pdf
60	3/4/08	MPA 3 of 3 (CEQA)	https://www.box.com/shared/static/7267297373c4bcbfc9ce.pdf
61	1/7/08	National Register Nomination (w/out photos) and Listing (SHPO)	https://www.box.com/shared/static/e8eb13522f883f705194.pdf
62	7/30/07	SFAH Comments (CEQA)	https://www.box.com/shared/static/dff02483d07bc99aa084.pdf
63	6/14/07	SFAH Comments (CEQA)	https://www.box.com/shared/static/5af02d370aecec3035ad.pdf
64	5/1/07	Public Comment (CEQA)	https://www.box.com/shared/static/8ea085b280725d6d11b4.pdf
65	4/13/07	UC Letter	https://www.box.com/shared/static/12624260f1df76067012.pdf
66	3/14/07	SHPO Letter (CEQA)	https://www.box.com/shared/static/c9c6a41311fd2560c7a5.doc
67	1/19/07	Programmatic Agreement (Final)	https://www.box.com/shared/static/ff807fa0f43fc9aed117.pdf
68	10/4/06	Conflict Emails	https://www.box.com/shared/static/a06a7bf072d9e8e5eb47.docx
69	8/4/05	SFLN	https://www.box.com/shared/static/da80b97d0b99da51ec30.pdf

70	6/29/05	RE Research	https://www.box.com/shared/static/dafbaff8b49c6a00c6fc.docx
71	4/1/05	HVNA	https://www.box.com/shared/static/07f6d711c49fb9c5d864.pdf
72	2/5/04	CA-RP Manual	https://www.box.com/shared/static/8dfc5a798b21cf48bf33.pdf
73	1/20/80	63 AGO 132 (1980 WL 96811)	https://www.box.com/shared/static/10feb84fcc0bb7610d89.doc

SA 10


BOS Files BOS Files 120300 + 120300, Planning Case 2004.0773EMTZC + 2011.0450C
BOS Files BOS Files 120300 + 120300, Planning Case 2004.0773EMTZC + 2011.0450C
File Edit View Tools Help
Organize Open with Adobe Reader X Share with Print E-mail Burn New folder
Name Type Size
1) bag050812_120300 Adobe Acrobat Doc... 11,434 KB
2) bag050812_120301 Adobe Acrobat Doc... 12,358 KB
3) Joint Heritage, CPF & NTHP comments re Arts. 10 & 11 (5.7.12) (1) Adobe Acrobat Doc... 301 KB
4) StLSC Art 10 %2B 11 NEPA Review 5-3-12 Adobe Acrobat Doc... 131 KB
5) Art 10 + 11 Chart Adobe Acrobat Doc... 67 KB
6) 12027 support email art 10_11 Heritage enews Adobe Acrobat Doc... 151 KB
7) Art 10%2B11 4-30-12 Adobe Acrobat Doc... 98 KB
8) Art10and11breakdown Adobe Acrobat Doc... 138 KB
9) 12027 support docs 2 Adobe Acrobat Doc... 98 KB
10) 12027 support docs 1 Adobe Acrobat Doc... 216 KB
11) BOS LU Hearing Caption Notes Microsoft Word 97 -... 124 KB
12) 12027 Complaint Adobe Acrobat Doc... 162 KB
13) 55Laguna Community Mtgs May 2012 FLYER Adobe Acrobat Doc... 144 KB
14) DOE letter 4-24-2012 Adobe Acrobat Doc... 30 KB
15) 800-6 Consultation Letter Adobe Acrobat Doc... 155 KB
16) Public Outreach Microsoft Word Doc... 30 KB
17) APE Microsoft Word Doc... 28 KB
18) DOE Microsoft Word Doc... 31 KB
19) 55 Laguna_CofA notice Adobe Acrobat Doc... 86 KB
20) MOH Emails Microsoft Word Doc... 14 KB
21) 12027 support doc 6 Adobe Acrobat Doc... 23 KB
22) NOPR 2 Adobe Acrobat Doc... 166 KB
23) MOH Letter 4-3-12 Adobe Acrobat Doc... 422 KB
24) Revised HPSR 03.29.12 Adobe Acrobat Doc... 5,741 KB
25) VerPlanck Letter Microsoft Word 97 -... 377 KB
26) Emails Microsoft Word Doc... 16 KB
27) 20120323 SHPO Subm Adobe Acrobat Doc... 18,342 KB
28) NOPR 1 UDAT Comments Adobe Acrobat Doc... 184 KB
29) APE 3-13-12 JPG File 2,141 KB
30) Emails Microsoft Word Doc... 14 KB
31) Final Scoping Report 2-14-12 Adobe Acrobat Doc... 10,167 KB

6 of 10



BOS Files BOS Files 120300 + 120300, Planning Case 2004.0773EMTZC + 2011.0450C

BOS Files BOS Files 120300 + 120300, Planning Case 2004.0773EMTZC + 2011.0450C

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Name	Type	Size
32) StLSC Scoping Comments 1-18-11	Adobe Acrobat Doc...	130 KB
33) StLSC Section 106 Participation Request 12-20-11	Adobe Acrobat Doc...	129 KB
34) Wood Partners Summary 12-19-11	Adobe Acrobat Doc...	1,352 KB
35) 55 Laguna Mixed Use Project 12-19-11	JPG File	433 KB
36) Mercy Housing RFP	Adobe Acrobat Doc...	46 KB
37) 12-7-11 SF Planning Code Letter	Adobe Acrobat Doc...	1,915 KB
38) 12027 support doc 4	Adobe Acrobat Doc...	1,913 KB
39) NOI 12-5-11	Adobe Acrobat Doc...	2,229 KB
40) StLSC Appeal of CU 9-14-11	Adobe Acrobat Doc...	137 KB
41) StLSC Request to CPC%2C 8-4-11	Adobe Acrobat Doc...	207 KB
42) Attachments - StLSC Appeal of CU 9-2-11	Adobe Acrobat Doc...	23,473 KB
43) 55 Laguna LOD 1-19-11	Adobe Acrobat Doc...	733 KB
44) SFSTC Apt District 1-4-11	Adobe Acrobat Doc...	612 KB
45) SFSTC Apt District 12-14-10	Adobe Acrobat Doc...	601 KB
46) CA Code	Rich Text Format	81 KB
47) Prop J 11-4-08	Adobe Acrobat Doc...	209 KB
48) Regents Mtg September 2008	Adobe Acrobat Doc...	52 KB
49) Regents findings	Adobe Acrobat Doc...	173 KB
50) UC PRA	Adobe Acrobat Doc...	8,514 KB
51) 009262	Adobe Acrobat Doc...	12,829 KB
52) 012685	Adobe Acrobat Doc...	689 KB
53) 008924	Adobe Acrobat Doc...	6,209 KB
54) Lippe Evaluation of NEPA Compliance	Adobe Acrobat Doc...	81 KB
55) HUD Emails	Microsoft Word Doc...	15 KB
56) 3-4-08 UCX COMMENT-2	Adobe Acrobat Doc...	196 KB
57) Heritage Testimony BOS Hearing 3-4-08	Adobe Acrobat Doc...	291 KB
58) MPA 1 of 3	Adobe Acrobat Doc...	140 KB
59) MPA 2 of 3	Adobe Acrobat Doc...	966 KB
60) MPA 3 of 3	Adobe Acrobat Doc...	929 KB
61) 009050	Adobe Acrobat Doc...	2,162 KB
62) Heritage Letter 7-30-07	Adobe Acrobat Doc...	111 KB
63) Heritage Resolution 6-14-07	Adobe Acrobat Doc...	2,702 KB
64) Gray Brechin Letter 5-1-07	Adobe Acrobat Doc...	5,901 KB
65) J Kevin Hufferd Letter 4-13-07	Adobe Acrobat Doc...	987 KB
66) SHPO Letter	Microsoft Word 97 -...	47 KB
67) PAFINAL	Adobe Acrobat Doc...	1,269 KB
68) Emails	Microsoft Word Doc...	15 KB
69) 011870	Adobe Acrobat Doc...	3,573 KB
70) RE Research	Microsoft Word Doc...	23 KB
71) 012699	Adobe Acrobat Doc...	5,650 KB
72) Statewide Real Prop Manual Includes UC	Adobe Acrobat Doc...	274 KB
73) AGO 79-1007	Microsoft Word 97 -...	48 KB
BOS Files 120300 + 120301, Planning Case 2004.0773EMTZC + 2011.0450C (Disc Files)	Adobe Acrobat Doc...	1,405 KB
BOS Files 120300 + 120301, Planning Case 2004.0773EMTZC + 2011.0450C (Links)	Adobe Acrobat Doc...	42 KB

75 items

ADMIN RECORD: [BOS Files 120300 & 120301 and Planning Cases 2004.0773E!MTZC & 2011.0450C]

No.	Date	Document	Link
1	5/8/12	Art 10 BOS Packet	https://www.box.com/shared/static/1513d77e73cf5d359672.pdf
2	5/8/12	Art 11 BOS Packet	https://www.box.com/shared/static/fcf195c0c685c7dfef52.pdf
3	5/7/12	Art 10 + 11 Joint SFAH, CPF, NTHP Comments	https://www.box.com/shared/static/cee1abcfd99f048a25e3.pdf
4	5/3/12	Art 10 + 11 StLSC Comments	https://www.box.com/shared/static/7d4ec503f2e484b68e65.pdf
5	5/2/12	Art 10 + 11 PC Chart	https://www.box.com/shared/static/0ea5e914815a966a319b.docx
6	5/2/12	SOTF Complaint - SFAH Emails	https://www.box.com/shared/static/7e22e70df279b513cd04.pdf
7	4/30/12	Art 10 + 11 SFPC Letter	https://www.box.com/shared/static/49924091239fbe1c8198.pdf
8	4/30/12	Art 10 + 11 SFAH Chart	https://www.box.com/shared/static/0fb476b97b8a008452a7.pdf
9	4/30/12	SOTF Complaint - SFPC Letter	https://www.box.com/shared/static/6e8718370fdfb6a4976d.pdf
10	4/30/12	SOTF Complaint - SFAH Letter	https://www.box.com/shared/static/07d0e3903f289733ece5.pdf
11	4/30/12	SOTF Complaint - BOS LU Caption Notes	https://www.box.com/shared/static/abcb1c062b5475757575.doc
12	4/27/12	SOTF Complaint	https://www.box.com/shared/static/b6d239b9e88dffed6da2.pdf
13	4/24/12	Community Mtgs Notice	https://www.box.com/shared/static/837023973aa2e32869d2.pdf
14	4/24/12	SHPO-DOE Letter	https://www.box.com/shared/static/5febd0b16ac025e81dcd.pdf
15	4/24/12	MOH-SHPO Letter - Sec 106	https://www.box.com/shared/static/ae23e588ca59be3e0629.pdf
16	4/23/12	Public Outreach	https://www.box.com/shared/static/f7491cf15132cd85f91e.docx
17	4/20/12	APE Definition	https://www.box.com/shared/static/83fad77590d45ae100bb.docx
18	4/20/12	Description of Undertaking (NEPA)	https://www.box.com/shared/static/629a2693f84b81e9ce08.docx
19	4/16/12	Notice of HPC Sec 106-CofA Hearing (5-16-12)	https://www.box.com/shared/static/48c8ca565a854ddb2570.pdf
20	4/16/12	MOH Emails on 5-16-12 HPC Hearing (NEPA)	https://www.box.com/shared/static/2d282f888b6e50dce9c9.docx
21	4/13/12	SOTF Complaint - SHPO Letter	https://www.box.com/shared/static/eb8d14894c08ae8375a6.pdf
22	4/12/12	UDAT Comments	https://www.box.com/shared/static/f718a6f4797943abeeee.pdf
23	4/3/12	MOH-SHPO Letter - Sec 106	https://www.box.com/shared/static/dd9d7721f1b8c582620b.pdf
24	3/29/12	Revised HPSR - Sec 106	https://www.box.com/shared/static/03fc2742b5c104bf3783.pdf
25	3/27/12	VerPlanck Letter - Sec 106	https://www.box.com/shared/static/a6d597290c8bca1298b8.doc
26	3/26/12	APE Comments - Sec 106	https://www.box.com/shared/static/a114353032f8dcc2db97.docx
27	3/23/12	SHPO Submittal - Sec 106	https://www.box.com/shared/static/bd40f916661f48cb87be.pdf
28	3/13/12	UDAT Comments	https://www.box.com/shared/static/95d7332220a837f4b992.pdf
29	3/13/12	APE Graphic - Sec 106	https://www.box.com/shared/static/b3eeaa69ac5cb25af07e.jpg
30	3/9/12	Consulting Party Status Request	https://www.box.com/shared/static/15b41f5655edbf508e27.docx
31	2/14/12	Final Scoping Report (NEPA)	https://www.box.com/shared/static/9e79d6c4370b647182a4.pdf
32	1/18/12	StLSC Scoping Comments (NEPA)	https://www.box.com/shared/static/cb52e8fef7b895da80e9.pdf
33	12/20/11	StLSC Sec 106 Part Letter	https://www.box.com/shared/static/5972de9cb4ff56e2c409.pdf
34	12/19/11	Project Summary (NEPA)	https://www.box.com/shared/static/79bc6d178b89ac17a4b5.pdf
35	12/19/11	Site Plan (NEPA)	https://www.box.com/shared/static/954f4c773fd8e9c8d0e7.jpg
36	12/16/11	Mercy Housing RFP (NEPA)	https://www.box.com/shared/static/fbb0a0da51941c57b57a.pdf
37	12/7/11	Art 10 + 11 SHPO Letter	https://www.box.com/shared/static/821157b2cca3d38b1250.pdf
38	12/7/11	SOTF Complaint - SHPO Letter	https://www.box.com/shared/static/ee5022856fcfea4824f0.pdf
39	12/5/11	NOI (NEPA)	https://www.box.com/shared/static/19a03448a3f04013d496.pdf
40	9/14/11	StLSC CU Appeal	https://www.box.com/shared/static/b673ed59b1ae2878bb58.pdf
41	8/4/11	StLSC Planning Letter	https://www.box.com/shared/static/abe4b39463e55ff043d3.pdf
42	8/4/11	StLSC CU Appeal	https://www.box.com/shared/static/d5b9ef9ae027d7f1c294.pdf
43	1/19/11	Planning LOD	https://www.box.com/shared/static/34701a049e319a93128b.pdf
44	1/4/11	StLSC Apt Dist Letter	https://www.box.com/shared/static/3015e72358a9de29991b.pdf
45	12/14/10	StLSC Apt Dist Letter	https://www.box.com/shared/static/8d3c202acaf1a6abdf95.pdf
46	10/20/09	Cal Gov Code § 14671.2, 2010	https://www.box.com/shared/static/0195b66f75e3ab7eb1cf.rtf
47	11/4/08	Prop J (Final)	https://www.box.com/shared/static/70319fdb62120b0fe391.pdf
48	9/18/08	Regents Mtg	https://www.box.com/shared/static/5d4297e178d500e49d00.pdf
49	9/18/08	Regents Findings	https://www.box.com/shared/static/86ee6e3734b552c4a5bf.pdf
50	8/13/08	UC PRA, Holmes-Culley, RFP, Fact Sheet, Capacity Study, Deed	https://www.box.com/shared/static/94f5e1556b7a77e1e085.pdf
51	8/13/08	UC PRA 2, Background, Sublease, RFQ	https://www.box.com/shared/static/949c8300ef49a41b4cf6.pdf
52	7/29/08	Prop J (Proposed)	https://www.box.com/shared/static/8f1ede5c54e1b4aeece9.pdf
53	4/1/08	Preservation Bulletins	https://www.box.com/shared/static/27b376ca0170d735739f.pdf
54	3/31/08	NEPA-NHPA Review Letter	https://www.box.com/shared/static/5219428243750b3c332b.pdf
55	3/25/08	HUD Email	https://www.box.com/shared/static/f8c5a50ed00f9fdde9ef.docx
56	3/4/08	Public Comment	https://www.box.com/shared/static/1b94ce9a92af992fd06f.pdf
57	3/4/08	SFAH Comments (CEQA)	https://www.box.com/shared/static/f55592348b85682497b2.pdf
58	3/4/08	MPA 1 of 3 (CEQA)	https://www.box.com/shared/static/4f8813d289b3718d565f.pdf
59	3/4/08	MPA 2 of 3 (CEQA)	https://www.box.com/shared/static/469b6a5fcb96e9725f5b.pdf
60	3/4/08	MPA 3 of 3 (CEQA)	https://www.box.com/shared/static/7267297373c4bcbfc9ce.pdf
61	1/7/08	National Register Nomination (w/out photos) and Listing (SHPO)	https://www.box.com/shared/static/e8eb13522f883f705194.pdf
62	7/30/07	SFAH Comments (CEQA)	https://www.box.com/shared/static/dff02483d07bc99aa084.pdf
63	6/14/07	SFAH Comments (CEQA)	https://www.box.com/shared/static/5af02d370aecec3035ad.pdf
64	5/1/07	Public Comment (CEQA)	https://www.box.com/shared/static/8ea085b280725d6d11b4.pdf
65	4/13/07	UC Letter	https://www.box.com/shared/static/12624260f1df76067012.pdf
66	3/14/07	SHPO Letter (CEQA)	https://www.box.com/shared/static/c9c6a41311fd2560c7a5.doc
67	1/19/07	Programmatic Agreement	https://www.box.com/shared/static/ff807fa0f43fc9aed117.pdf
68	10/4/06	Conflict of Interest Email	https://www.box.com/shared/static/a06a7bf072d9e8e5eb47.docx
69	8/4/05	San Franciscans for Livable Neighborhoods	https://www.box.com/shared/static/da80b97d0b99da51ec30.pdf

70	6/29/05	RE Research	https://www.box.com/shared/static/dafbaff8b49c6a00c6fc.docx
71	4/1/05	HVNA	https://www.box.com/shared/static/07f6d711c49fb9c5d864.pdf
72	2/5/04	CA-RP Manual	https://www.box.com/shared/static/8dfc5a798b21cf48bf33.pdf
73	1/20/80	63 AGO 132 (1980 WL 96811)	https://www.box.com/shared/static/10feb84fcc0bb7610d89.doc

Articles 10 and 11 - protect Golden Gate Park! Keep the Secretary of the Interior Standards.

Board of Supervisors to: Alisa Miller 05/04/2012 02:29 PM

From: "Golden Gate Park Preservation Alliance" <ggppa@earthlink.net>
To: "Carmen Chu" <Carmen.Chu@sfgov.org>, "Christina Olague" <c_olague@yahoo.com>, <Christina.Olague@sfgov.org>, <Board.of.Supervisors@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>, <Eric.L.Mar@sfgov.org>, <John.Avalos@sfgov.org>, <Sean.Elsbernd@sfgov.org>, "Supervisor Jane Kim" <Jane.Kim@sfgov.org>, "Supervisor Malia Cohen" <Malia.Cohen@sfgov.org>, "Supervisor Mark Farrell" <Mark.Farrell@sfgov.org>, <Scott.Wiener@sfgov.org>,
Date: 05/03/2012 10:30 PM
Subject: Articles 10 and 11 - protect Golden Gate Park! Keep the Secretary of the Interior Standards.

Supervisors,
Golden Gate Park is a treasure that must be preserved for future generations of San Franciscans to enjoy as it was designed and as it has been enjoyed for 140 years -- as a landscape park where everyone can escape urban stress. As one of the last, large remaining contiguous pieces of open space in San Francisco, it has also become precious habitat for our wildlife.

Unfortunately, the Park is often viewed as empty land, just waiting for the pet projects that crop up every few years. In 1915 the Panama Pacific Exposition would have destroyed most of the parkland; in the early 1950's freeways were planned to run through the Park. (see the attached pictures.) Today the threat is from the Beach Chalet soccer fields, with over 7 acres of artificial turf and 150,000 watts of night lighting, right next to Ocean Beach --where families go to enjoy the sunset, to sit by fires on the beach or to enjoy the dark night sky.

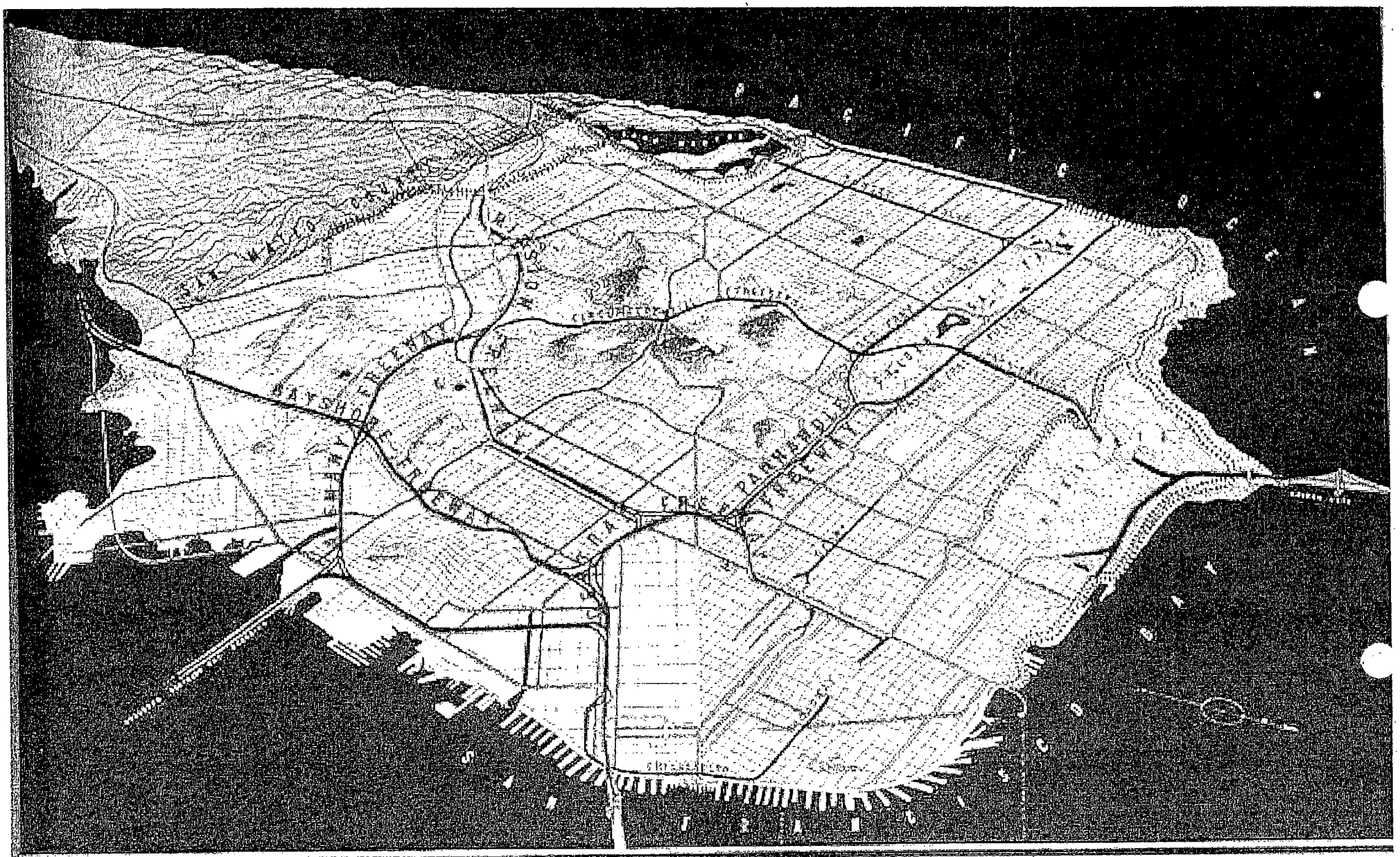
We are concerned that any weakening of historic preservation standards in San Francisco will result in the further commercial development and degradation of Golden Gate Park. We are especially concerned about the proposed local interpretations of the Secretary of the Interior's Standards. Cultural landscapes are important and add value to our city -- both for its citizens and for the tourists whom we are constantly courting.

Therefore, we are asking that you eliminate the requirement for the Planning Department to develop -- and the Planning Commission to adopt -- "local interpretations" of the Secretary of the Interior's Standards. The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The purpose of having standards is to provide a framework for protecting our precious heritage for future generations.

Please consider protecting our parkland in all of the deliberations on Articles 10 and 11. Please do not approve the Wiener amendments until the outstanding issues have been resolved. And above all, please protect Golden Gate Park!

Sincerely,
Katherine Howard, ASLA

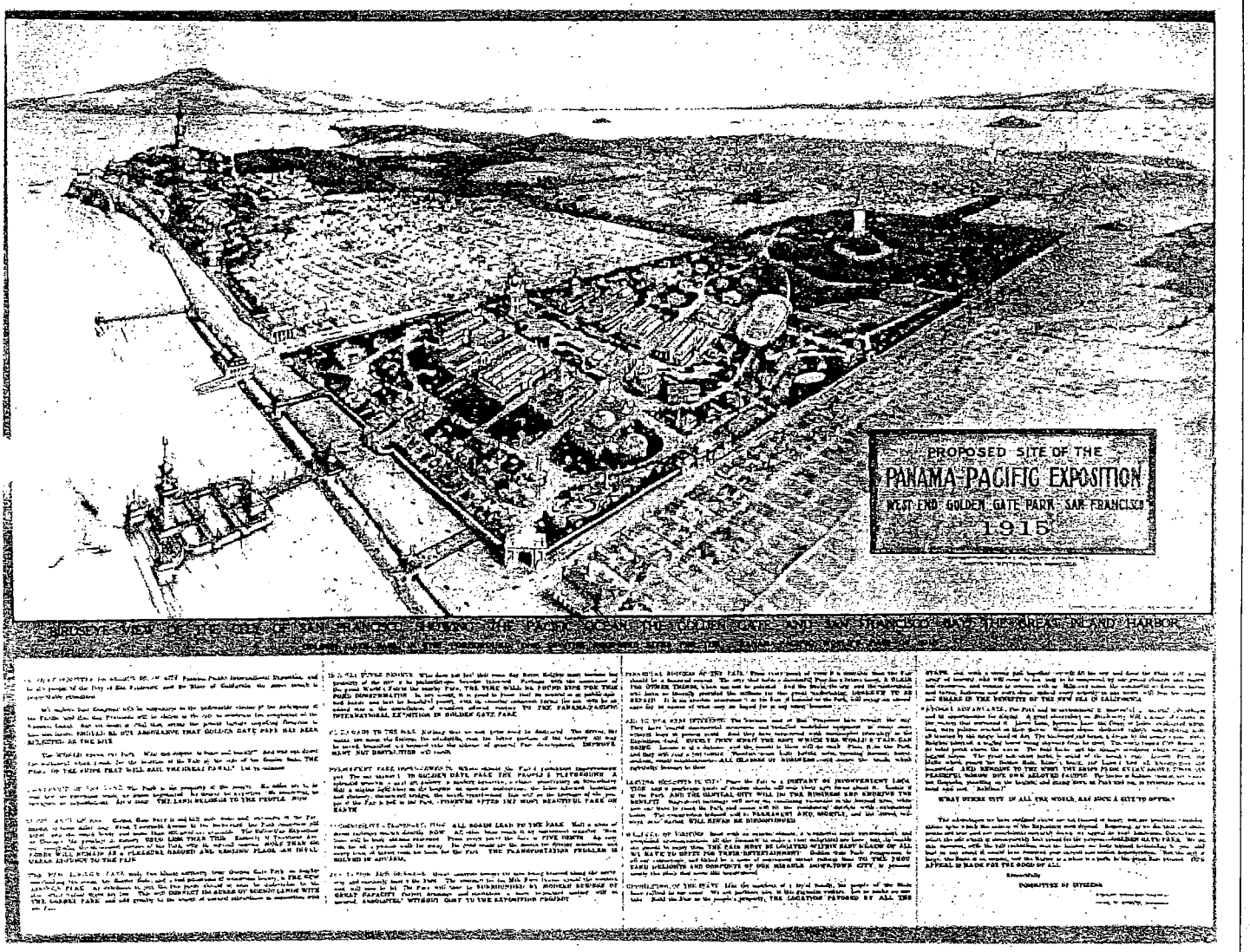
Golden Gate Park Preservation Alliance freeways.jpg 1915 expostion - GGP.jpg



AIRVIEW OF CITY SHOWING TRAFFICWAYS

FREEWAYS
EXPRESSWAYS

PLATE 9



Proposed site of Panama-Pacific Exposition, 1915.

Fw: Joint comments by historic preservation organizations re Articles 10 & 11 of the Planning Code [May 8, 2012, Agenda Items 22 & 23]

Rick Caldeira to: Alisa Miller 05/07/2012 01:03 PM

For file.

---- Forwarded by Rick Caldeira/BOS/SFGOV on 05/07/2012 01:05 PM ----

From: Mike Buhler <MBuhler@sfheritage.org>
To: "angela.calvillo@sfgov.org" <angela.calvillo@sfgov.org>
Cc: "David.Chiu@sfgov.org" <David.Chiu@sfgov.org>, "Judson.True@sfgov.org" <Judson.True@sfgov.org>, "scott.wiener@sfgov.org" <scott.wiener@sfgov.org>, "andres.power@sfgov.org" <andres.power@sfgov.org>, "Christina.Olague@sfgov.org" <Christina.Olague@sfgov.org>, "chris.durazo@sfgov.org" <chris.durazo@sfgov.org>, "Eric.L.Mar@sfgov.org" <Eric.L.Mar@sfgov.org>, "Nickolas.pagoulatos@sfgov.org" <Nickolas.pagoulatos@sfgov.org>, "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>, "megan.hamilton@sfgov.org" <megan.hamilton@sfgov.org>, "jane.kim@sfgov.org" <jane.kim@sfgov.org>, "April.Veneracion@sfgov.org" <April.Veneracion@sfgov.org>, "John.Avalos@sfgov.org" <John.Avalos@sfgov.org>, "raquel.redondiez@sfgov.org" <raquel.redondiez@sfgov.org>, "david.campos@sfgov.org" <david.campos@sfgov.org>, "hillary.ronen@sfgov.org" <hillary.ronen@sfgov.org>, "Mark.Farrell@sfgov.org" <Mark.Farrell@sfgov.org>, "Rick.Caldeira@sfgov.org" <Rick.Caldeira@sfgov.org>, "Sean.Elsbernd@sfgov.org" <Sean.Elsbernd@sfgov.org>, "olivia.scanlon@sfgov.org" <olivia.scanlon@sfgov.org>, "Carmen.Chu@sfgov.org" <Carmen.Chu@sfgov.org>, "Katy.Tang@sfgov.org" <Katy.Tang@sfgov.org>, "john.rahaim@sfgov.org" <john.rahaim@sfgov.org>, "Tim.Frye@sfgov.org" <Tim.Frye@sfgov.org>, "c.chase@argsf.com" <c.chase@argsf.com>, Courtney Damkroger <cdamkroger@hotmail.com>, "awmarch@mac.com" <awmarch@mac.com>, "Wolfram, Andrew" <Andrew.Wolfram@perkinswill.com>, "karlhasz@gmail.com" <karlhasz@gmail.com>, "rsejohns@yahoo.com" <rsejohns@yahoo.com>, "diane@johnburtonfoundation.org" <diane@johnburtonfoundation.org>, Cindy Heitzman <cheitzman@californiapreservation.org>, Brian Turner <Brian_Turner@nthp.org>, Sarah Karlinsky <skarlinsky@spur.org>
Date: 05/07/2012 08:07 AM
Subject: Joint comments by historic preservation organizations re Articles 10 & 11 of the Planning Code [May 8, 2012, Agenda Items 22 & 23]

Good morning Angela – Attached please find joint comments submitted by San Francisco Architectural Heritage, California Preservation Foundation, and National Trust for Historic Preservation regarding proposed amendments to Articles 10 and 11 of the Planning Code (Wiener, Olague), which is scheduled for review by the Board of Supervisors tomorrow. The undersigned organizations are requesting specific revisions to conform Supervisor Wiener's proposed amendments to the recommendations of the Historic Preservation Commission. Thanks for your consideration.

Mike Buhler
Executive Director
San Francisco Architectural Heritage
P: 415.441.3000 x15
F: 415.441.3015
2007 Franklin Street
San Francisco, CA 94109
mbuhler@sfheritage.org | www.sfheritage.org
Join Heritage now or sign up for our e-mail list!

Joint Heritage, CPF & NTHP comments re Arts. 10 & 11 (5.7.12).pdf

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Mike Buhler
Executive Director

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415-441-3000
FAX 415-441-3015

www.sfheritage.org

May 7, 2012

Supervisor David Chiu, President
San Francisco Board of Supervisors
Attn: Angela Calvillo, Clerk
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Joint request by historic preservation organizations for revisions to Articles 10 and 11 of the Planning Code

Dear President Chiu and Members of the Board:

As the San Francisco Board of Supervisors prepares to vote on comprehensive amendments to Articles 10 and 11, the historic preservation community is deeply concerned about provisions that would significantly impede community-based preservation efforts. The undersigned local, state, and national historic preservation organizations—all with offices in San Francisco—urge the Board to adopt revisions to conform Articles 10 and 11 to the recommendations of the Historic Preservation Commission, especially:

1) **Eliminate the mandatory written vote before the Board of Supervisors can take action on a proposed historic district or conservation district. [*Sections 1004.3 and 1107(e)*]**

The proposed legislation would require a written vote by all owners and occupants before the Board can take action on a proposed historic district. This new voting requirement would impose an unprecedented mandate on the Planning Department without analyzing the potential costs. With no funds budgeted for this purpose, the burden will likely fall on residents seeking to protect their communities through historic designation, imposing an unreasonably high barrier to entry. This hurdle is entirely unnecessary when one considers how few historic districts currently exist in San Francisco: Over the past 45 years, only eleven historic districts have been created in San Francisco, comprising approximately one percent of all parcels. The city's most recent historic district, Dogpatch, was designated in 2003.

The HPC unanimously adopted alternative language that eliminates the mandatory written vote, maintains the requirement for robust community outreach, and allows the Planning Department to determine how owners and occupants would be invited to express their opinion.[1] With no analysis of the potential costs, no funds budgeted to conduct written votes, and no substantiation of the need to do so, we urge the Board to adopt substitute language recommended by the HPC.

[1] "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 on the proposed district. 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, and the types of work that is generally ineligible to receive a Certificate of Appropriateness." (HPC Resolution 672, February 1, 2012)

2) **Allow members of the public to request that the Historic Preservation Commission initiate designation of a landmark or historic district. [*Section 1004.1*]**

The proposed legislation deletes language approved by the HPC that would allow members of the public to nominate landmarks and historic districts. At the Land Use and Economic Development Committee hearing on April 30, Supervisor Wiener noted that his amendments would not prevent any member of the public from requesting the HPC to initiate designation.[2] Consequently, there should be no objection to making this longstanding practice explicit in Article 10 by re-inserting the words "members of the public" into Section 1004.1. As now, the Board would retain absolute discretion to accept or reject any future landmark or historic district nomination.

3) **Eliminate the requirement for the Planning Commission to approve local interpretations of the *Secretary of the Interior's Standards* adopted by the Historic Preservation Commission. [*Sections 1006.6(b) and 1111.6(b).*]**

The *Secretary of the Interior's Standards* are the nation's standard for a sound preservation program and have been applied flexibly by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. Requiring the Planning Commission to adopt "local interpretations" of the *Standards* would usurp independent authority vested in the HPC by the City Charter and the City's Certified Local Government status to interpret the *Standards*. The Planning Commission should have the ability to comment on—but not veto—local interpretations of the *Standards* adopted by the HPC.

The City of San Francisco is widely recognized for being at the forefront of good preservation practice, a commitment that was reaffirmed by voters with the passage of Proposition J in 2008. The undersigned organizations collectively urge the Board of Supervisors to uphold this voter mandate by adopting the recommendations of the HPC. Please contact Mike Buhler at 415/441-3000 x15 or mbuhler@sfheritage.org to discuss any of these requested revisions.

Sincerely,

Mike Buhler
Executive Director
San Francisco Architectural Heritage

Brian R. Turner
Regional Attorney
National Trust for Historic Preservation
Western Field Office

Cindy Heitzman
Executive Director
California Preservation Foundation

[2] As stated by Supervisor Wiener: "I...disagree...that [the legislation] is limiting the right of a citizen to petition his or her government to create a historic district. Anyone can show up at many of numerous forums and request that the district be organized." Caption Notes, Land Use & Economic Development Committee Hearing, April 30, 2012.

Articles 10 and 11 [BOS Files 120300 & 120301]
Board of Supervisors to: Alisa Miller 05/07/2012 03:05 PM

From: Judith Hoyem <jhoyem@sbcglobal.net>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Christina.Olague@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org,
Cc: Scott.Wiener@sfgov.org, board.of.supervisors@sfgov.org
Date: 05/07/2012 12:11 AM
Subject: Articles 10 and 11 [BOS Files 120300 & 120301]

ARTICLES 10 & 11 chart revised.docx

Dear Supervisors,

I am writing to urge you to reject Supervisor Wiener's Amendments to Articles 10 and 11, because in their current form they represent the tightening of a noose on preservation efforts in the City rather than giving support as was intended by Proposition J.

Attached is a chart that spells out in comprehensible detail why the Historic Preservation Commission, SF Architectural Heritage, the SF Preservation Consortium and other members of the preservation community are opposed to each of Supervisor Wiener's amendments that remain unresolved.

I beg you to give this chart a close and careful reading.

Some of the Supervisor's amendments have to do with limiting the authority of the HPC on preservation matters, which is certainly contrary to Proposition J. Others have to do with lowering protections against demolition for buildings within an historic district. Others set up rigorous and costly requirements for the process of designation of Historic Districts and Conservation Districts that no other zoning changes are required to meet.

All together and singly, these amendments treat historic preservation as a threat to the City rather than as one of the City's greatest assets. Yet, at the present time, historic districts represent only 1% of the built environment in San Francisco. All that we would like to see is the possibility of additional historic districts and a set of policies that would enable them to be designated and protected rather than policies that put high barriers in the way.

Historic preservation protects resources not to make a museum of the city but to provide continuity between the past, the present, and the future, to weave the fabric of the City over time, which strengthens community as the City grows and changes as well as helping to retain neighborhoods intact, which are the strength of any city that people love and want to live in.

If you have been considering supporting Supervisor Wiener's amendments, I urge you to reconsider whether these amendments are actually necessary to further any other goals that you may have for the City, or whether your goals are achievable without doing the kind of damage to the protection of the City's historic resources that these amendments would bring about. I ask you to give attention to the attached chart that may answer some questions that you might have. If you decide not to take a chance on these amendments, if you decide to vote no, your vote will be very much appreciated now and for the future.

If you are already convinced that these amendments are either unnecessary or are indeed

damaging to historic preservation, we thank you for your support.

Sincerely yours,

Judith Hoyem, owner
SF Landmark # 208
4042 17th Street
San Francisco, CA 94114
415-552-1259

ARTICLES 10 & 11

Amendments Proposed by Supervisor Wiener that remain unacceptable and need to be resolved

(Updated 5-2-12)

Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1004.1	**Historic district nominations:** Supervisor Wiener's proposal deletes prior language approved by the HPC that would allow members of the public to nominate landmarks and historic districts. Only property owners and the Planning Department can nominate properties for listing.	Was included in the HPC version of Article 10 that was formally approved on 10/26/11.	**Urge the Supervisors to add this back:** Add back prior language in Section 1004.1 to explicitly allow members of the public to nominate landmarks and historic districts for consideration by the HPC. The current language will discourage participation by members of the public in the protection of the City's important historic resources.
1004.2(c) 1107(d)	**Planning Commission required review of Historic Districts and Conservation Districts:** Supervisor Wiener's proposal requires the Planning Commission to comment on the consistency of any proposed historic district with "the provision of housing to meet the City's Regional Housing Needs Allocation," "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area."	The HPC did not include this provision in the version of Article 10 formally approved on 10/26/11.	**Oppose:** The proposed amendment singles out historic preservation for disparate treatment. No other zoning changes are subject to rigorous review against vague regional planning goals. Although the City Charter authorizes the Planning Commission to comment on any aspect of a proposed historic district, the proposed language improperly elevates the Regional Housing Needs Allocation, Sustainable Communities Strategy and "the provision of housing near transit corridors" over other General Plan polices and the priority planning policies.
1004.3, 1107(e)	**Written vote of owners required for designation of Historic Districts & Conservation Districts:** Supervisor Wiener's proposal requires the Planning Department to conduct a written vote or survey of all owners and occupants in a proposed historic district (Art. 10) or conservation district (Art. 11) and requires the Board of Supervisors to consider a tabulation of these votes before acting on the district.	The HPC opposed these requirements proposed by Supervisor Wiener. Citing prohibitive costs and the administrative burden, the HPC rejected this proposal and deleted the requirement to conduct a written vote or survey.	**Oppose:** Support the HPC and Heritage in opposing the requirement for a survey or vote in writing. • No other zoning changes are subject to a required vote by owners and occupants. The proposed amendment singles out historic preservation for disparate treatment. • This voting requirement would impose a significant procedural hurdle on any new proposed historic/conservation district. • This requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement.
1005(e)(4) 1110(a)	**Exempting streets and sidewalks from protection:** Supervisor Wiener's proposal would exempt all sidewalks and streets in historic districts from protection, unless specifically called out as character-defining features in the designating ordinance.	The HPC did not include this provision in the version of Article 10 formally approved on 10/26/11.	**Oppose:** Join with Heritage in opposing the exemption of streets and sidewalks from protection without first analyzing the potential adverse impacts on the integrity of the historic district.

Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1006 1006.6(b), 1111.6(b)	<u>Limitation on HPC's Review Authority</u>: Supervisor Wiener's proposal significantly limits the authority of the HPC to review proposed alterations to existing landmarks and historic districts. Under his amendments: • HPC approval would only be required if the alteration would impact a character-defining feature of the building or district that was spelled out in the designating ordinance; and • The Secretary of the Interior's Standards would not apply to all properties located in historic districts (Art. 10) or conservation districts (Art 11), but would be limited to individual contributing buildings only.	This provision was not included in the HPC version of Article 10 formally approved on 10/26/11.	<u>Oppose</u>: This would limit HPC's review to only those features of a landmark or district spelled out in the designating ordinance and would exclude the application of the Secretary's Standards to all properties located within historic and conservation districts. • The proposed amendments conflict with specific language in the Charter that mandates HPC review of <u>all</u> work within historic districts and conservation districts. Articles 10 and 11 cannot limit this authority. • The proposed amendments could significantly impact all of the City's existing designated resources by reducing the standards for review. • The decision as to whether or not a proposed alteration would impact character-defining features is within the jurisdiction of the HPC.

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1006.6(b), 1111.6(b)	**"Local Interpretations" of the Secretary of the Interior's Standards:** Supervisor Wiener's proposal requires that the development of local interpretations and guidelines shall be led by the Planning Department and shall be adopted by both the HPC and the Planning Commission, and further that if either body fails to act within 180 days, its failure to act is deemed approval.	The language approved by the HPC and Planning Commission mandates compliance with the Secretary's Standards "as well as any applicable guidelines, local interpretations, bulletins, or other policies," however, the HPC specifically opposed any requirement for the Planning Commission to approve any such local interpretations or guidelines and rejected the language regarding failure to act.	**Oppose**: The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The Secretary's Standards for rehab are broad and have flexibility. Supervisor Wiener has not demonstrated why "local interpretations" of these standards are necessary. • Requiring the Planning Commission to adopt "local interpretations" of the Secretary's Standards is inconsistent with the independent authority given the HPC by the City Charter (Prop J) to review all proposed alterations to landmarks and historic districts and in so doing to interpret the Secretary's Standards. • This requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement. • We would support alternative language providing that the HPC may develop "district-by-district" design guidelines for particular neighborhoods and property types, with input from the Planning Commission. Such design guidelines, based on the Secretary's Standards, would provide property owners and designers greater predictability.

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Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1006.6(h)	Exemption provisions: Supervisor Wiener's proposal inserts new language as Section 1006.6(h) to exempt "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit."	The HPC opposed the provisions proposed by Supervisor Wiener on a 6-0 vote. Questioning the need to exempt "affordable housing" projects in historic districts, the HPC recommended that this issue be studied in a separate process. The HPC stated that it "would encourage further study to better understand the housing shortage that Supervisor Wiener is referring to, as well as the most appropriate solution." The Planning Commission did not include this language in the version it approved on 2/2/12.	Oppose: Support the HPC and Heritage in opposing the proposed exemption for residential projects contained in Section 1006.6(h). The current legislation substitutes an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship.
1111.7(a)(3)	Reducing protections for Category V Buildings proposed for demolition. Supervisor Wiener has added language to limit the time allowed for the review and reclassification of a Category V (Unrated) building that has been proposed for demolition.	The HPC specifically opposed the addition of this provision.	Oppose: Support the HPC in opposing this limitation. Section 1111.7(a)(3) provides that when a Category V (Unrated) Building is proposed for demolition, the HPC may consider whether it has gained significance such that it should be reclassified as a more significant building entitled to protections. Supervisor Wiener's proposal would limit the time for the review and re-designation process to take place, which could result in the unnecessary demolition of historic buildings in the downtown area.
1111.7(b)	Reducing protections for Contributory Buildings proposed for demolition. Supervisor Wiener has added language to provide, as to Contributory Buildings from which no TDR have been transferred, that the cumulative impact on the District of its demolition can only be considered if the demolition would substantially diminish the district's integrity.	The HPC specifically opposed the addition of this provision.	Oppose: Support the HPC in opposing this provision, which weakens existing preservation protections that have been law for over 25 years. The voters of San Francisco approved Proposition J in 2008 to strengthen preservation protections.

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File 1200300 and 120301: ARTICLES 10 & 11: SUPPORT HPC'S DEMOCRATIC VERSION
Board of Supervisors to: Alisa Miller 05/07/2012 03:08 PM

From: WongAIA@aol.com
To: carmen.chu@sfgov.org, sean.elsbernd@sfgov.org, Eric.L.Mar@sfgov.org, john.avalos@sfgov.org, david.campos@sfgov.org, David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org, Malia.Cohen@sfgov.org, Mark.Farrell@sfgov.org, Jane.Kim@sfgov.org, Scott.Wiener@sfgov.org, angela.calvillo@sfgov.org, Christina.Olague@sfgov.org,
Date: 05/07/2012 02:17 AM
Subject: ARTICLES 10 & 11: SUPPORT HPC'S DEMOCRATIC VERSION

SUPPORT PUBLIC PROCESSES: PROP J, HEARINGS & CONSISTENCY

SUPPORT HISTORIC PRESERVATION COMMISSION'S APPROVED VERSION OF ARTICLES 10 & 11

CONSISTENCY WITH NATIONAL PRESERVATION STANDARDS

National preservation standards have become accepted professional norms, having evolved over decades of practice—like building codes, planning/ zoning Codes, ADA, fire/ life safety codes, engineering codes, energy/ LEED guidelines, design standards, grant/ funding constraints.... Federal, state and local governments are interwoven with preservation statutes, funding, oversight, governance.... Nationally, historic preservation is a democratic process, open to individuals, organizations and governments—assuring equitable preservation of diverse American cultures and heritages.

Sharon building

Bay View Opera House

Chinatown

Harvey Milk Camera Store

MOST CODES APPLY UNIVERSALLY TO ALL PROJECTS

As an architect, I have worked on shopping centers, hotels, transportation, institutional and commercial architecture—as well as historic preservations. In all of architectural practice, most codes universally apply to all buildings and districts. Codes have evolved over decades, sometimes over centuries—crafted through national and international professional collaboration. Though challenging, creative designers can and do adapt complex codes into their architecture—sometimes in amazing ways.

HISTORIC PRESERVATION IS A SMALL SLICE OF ARCHITECTURE

Only a small percentage of all architecture involves historic resources. Like other building endeavors, the profession of historic preservation has also evolved over time. The historical, cultural and architectural significance of sites has touched the sensibilities of prehistoric humans, tribal cultures, ancient civilizations and modern society. Especially with threats to historic resources, like the losses of the Lower Fillmore, Western Addition and Nihonmachi, societies developed criteria, methodology and the science of historic preservation. Over time, historic preservation standards have cross-pollinated globally.

PROFESSIONAL STANDARDS FOR HISTORIC PRESERVATION

Like other code standards, Historic Preservation Standards should be applied equally—consistent with profession practice and best practices. Historic Preservation Standards are no more difficult than say building/ fire/ ADA codes—perhaps much less so. The proposed amendments to Articles 10 & 11 are

unreasonable and inequitable hurdles, which if applied to other codes would be illogical---by example, requiring written votes for Zoning/ Area Plans, excluding non-property owners from exercising rights under state/ federal laws, exempting exiting codes for affordable housing or requiring local interpretations of LEED/ ADA requirements. In reality, Historic Preservation Standards are much more flexible than other codes---particularly the Secretary of the Interior's Standards.

A FIREWALL BETWEEN SPECIAL INTERESTS AND GOOD PUBLIC POLICY

Throughout the history of land-use, special interests have carved out legal and financial advantages---to the detriment of competing interests and the public good. As a result, societies created universal and democratic legal standards that adhered to best professional practices. Historic Preservation Standards are mainstream---just look at New Orleans, Charleston, New York, Chicago, Venice, London, Paris....

HISTORIC PRESERVATION IS ONE OF SAN FRANCISCO'S MAIN INDUSTRIES

Over 16 million visitors spend $8.5 billion annually. Polling shows that historic resources and neighborhoods are major draws of our main industry---tourism. Relatively youthful San Francisco has a robust historicism---spanning Spanish explorers, Gold Rush, Neo-Classicism, Art Deco, Beatniks, Mid-Century Modernism, Hippies, Gays, Techies....Historic Preservation is the framework that weaves a rich historical tapestry---for the enjoyment of visitors, residents, families, children and future generations.

Howard Wong, AIA (415)-982-5055 wongaia@aol.comARTICLES 10 & 11 CHART 5-2-12.doc

ARTICLES 10 & 11

Amendments Proposed by Supervisor Wiener that remain unacceptable and need to be resolved

(Updated 5-2-12)

Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1004.1	**Historic district nominations:** Supervisor Wiener's proposal deletes prior language approved by the HPC that would allow members of the public to nominate landmarks and historic districts. Only property owners and the Planning Department can nominate properties for listing.	Was included in the HPC version of Article 10 that was formally approved on 10/26/11.	**Urge the Supervisors to add this back:** Add back prior language in Section 1004.1 to explicitly allow members of the public to nominate landmarks and historic districts for consideration by the HPC. The current language will discourage participation by members of the public in the protection of the City's important historic resources.
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Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1006 1006.6(b), 1111.6(b)	**Limitation on HPC's Review Authority:** Supervisor Wiener's proposal significantly limits the authority of the HPC to review proposed alterations to existing landmarks and historic districts. Under his amendments: • HPC approval would only be required if the alteration would impact a character-defining feature of the building or district that was spelled out in the designating ordinance; and • The Secretary of the Interior's Standards would not apply to all properties located in historic districts (Art. 10) or conservation districts (Art 11), but would be limited to individual contributing buildings only.	This provision was not included in the HPC version of Article 10 formally approved on 10/26/11.	**Oppose:** This would limit HPC's review to only those features of a landmark or district spelled out in the designating ordinance and would exclude the application of the Secretary's Standards to all properties located within historic and conservation districts. • The proposed amendments conflict with specific language in the Charter that mandates HPC review of all work within historic districts and conservation districts. Articles 10 and 11 cannot limit this authority. • The proposed amendments could significantly impact all of the City's existing designated resources by reducing the standards for review. • The decision as to whether or not a proposed alteration would impact character-defining features is within the jurisdiction of the HPC.
1006.6(b), 1111.6(b)	**"Local interpretations" of the Secretary of the Interior's Standards:** Supervisor Wiener's proposal requires that the development of local interpretations and guidelines shall be led by the Planning Department and shall be adopted by both the HPC and the Planning Commission, and further that if either body fails to act within 180 days, its failure to act is deemed approval.	The language approved by the HPC and Planning Commission mandates compliance with the Secretary's Standards "as well as any applicable guidelines, local interpretations, bulletins, or other policies," however, the HPC specifically opposed any requirement for the Planning Commission to approve any such local interpretations or guidelines and rejected the language regarding failure to act.	**Oppose:** The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The Secretary's Standards for rehab are broad and have flexibility. Supervisor Wiener has not demonstrated why "local interpretations" of these standards are necessary. • Requiring the Planning Commission to adopt "local interpretations" of the Secretary's Standards is inconsistent with the independent authority given the HPC by the City Charter (Prop J) to review all proposed alterations to landmarks and historic districts and in so doing to interpret the Secretary's Standards. • This requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement. • We would support alternative language providing that the HPC may develop "district-by-district" design guidelines for particular neighborhoods and property types, with input from the Planning Commission. Such design guidelines, based on the Secretary's Standards, would provide property owners and designers greater predictability.

Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1006.6(h)	**Exemption provisions**: Supervisor Wiener's proposal inserts new language as Section 1006.6(h) to exempt "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit."	The HPC opposed the provisions proposed by Supervisor Wiener on a 6-0 vote. Questioning the need to exempt "affordable housing" projects in historic districts, the HPC recommended that this issue be studied in a separate process. The HPC stated that it "would encourage further study to better understand the housing shortage that Supervisor Wiener is referring to, as well as the most appropriate solution." The Planning Commission did not include this language in the version it approved on 2/2/12.	**Oppose**: Support the HPC and Heritage in opposing the proposed exemption for residential projects contained in Section 1006.6(h). The current legislation substitutes an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship.
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1111.7(b)	**Reducing protections for Contributory Buildings proposed for demolition.** Supervisor Wiener has added language to provide, as to Contributory Buildings from which no TDR have been transferred, that the cumulative impact on the District of its demolition can only be considered if the demolition would substantially diminish the district's integrity.	The HPC specifically opposed the addition of this provision.	**Oppose**: Support the HPC in opposing this provision, which weakens existing preservation protections that have been law fo over 25 years. The voters of San Francisco approved Proposition J in 2008 to strengthen preservation protections.

File 120300 and 120301: NEPA and CEQA Review of: 1) Proposed Amend. to Articles 10 & 11; and 2) 55 Laguna Mixed Use Project [BOS Files 120300 & 120301 and Planning Case 2011.0450C]

Board of Supervisors to: Alisa Miller 05/03/2012 05:53 PM

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
To: "Supervisor Eric L. Mar" <Eric.L.Mar@sfgov.org>, Malia.Cohen@sfgov.org, scott.wiener@sfgov.org, Supervisor David Chiu <David.Chiu@sfgov.org>, Christina.Olague@sfgov.org, Mark.Farrell@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor David Campos <david.campos@sfgov.org>, Supervisor John Avalos <John.Avalos@sfgov.org>,
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Date: 05/03/2012 03:14 AM
Subject: NEPA and CEQA Review of: 1) Proposed Amend. to Articles 10 & 11; and 2) 55 Laguna Mixed Use Project [BOS Files 120300 & 120301 and Planning Case 2011.0450C]

Dear Chair Chiu and Members of the Board:

Save the Laguna Street Campus (StLSC) is concerned that the potential adverse impacts of Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) on historical resources have not been adequately analyzed under the National Environmental Policy Act (NEPA) and the California Environmental Policy Act (CEQA).

The State Historic Preservation Officer (SHPO) has not reviewed the April 24, 2012 version of the proposed Amendments. The City participates in the National Park Service's Certified Local Government (CLG) Program through a Programmatic Agreement (PA) for U.S. Department of Housing and Development (HUD)-assisted undertakings that delegates most federal review responsibilities back to the City. The City's CLG Certificate of Agreement requires it to obtain the approval of the SHPO prior to adoption of the proposed Amendments.

Decisions regarding the proposed Amendments could affect the City's CLG status and the continuation of the PA which could affect the City's ability to receive and expend HUD monies on affordable housing and community development projects thereby potentially causing indirect adverse physical impacts on the environment subject to analysis under NEPA and CEQA.

The proposed Amendments would require the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards (Standards). As a CLG, the City has committed to best practices in the field of historic preservation which include the adoption and implementation of Standards. The rehabilitation standards are broad and flexible-to make their use optional would effectively eliminate their use. The SHPO has recommended maintaining

compliance with the Standards and considering the preparation of design guidelines for particular neighborhoods or property types.

The SHPO also raised concerns regarding the Planning Commission's making specific findings about historic district nominations that address the consistency of the proposed designation with the Regional Housing Needs Allocation, Sustainable Communities Strategy and the provision for housing near transit corridors. The provisions in the General Plan that address housing appear to carry more weight than historic preservation, a policy which seems inconsistent with the State requirement that all elements of the General Plan have equal legal status-no one element takes precedence.

The proposed Amendments would "exempt" residential projects within historic districts receiving a direct financial contribution of funding from local, state or federal sources for the purpose of providing subsidized for-sale or rental housing. For example, the adaptive reuse of the San Francisco State Teacher's College National Register Historic District (District) - 55 Laguna Mixed Use Project (Project) is presently undergoing environmental review under NEPA. The Project will construct approximately 450 rental housing units with federal and other funds. Design alternatives have been proposed that would eliminate the need to demolish two of the five contributory buildings to the District. Under the proposed Amendments, the Project would not be subject to the same standards for the review of applications for Certificates of Appropriateness as non-publicly financed housing projects. This "double standard" unnecessarily provides less protection for publicly funded housing projects causing indirect adverse physical impacts on historical resources subject to analysis under NEPA and CEQA. Further, the proposed Amendments substitute an entirely new definition for "affordable housing" that has not been considered by the Historic Preservation Commission (HPC) or the Planning Commission and does not require a showing of economic hardship.

We urge you to 1) eliminate the requirement for the Planning Department to develop, and the Planning Commission to adopt, "local interpretations" of the Standards; 2) delete the proposed "exemption" from preservation requirements for affordable housing projects; 3) remove proposed new limitations on the authority of the HPC to review proposed alterations in historic districts and conservation districts; 4) eliminate the requirement for a written vote of owners before the Board of Supervisors can take action on proposed historic districts; 5) allow members of the public to nominate landmarks and historic districts for consideration; and 6) delete the proposed "exemption" from review for streets and sidewalks. We strongly encourage you to solicit comments on the finally-revised Amendments from the SHPO, and ensure they have been adequately reviewed under NEPA and CEQA, prior to adoption.

Sincerely,

Cynthia Servetnick, Director
Save the Laguna Street Campus

Links: Planning Code Article 10 (Wiener Version updated 4-24-12)

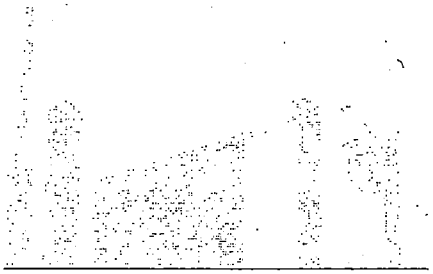
https://www.box.com/shared/static/efc3d9b4c2cd97e10945.pdf

Planning Code Article 11 (Wiener Version updated 4-24-12)

https://www.box.com/shared/static/54f61d5f483f677b6f6e.pdf

Cc: Historic Preservation Commission
Planning Commission
Mayor's Office of Housing
Angela Calvillo, Clerk, Board of Supervisors
Rick Caldeira, Legislative Deputy Director, Board of Supervisors
Alisa Miller, Assistant Clerk, Board of Supervisors
Andrea Ausberry, Administrator, Sunshine Ordinance Task Force
Marlena Byrne, Deputy City Attorney
John Rahaim, Director, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Tina Tam, Senior Environmental Planner, Planning Department
Tim Frye, Preservation Coordinator, Planning Department
Shelley Caltagirone, Senior Planner, Planning Department
State Office of Historic Preservation
National Trust for Historic Preservation
California Preservation Foundation
San Francisco Architectural Heritage
San Francisco Preservation Consortium

StLSC Art 10 + 11 NEPA Review 5-3-12.pdf



Save the Laguna Street Campus

Board of Directors

Warren Dewar
Attorney (Retired)

Vincent Marsh
Architectural Historian

Cynthia Servetnick
Urban Planner

Lavon Taback
Writer, Community Organizer

Horus Tolson
Musician, Educator

Helene Whitson
Archivist Emeritus
San Francisco State University

Save the Laguna Street Campus is dedicated to preserving the public use and historical resources of the San Francisco State Teacher's College National Register Historic District.

Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

May 3, 2012

Subjects: 1) National Environmental Policy Act (NEPA) and California Environmental Policy Act (CEQA) Compliance – Proposed Amendments to Articles 10 and 11 of the Planning Code [BOS File Nos. 120300 & 120301]

2) Adaptive Reuse of the San Francisco State Teacher's College National Register Historic District – 55 Laguna Mixed Use Project [Planning Department Case No. 2011.0450C]

Dear Chair Chiu and Members of the Board:

Save the Laguna Street Campus (StLSC) is concerned that the potential adverse impacts of Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) on historical resources have not been adequately analyzed under the National Environmental Policy Act (NEPA) and the California Environmental Policy Act (CEQA).

The State Historic Preservation Officer (SHPO) has not reviewed the April 24, 2012 version of the proposed Amendments. The City participates in the National Park Service's Certified Local Government (CLG) Program through a Programmatic Agreement (PA) for U.S. Department of Housing and Development (HUD)-assisted undertakings that delegates most federal review responsibilities back to the City. The City's CLG Certificate of Agreement requires it to obtain the approval of the SHPO prior to adoption of the proposed Amendments.

Decisions regarding the proposed Amendments could affect the City's CLG status and the continuation of the PA which could affect the City's ability to receive and expend HUD monies on affordable housing and community development projects thereby potentially causing indirect adverse physical impacts on the environment subject to analysis under NEPA and CEQA.

The proposed Amendments would require the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards (Standards). As a CLG, the City has committed to best practices in the field of historic preservation which include the adoption and implementation of Standards. The rehabilitation standards are broad and flexible–to make their use optional would effectively eliminate their use. The SHPO has recommended maintaining compliance with the Standards and considering the preparation of design guidelines for particular neighborhoods or property types.

The SHPO also raised concerns regarding the Planning Commission's making specific findings about historic district nominations that address the consistency of the proposed designation with the Regional Housing Needs Allocation, Sustainable Communities Strategy and the provision for housing near transit corridors. The provisions in the General Plan that address housing appear to carry more weight than historic preservation, a policy which seems inconsistent with the State requirement that all elements of the General Plan have equal legal status–no one element takes precedence.

The proposed Amendments would "exempt" residential projects within historic districts receiving a direct financial contribution of funding from local, state or federal sources for the purpose of providing subsidized for-sale or rental housing. For example, the adaptive reuse of the San Francisco State Teacher's College National Register Historic District (District) – 55 Laguna Mixed Use Project (Project) is presently undergoing environmental review under NEPA. The Project will construct approximately 450 rental housing units with federal and other funds. Design alternatives have been proposed that would eliminate the need to demolish two of the five contributory buildings to the District. Under the proposed Amendments, the Project would not be subject to the same standards for the review of applications for Certificates of Appropriateness as non-publicly financed housing projects. This "double standard" unnecessarily provides less protection for publicly funded housing projects causing indirect adverse physical impacts on historical resources subject to analysis under NEPA and CEQA. Further, the proposed Amendments substitute an entirely new definition for "affordable housing" that has not been considered by the Historic Preservation Commission (HPC) or the Planning Commission and does not require a showing of economic hardship.

We urge you to 1) eliminate the requirement for the Planning Department to develop, and the Planning Commission to adopt, "local interpretations" of the Standards; 2) delete the proposed "exemption" from preservation requirements for affordable housing projects; 3) remove proposed new limitations on the authority of the HPC to review proposed alterations in historic districts and conservation districts; 4) eliminate the requirement for a written vote of owners before the Board of Supervisors can take action on proposed historic districts; 5) allow members of the public to nominate landmarks and historic districts for consideration; and 6) delete the proposed "exemption" from review for streets and sidewalks. We strongly encourage you to solicit comments on the finally-revised Amendments from the SHPO, and ensure they have been adequately reviewed under NEPA and CEQA, prior to adoption.

Sincerely,

Cynthia Servetnick

Cynthia Servetnick, Director
Save the Laguna Street Campus

Links: Planning Code Article 10 (Wiener Version updated 4-24-12)
https://www.box.com/shared/static/efc3d9b4c2cd97e10945.pdf

Planning Code Article 11 (Wiener Version updated 4-24-12)
https://www.box.com/shared/static/54f61d5f483f677b6f6e.pdf

Cc: Historic Preservation Commission
Planning Commission
Mayor's Office of Housing
Angela Calvillo, Clerk, Board of Supervisors
Rick Caldeira, Legislative Deputy Director, Board of Supervisors
Alisa Miller, Assistant Clerk, Board of Supervisors
Andrea Ausberry, Administrator, Sunshine Ordinance Task Force
Marlena Byrne, Deputy City Attorney
John Rahaim, Director, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Tina Tam, Senior Environmental Planner, Planning Department
Tim Frye, Preservation Coordinator, Planning Department
Shelley Caltagirone, Senior Planner, Planning Department
State Office of Historic Preservation
National Trust for Historic Preservation
California Preservation Foundation
San Francisco Architectural Heritage
San Francisco Preservation Consortium

From: Aaron Goodman <amgodman@yahoo.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Christina.Olague@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org,
Cc: Scott.Wiener@sfgov.org, board.of.supervisors@sfgov.org, Andrea.Ausberry@sfgov.org
Date: 05/07/2012 07:47 AM
Subject: Articles 10 & 11 social and environmental repercussions cannot be ignored.

May 7th, 2012

SF Board of Supervisors

I write to you as I am currently unable to attend tuesday's meeting to support the numerous memos and comments of concerned preservationist, planners, and environmentalists, such as the memos received from the SF Preservation Consortium, SF Architectural Heritage, Judith Hoyem, Cynthia Servetnick, the Golden Gate Park Preservation Alliance, and the formal complainants on the Sunshine Complaint Received: File No. 12027 SFConsortium v Supervisor Wiener, and numerous others concerend on the impacts of Supervisor Wiener's legislation proposal.

I was concerned and wish to add to the issues specifically the social and environmental impacts of his legislation when you;

a) limit the ability of individuals (aka TENANTS) from raising concerns on historic districts or buildings as individuals and not the land-owners.

b) ignore the positive aspects of preservation environmentally in regards to large-scale planning and proposals citywide. (aka DEMOLITION of SOUND ESSENTIAL RENTAL HOUSING)

Both issues I raise center around the Parkmerced project and impacts this legislation has on individuals ability to nominate and suggest preservation based solutions to the proposal as tenants or as individuals.

Parkmerced's ownership currently is now divided into two owners (SFSU-CSU and Fortress Investment's LLP) two seperate owners with seperate agenda's in terms of demolition of Parkmerced as a historic resource, district and cultural landscape.

My raising of the possible National Register eligibility of Parkmerced at the prior Landmarks Preservation Advisory Board as a tenant and individual brings to light the concern of limiting individuals rights to seek protection for public housing projects. The masterplanned community of Parkmerced is an eligible local state and national site based on the intact and united planning of the garden units and overall design. Below is an excerpt from the website SF Curbed noting that Fay Park (a Thomas Dolliver Church design for a private home-owner) is an important site in relation to landscape design and the modern movement and one of Church's rare public and accessible sites as a pallette of work by a master-class landscape architect. The Parkmerced project was featured in a travelling exhibit by the Cultural Landscape Foundation in 2008 www.tclf.org "Marvels of Modernism Landscapes @ Risk". Existing laws provide checks and balances on the nomination of sites, and due to the scale of scope of historic districts it is important to allow our state and local laws to ensure adequate protection of our cherished design background and urban planning.

Parkmerced is part of that history, in how it was designed developed and provided essential rental housing stock, (aka SOCIAL HOUSING) for many low-middle class citizens. It also show-cased the concept of garden living that was based on beaux-arts planning and differs distinctly from any other neighborhood planning wise in San Francisco.

Mr. Solomon (see fog-city link below) justly questions the motives and the issues regarding housing, profiteering and speculative real estate interests in his article also attached below. I have sent emails prior about the concerns of housing stock, the effects of speculative development and current costs of

housing rental stock being built (see emails prior on the new Ocean Ave Avalon development on Ocean Ave, SF Bay View Hunter's Point concerns on the lack of essential rental housing stock).

The need for preservation shines most brightly when we lose families daily, lose the low-middle income housing to institutional growth (aka SFSU-CSU Masterplan, Academy of Art developments, CPMC proposals) to ensure that housing needs are met, and environmental concerns addressed.

Historic Preservation ensures that we can raise concerns as individuals, tenants, and citizens to ensure that alternatives per CEQA are looked at sincerely by city planners and project proponents. Not to place our city in a museum, but to provide the best alternatives that focus on socially and environmentally responsible practices by our publicly elected representatives and the projects and proposals they put forth.

The preservation community as usual has spoken more eloquently than I can on the concerns, and points raised (see the memos and attachements raising concerns on supervisor wiener's legislation from the SF Preservation Consortium) and I only hope you can realize the concern of eliminating the perspective of ANY tenant who lives in a unit or building or complex, that can also provide a more positive solution to demolition.

The effects of supervisor Wiener's legislation ignore democratic principles of the PUBLIC's best interests.

Without adequate conversation with preservation organizations, and inclusivity of ALL of San Francisco's inhabitants including renter's we are ignoring the light that shines most brighly when individuals educate the public on the importance of preservation in regards to buildings, people, places, spaces, and cultural landscapes that may not be at the fore-front of our current understanding in terms of importance to the general public.

Thank you for your considering my input, the memo's of others and the importance of the right to raise question in principle to multiple land-owners proposals to destroy an intact contiguous district and eligible national site of national planning and landscape importance.

Sincerely

Aaron Goodman
25 Lisbon St.
SF, CA 94112

Fay Park (by Thomas Dolliver Church) is listed 9 on Curbed SF's best Secret Gardens Map
http://sf.curbed.com/archives/2012/05/01/behold_curbeds_map_of_san_franciscos_best_secret_gardens.php#more
Wieners Preservation of Developer Profits Disrespects Neighbors and Neighborhoods - Marc Salomon Fog City Journal
http://www.fogcityjournal.com/wordpress/2620/wieners-preservation-of-developer-profits-disrespects-neighbors-and-neighborhoods
Wiener goes after historic preservation - Tim Redmond SFBG
http://www.sfbg.com/politics/2012/05/04/wiener-goes-after-historic-preservation

BOS Files 120300 & 120301
Board of Supervisors to: Alisa Miller 05/07/2012 03:12 PM

From: Mark Ellinger <mtellinger@yahoo.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Christina.Olague@sfgov.org, Jane.Kim@sfgov.org, Sean.Elsbernd@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, John.Avalos@sfgov.org,
Cc: board.of.supervisors@sfgov.org
Date: 05/07/2012 09:11 AM
Subject: BOS Files 120300 & 120301

Do not allow developers to dictate the future of San Francisco! For the sake of all San Franciscans who treasure this beautiful city,
PLEASE do no pass Supervisor Weiner's proposed amendments [BOS Files 120300 & 120301]!

1. Eliminate the requirement for a written vote of owners before the BOS can take action on proposed historic districts.
• No other zoning changes are subject to a required vote by owners and occupants. The proposed amendment singles out historic preservation for disparate treatment.
• This voting requirement would impose a significant procedural hurdle on any proposed new historic districts.
• This new requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement.

2. Allow members of the public to nominate landmarks and historic districts for consideration.
• The proposal discourages participation by members of the public in the protection of the City's important historic resources.
• Why would a vote be required before a district can be designated, but members of the public are not even allowed to nominate properties for designation?

3. Remove proposed new limitations on the authority of the Historic Preservation Commission to review proposed alterations in historic districts and conservation districts.
• The proposed amendments conflict with specific language in the voter approved City Charter (Prop J) that mandates HPC review of all work within historic districts and conservation districts. Articles 10 and 11 cannot limit this authority.

4. Eliminate the requirement for the Planning Department to develop -- and the Planning Commission to adopt -- "local interpretations" of the Secretary of the Interior's Standards.
• Not only is this inconsistent with the independent authority given the HPC by the City Charter (Prop J) to review all proposed changes to landmarks and districts, but this requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement.

• The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The Secretary's Standards for rehab are broad and have flexibility. Supervisor Wiener has not demonstrated why "local interpretations" of these standards are necessary.

5. Delete the proposed "exemption" from preservation requirements for affordable housing projects until it can be further studied.
• The proposed legislation exempts all "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit." This is an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship.
• Supervisor Wiener has yet to demonstrate that historic preservation adversely impacts "affordable housing."

6. Do not exempt streets and sidewalks from review.
• Alterations and public works projects impacting streets and sidewalks in historic districts should not be exempt from protection without first analyzing the potential adverse impacts on the integrity of the historic district.

Thank you!

Respectfully,

Mark Ellinger

— —

San Francisco History: Up From The Deep
Journal of a Madman: Dancing On Thin Ice
Twitter: @Tobiemarx

File 120300 & 120301: Amendments toi Articles 10 and 11
Board of Supervisors to: Alisa Miller 05/07/2012 03:13 PM

From: Hiroshi Fukuda <ninersam@aol.com>
To: Eric.L.Mar@sfgov.org, Mark.Farrell@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, christina.olague@sfgov.org, jane.kim@sfgov.org, Sean.Elsbernd@sfgov.org, david.campos@sfgov.org, Malia.Cohen@sfgov.org, scott.wiener@sfgov.org, john.avalos@sfgov.org, Board.of.Supervisors@sfgov.org, seriously@aol.com,
Cc: cynthia.servetnick@gmail.com
Date: 05/07/2012 09:46 AM
Subject: Amendments toi Articles 10 and 11

The Coalition for San Francisco Neighborhoods Land Use and Housing Committee urges the Board of Supervisors to oppose the proposed amendments to Articles 10 1nd 11 which weaken existing preservation protections that have been law for over 25 years.

Please uphold the mandate of the SF voters who approved Proposition J in 2008 to strengthen preservation protections by making the revisions recommended by the Historic Preservation Commission (HPC), Heritage and the Preservation Coalition.
In a court trial, the court depends on "expert witnesses, in the matter of Histoiric Preservation, the Board of Supervisors must follow the recommendations of the City's "expert witnesses, the Hisotric Preservation Commission unless they can jusitfy why it the recommendations are unacceptable.

The following summarizes these proposed revisions.

1. Eliminate the requirement for a written vote of owners before the BOS can take action on proposed historic districts. No other zoning changes are subject to a required vote by owners and occupants. The proposed amendment singles out historic preservation for disparate treatment. This voting requirement would impose a significant procedural hurdle on any proposed new historic districts.□ This new requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement.

2. Allow members of the public to nominate landmarks and historic districts for consideration.□ The proposal discourages participation by members of the public in the protection of the City's important historic resources. □ Why would a vote be required before a district can be designated, but members of the public are not even allowed to nominate properties for designation?

3. Remove proposed new limitations on the authority of the Historic Preservation Commission to review proposed alterations in historic districts and conservation districts.
□ The proposed amendments conflict with specific language in the voter approved City Charter (Prop J) that mandates HPC review of all work within historic districts and conservation districts. Articles 10 and 11 cannot limit this authority.

4. Eliminate the requirement for the Planning Department to develop and the Planning Commission to adopt – "local interpretations" of the Secretary of the Interior's Standards.
□ Not only is this inconsistent with the independent authority given the HPC by the City Charter (Prop J) to review all proposed changes to landmarks and districts, but this requirement constitutes an "unfunded mandate." No analysis has been done of the cost and staff time of complying with this requirement.□ The Secretary's Standards are the nation's standard for a sound preservation program and have been used by the HPC and the previous Landmarks Preservation Advisory Board for over 25 years. The Secretary's Standards for rehab are broad and have flexibility. Supervisor Wiener has not demonstrated why "local interpretations" of these standards are necessary.

5. Delete the proposed "exemption" from preservation requirements for affordable housing projects until it can be further studied. □ The proposed legislation exempts all "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit." This is an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship. □ Supervisor Wiener has yet to demonstrate that historic preservation adversely impacts "affordable housing."

6. Do not exempt streets and sidewalks from review.□ Alterations and public works projects impacting streets and sidewalks in historic districts should not be exempt from protection without first analyzing the potential adverse impacts on the integrityof the historic district.

Yours truly,
Hiroshi Fukuda, Chair
CSFN Land Use and Housing Committe

Files 120300 & 120301: Articles 10 and 11 of the Planning Code
Board of Supervisors to: Alisa Miller 05/07/2012 03:16 PM

From: susan vaughan <susan_e_vaughan@yahoo.com>
To: gloria young <board.of.supervisors@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, "Mark.Farrell@sfgov.org" <Mark.Farrell@sfgov.org>, david chiu <david.chiu@sfgov.org>, carmen chu <carmen.chu@sfgov.org>, Christina Olague <Christina.Olague@sfgov.org>, jane kim <jane.kim@sfgov.org>, sean elsbernd <sean.elsbernd@sfgov.org>, scott wiener <scott.wiener@sfgov.org>, david campos <david.campos@sfgov.org>, malia cohen <malia.cohen@sfgov.org>, john avalos <john.avalos@sfgov.org>,
Date: 05/07/2012 01:04 PM
Subject: Articles 10 and 11 of the Planning Code

May 7, 2012

Dear Supervisors,

I am writing to encourage you to vote against the amendments to Articles 10 and 11, as currently proposed, on the Board of Supervisors meeting agenda for May 8, 2012.

I attended a Land Use meeting on Monday, April 30 for an item on tour buses and the impact on livability that these buses have in certain neighborhoods. There was a lot of testimony, but I realized afterward that the tour bus item was almost a smoke screen for other items on the agenda that have developers salivating: two items related to amendments to Articles 10 and 11 of the Planning Code.

What jumps out at me about the proposed amendments are efforts to disempower the Historic Preservation Commission, in particular in regard to the requirement for the Planning Commission to adopt local interpretations of the Secretary of Interior's standards for historic preservation. The voters did not pass Proposition J just to have it disempowered by the Planning Commission . and the Planning Department . which heavily favors market-rate development.

In addition, I am very concerned about the affordable housing 'exemption.' Our largest source of affordable housing in San Francisco is rent-controlled units, in buildings constructed before 1978. I am concerned that developers will resist historic preservation designations, using the argument that they will not be able to demolish current structures and replace them with units that have affordable housing if the structures they want to demolish are in historic preservation areas. But current law favors the ability of developers to challenge local affordable housing requirements, which are in any case inadequate to meet our current and future needs, anyway.

Sue Vaughan
2120 Clement Street, Apartment 10
San Francisco, CA 94121

File 120300 & 120301: Uphold the Voters' Intentions for Proposition J
Board of Supervisors to: Alisa Miller 05/07/2012 05:03 PM

From: Roland Salvato <rolandsalvato@hotmail.com>
To: "Supervisor (Eric) Mar" <eric.l.mar@sfgov.org>, "Supervisor (Mark) Farrell" <mark.farrell@sfgov.org>, "Supervisor (David) Chiu" <david.chiu@sfgov.org>, "Supervisor (Carmen) Chu" <carmen.chu@sfgov.org>, "Supervisor (Christina) Olague" <christina.olague@sfgov.org>, "Supervisor (Jane) Kim" <jane.kim@sfgov.org>, "Supervisor (Sean) Elsbernd" <sean.elsbernd@sfgov.org>, "Supervisor (David) Campos" <david.campos@sfgov.org>, "Supervisor (Malia) Cohen" <malia.cohen@sfgov.org>, "Supervisor (John) Avalos" <john.avalos@sfgov.org>,
Cc: "Supervisor (Scott) Wiener" <scott.wiener@sfgov.org>, <board.of.supervisors@sfgov.org>, <andrea.ausberry@sfgov.org>
Date: 05/07/2012 04:22 PM
Subject: Uphold the Voters' Intentions for Proposition J

Supervisors:

At the Land Use hearing on Articles 10 and 11 two weeks ago I spoke on the repugnancy of disqualifying tenants to raise concerns on historic districts or buildings in favor of "land owners". At the hearing Supervisor Wiener assured me that this section "had been amended". Was I being misled?

Preservation is in everyone's purview, not just land-owners. This section of articles 10 and 11 (I believe it is 1004.1) is deeply flawed; no politician or officeholder representing a broad and honest constituency would be wise to associate his name with exclusionary legislation.

Why is the legislation singling out Historic Preservation--limited though it is to not even 2% of the entire City's housing stock--as the districting laws that should be amended through legislation now, when there are so many other priorities ahead?

Keep in mind--as you consider your vote May 8--the larger context of your ability to alter the Proposition J as the public voted on it and passed it by a nearly 60% majority: Why would you counteract the "experts" who are recommending further study or public input on these articles?

Thank you.

ARTICLES 10 & 11

Current Status of Amendments Proposed by Supervisor Wiener which remain unacceptable and need to be resolved

4/30/12
Received in Committee

Land Use and Economic Development Committee
Board of Supervisors, April 30, 2012, 1:00 pm

Section(s)	Proposed Amendment	Historic Preservation Commission Position	Preservation Position
1004.1	**Historic district nominations:** The current version deletes prior language allowing members of the public to nominate landmarks and historic districts. Only property owners and the Planning Department can nominate properties for listing.	Was included in the HPC version of Article 10 that was formally approved on 10/26/11.	**Urge the Supervisors to add this back**: Add back prior language in Section 1004.1 to allow members of the public to nominate landmarks and historic districts for consideration by the HPC. This discourages participation by members of the public in participating in the protection of the City's important historic resources.
1004.2(c) 1107(d)	**Planning Commission required review of Historic Districts and Conservation Districts:** Supervisor Wiener's proposal requires the Planning Commission to comment on the consistency of any proposed historic district with "the provision of housing to meet the City's Regional Housing Needs Allocation," "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area."	The HPC did not include this provision in the version of Article 10 formally approved on 10/26/11.	**Oppose**: The proposed amendment singles out historic districts for disparate treatment. No other zoning changes are subject to rigorous review against vague regional planning goals. Although the City Charter authorizes the Planning Commission to comment on any aspect of a proposed historic district, the proposed language improperly elevates the Regional Housing Needs Allocation, Sustainable Communities Strategy and "the provision of housing near transit corridors" over other General Plan polices and the priority planning policies.
1004.3, 1107(e)	**Majority owner support for Historic Districts & Conservation Districts:** Supervisor Wiener's proposal requires the Planning Department to conduct a written vote or survey of all owners and occupants in a proposed historic district (Art. 10) or conservation district (Art. 11) and requires the Board of Supervisors to consider the only the votes of property owners when acting on the district.	The HPC opposed these requirements proposed by Supervisor Weiner. Citing prohibitive costs and the administrative burden, the HPC rejected this proposal and deleted the requirement to conduct a written vote or survey.	**Oppose**: Support the HPC and Heritage in opposing the requirement for a survey or vote in writing. • No other zoning changes are subject to this requirement. • This voting requirement would impose a significant procedural hurdle on any new proposed historic/conservation district. • The BOS should be required to consider the views of owners *and* occupants within a proposed historic/ conservation district.
1005(e)(4) 1110(a)	**Exempting streets and sidewalks from protection:** Supervisor Wiener's proposal would exempt all sidewalks and streets in historic districts from protection, unless specifically called out as character-defining features in the designating ordinance.	The HPC did not include this provision in the version of Article 10 formally approved on 10/26/11.	**Oppose**: Join with Heritage in opposing the exemption of streets and sidewalks from protection without first analyzing the potential adverse impacts on the integrity of the historic district.

1006.6(h)	**nption provisions**: Supervisor Wiener's proposal inserts new language as Section 1006.6(h), which would exempt "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit."	The HPC opposed the provisic oposed by Supervisor Weiner on a 6-0 vote. Questioning the need to exempt "affordable housing" projects in historic districts, the HPC recommended that this issue be studied in a separate process. The HPC stated that it "would encourage further study to better understand the housing shortage that Supervisor Weiner is referring to, as well as the most appropriate solution." The Planning Commission did not include this language in the version it approved on 2/2/12.	**Oppose**: Support the HPC and Heritage in opposing the p sed exemption for residential projects in Section 1006.6(h). The current legislation substitutes an entirely new definition for "affordable housing" that has not been considered by the HPC or the Planning Commission and does not require a showing of economic hardship.
1006.6(b), 1111.6 (b)	**"Local interpretations" of the Secretary of the Interior's Standards**: Supervisor Wiener's proposal requires that the development of local interpretations and guidelines shall be led by the Planning Department and shall be adopted by both the HPC and the Planning Commission, and further that if either body fails to act within 180 days, its failure to act is deemed approval.	The language approved by the HPC and Planning Commission mandates compliance with the Secretary's Standards "as well as any applicable guidelines, local interpretations, bulletins, or other policies," however, the HPC specifically opposed any requirement for the Planning Commission to approve any such local interpretations or guidelines and rejected the language regarding failure to act.	**Oppose**: Alternative language should be added provide that the HPC may develop "district-by-district" design guidelines meeting the Secretary's Standards to be adopted by the HPC, with comments by the Planning Commission. The unique character of each district must be taken into consideration. • Because the City Charter (Section 4.135) and the City's Certified Local Government status reserve authority to the HPC to interpret the Secretary's Standards, the Planning Commission should not be required to approve local interpretations of the Secretary's Standards.
1111.7(a)(3)	**Reducing protections for Category V Buildings proposed for demolition**. Supervisor Wiener has added language to reduce the timeframe allowed for the HPC to review for reclassification any Category V Building that has been proposed for demolition.	The HPC opposed the addition of provision.	**Oppose**: Support the HPC in opposing this provision. Section 1111.7(a)(3) provides that when a Category V (Unrated) Building is proposed for demolition, the HPC may consider whether it has gained significance such that it should be reclassified as a more significant building entitled to protections. Supervisor Weiner's proposal would limit the time for the Planning Department and HPC to conduct the study and reclassify the structure.
1111.7(b)	**Reducing protections for Contributory Buildings proposed for demolition.** Supervisor Wiener has added language to provide, as to Contributory Buildings from which no TDR have been transferred, that the cumulative impact on the District of its demolition can only be considered if the demolition would substantially diminish the district's integrity.	The HPC opposed the addition of provision and specifically struck it.	**Oppose**: Support the HPC in opposing this provision which weakens existing preservation protections that have been law for over 25 years. The voters of San Francisco approved Proposition J in 2008 to strengthen preservation protections.

PROPOSED AMENDMENTS TO ARTICLE 10

#1 – Add back language approved by the HPC allowing members of the public to submit nominations for landmarks and historic districts to the HPC on page 11 (at line 5).

SEC. 1004.1. *NOMINATION AND* INITIATION OF ***LANDMARK AND HISTORIC DISTRICT*** DESIGNATION.

(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. 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.*

#2 -- Delete the following language from Section 1004.2(c) beginning on page 13 (at line 24) through page 14 (at line 6), as shown in strikethrough below:

(c) *Referral of Proposed Designation. If the HPC recommends approval of a landmark designation, it shall send its recommendation to the Board of Supervisors, without referral to the Planning Commission. If the HPC recommends approval of a historic district designation, it shall refer its recommendation to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be sent by the Department to the Board of Supervisors with the HPC's recommendation.* ~~The Planning Commission's comments shall be transmitted to the Board of Supervisors as a resolution and shall (i)~~

~~address the consistency of the proposed designation with the policies embodied in the General Plan and the priority policies of Section 101.1, particularly the provision of housing to meet the City's Regional Housing Needs Allocation, and the provision of housing near transit corridors; (ii) identify any amendments to the General Plan necessary to facilitate adoption of the proposed designation; and (iii) evaluate whether the district would conflict with the Sustainable Communities Strategy for the Bay Area.~~ *If the HPC disapproves designation of a landmark or historic district, that decision shall be final and shall not require referral unless appealed as set forth below.*

#3 -- Delete the following language from Section 1004.3 on page 14 (at line 6 and at lines 20 through 22, as shown in strikethrough below (Note: HPC voted to support this change by 4-2 vote):

SEC. ~~*1004.4*~~ *1004.3*. DESIGNATION BY BOARD OF SUPERVISORS.

The Board of Supervisors shall hold a public hearing on any proposal so transmitted to it, after due notice to the owners of the property included in the proposal, and such other notice as the ~~*said*~~ Board may deem necessary. The Board of Supervisors may approve, ~~*or*~~ modify and approve, *or disapprove* the designation by a majority vote of all its members. *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.~~

#4 – Delete proposed new Section 1005(e)(4) on page 18 (at lines 15 through 18), which would exempt streets and sidewalks from protection:

~~(4) When the application is for a permit to maintain, repair, rehabilitate, or improve streets and sidewalks, including sidewalk widening, accessibility, and bulb-outs, unless such streets and sidewalks have been explicitly called out in a landmark's or district's designating ordinance as character defining features of the landmark or district.~~

#5 – Make the following additions and deletions in Section 1006.6(b) on page 29 (at lines 11 through 19):

(b) *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.* The HPC may develop district-by-district design guidelines that meet the Secretary's Standards to be adopted by the HPC, with comments by the Planning Commission. ~~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, such local interpretations and guidelines 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. If either body fails to act on any such local interpretation or guideline within 180 days of either body's initial hearing where the matter was considered for approval, such failure to act shall constitute approval by that body.~~ In the case of any apparent inconsistency among the requirements of this Section, compliance with the requirements of the Designating Ordinance shall prevail.

#6 – Keep proposed new Section 1006.6(g) that constitutes a true hardship provision, but delete the proposed new Section 1006.6(h) on pages 31 (beginning at line 1) through line 4 on page 32, which exempts a potentially large class of projects HPC review given to it by the Charter.

~~(h) For applications pertaining to residential projects within historic districts that are receiving a direct financial contribution or funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing unit, the HPC shall exempt such applications from the requirements of Section 1006.6 provided that:~~

~~(1) The scope of the work does not constitute a demolition pursuant to Section 1005(f);~~

~~(2) The applicant and the Department have demonstrated that the project utilizes materials, construction techniques, and regulations, such as the California Historic Building Code, to best achieve the goal of protecting the integrity of the district;~~

~~(3) The applicant has demonstrated that the project has considered all local, state, and federal rehabilitation incentives and taken advantage of these~~

~~incentives as part of the project when possible and practical; and~~

~~(4) The HPC has confirmed that all requirements listed herein have been met, and has determined, pursuant to Section 1006.4 of this Code, that issuance of a Certificate of Appropriateness that fully or partially waives the requirements of Section 1006.6 will not be detrimental to the integrity of the district and furthers the City's housing goals.~~

PROPOSED AMENDMENTS TO ARTICLE 11

#1 -- Delete the following language from Section 1107(d) on page 17 (lines 9 through 15), as shown in strikethrough below:

(d) *Review by the Planning Commission. Following action by the HPC, the Department shall promptly refer the HPC's recommendation on the proposed Conservation District designation or boundary change to the Planning Commission, which shall have 45 days to review and comment on the proposed designation or boundary change. The Planning Commission's comments, if any, shall be forwarded to the Board of Supervisors together with the HPC 's recommendation. Notice of the Planning Commission hearing shall be given as provided in Section 1107(b) of this Article.*

~~The Planning Commission's comments shall be transmitted to the Board of Supervisors as a resolution and shall (1) address the consistency of the proposed boundary change with the policies embodied in the General Plan and the priority policies of Section 101.1, particularly the provision of housing to meet the City's Regional Housing Needs Allocation, and the provision of housing near transit corridors; (2) identify any amendments to the General Plan necessary to~~

~~facilitate adoption of the proposed, boundary change; and (3) evaluate whether the proposed boundary change would conflict with the Sustainable Communities Strategy for the Bay Area.~~

#2 -- Delete the following language from Section 1107(e) on page 17 (at lines 23 and 25) and on page 18 (at lines 3 and 4), as shown in strikethrough below (Note: HPC voted to support this change by 4-2 vote):

(e) Designation by Board of Supervisors. The Board of Supervisors, or a committee thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors may approve, modify and approve, or disapprove the designation or boundary change by a majority vote of all its members.

Prior to the Board of Supervisors' vote on a proposed boundary change, 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 area covered by the proposed boundary change to express their opinion ~~in writing~~ *on the proposed boundary change*~~, be it in the form of a vote or a survey, with the goal of obtaining the participation of at least half of all property owners in the area~~. *Such invitation shall advise owners of the practical consequences of the adoption of the proposed boundary change, including the availability of preservation incentives, the types of work requiring a Permit to Alter, the process and fees for obtaining a Permit to Alter, and the types of work that is generally ineligible to receive a Permit to Alter.* ~~The property owners' vote shall be considered by the Board of Supervisors when taking action on the proposed boundary change.~~

#3 -- Delete the last sentence of Section 1110(a) on page 22 (lines 6 through 10), which would exempt streets and sidewalks from protection:

(a) No person shall carry out or cause to be carried out any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural, or other appendage, or any new or replacement construction for which a permit is required pursuant to the Building Code, on any designated Significant or Contributory Building or any building in a Conservation District unless a permit for such work has been approved pursuant to the provisions of this Article 11. ~~Notwithstanding the foregoing, when the application is for a permit to maintain, repair, rehabilitate, or improve streets and sidewalks, including sidewalk widening, accessibility, and bulb-outs, the Planning Department shall process the permit without further reference to this Article 11 unless such streets and sidewalks have been explicitly called out in a landmark's or district's designating ordinance as character defining features of the district.~~

#4 – Make the following addition and deletion to Section 1111.6(b) on page 33 (lines 24 and 25) and page 34 (lines 1 through 5):

(b) *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.* The HPC may develop district-by-district design guidelines that meet the Secretary's Standards to be adopted by the HPC, with comments by the Planning Commission. ~~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;~~

~~such local interpretations and guidelines 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. If either body fails to act on any such local interpretation or guideline within 180 days of either body's initial hearing where the matter was considered for approval, such failure to act shall constitute approval by that body.~~ In the case of any apparent inconsistency among the requirements of this Section, compliance with the requirements of the Designating Ordinance shall prevail.

#5 -- Delete the following sentence from Section 1111.7(a)(3) on page 38 (lines 21-23):

~~"Any determination that a Category V Building may be eligible for reclassification shall be void if, within 180 days of such determination, the Board of Supervisors has not re-designated the building to a Category I, II, of IV Building."~~

#6 -- Delete the following phrase at the end of Section 1111.7(b) on page 39 (lines 1-2):

~~"...if it is found that the demolition would substantially diminish the Integrity of the Conservation District."~~

SOTF Complaint - BOS LU Hearing on Wiener Amendments to Articles 10 & 11 of the Planning Code [BOS File Nos. 120300 & 120301]

Cynthia Servetnick to: hopeannette 05/01/2012 10:33 AM

Cc: Andrea.Ausberry, "Rick.Caldeira@sfgov.org", Board.of.Supervisors, Alisa.Miller, "marlena.byrne", "Supervisor Eric L. Mar", Malia.Cohen, scott.wiener, Supervisor David Chiu, Christina.Olague, Mark.Farrell,

SUNSHINE ORDINANCE COMPLAINT
(First Filed in Letter Format on April 27, 2012)

Re: Board of Supervisors, Land Use and Economic Development Committee April 30, 2012 Approval of: Item 5) Amendments to Planning Code Article 10 – Landmarks Preservation (Supervisor Scott Wiener) and Item 6) Amendments to Planning Code Article 11 – Historic Preservation in C-3 Districts (Supervisor Scott Wiener), [BOS File Nos. 120300 & 120301]

Dear Chair Johnson:

On behalf of the San Francisco Preservation Consortium (Consortium), and in the interest of ensuring transparency and open government, I request the Sunshine Ordinance Task Force (SOTF) publicly hear our Sunshine Ordinance Complaint (Complaint) against the Board of Supervisors (BOS) regarding alleged non-compliance with the City Charter, the City's Sunshine Ordinance, the California Public Records Act and the Ralph M. Brown Act of Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) involving substantial policy considerations at your May 2, 2012 meeting. Time is of the essence as the BOS may take action on the Amendments at their May 8, 2012 meeting. Therefore, I am not requesting a pre-hearing conference before the Complaint Committee.

The names of individuals contacted at the BOS and the Office of the Clerk of the Board, and the alleged violations of public records access and public notice requirements, are listed in the attached Sunshine Ordinance Complaint which was first filed in letter format on April 27, 2012.

The San Francisco City Charter, Article IV, Sec. 4.104 (a) requires the BOS to adopt rules and regulations consistent with the Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days' public notice shall be given for such public

hearing. All such rules and regulations shall be filed with the Clerk of the BOS. Further, the City's Sunshine Ordinance, Sec. 67.24. requires draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon

creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees.

On March 21, 2012, the Consortium requested a copy of the Amendments and provided a meaningful description them to the BOS Land Use Committee Clerk and Supervisor Wiener. The March 22, 2012 version of the Amendments was not provided to us until April 27, 2012. We understand the Historic Preservation Commission, key stakeholders such as San Francisco Architectural Heritage and other members of the preservation community only received the March 22, 2012 versions of the Amendments prior to the City's posting of the April 24, 2012 versions on April 26, 2012. On April 26, 2012, Supervisor Wiener transmitted a list of changes made in the April 24 versions of the Amendments. However, the Consortium had no way of knowing whether those changes referred to the March 22, 2012 or the April 6, 2012 versions. We also understand said parties did not receive the substantially changed April 6, 2012 versions of the Amendments until April 26, 2012. In accordance with the Sunshine Ordinance's 10-day posting requirement, the Consortium asked the BOS to postpone its April 30, 2012 Land Use Committee until May 14, 2012. Our request was denied.

Again, thank you in advance for publicly hearing our complaint. This is an important procedural matter which will affect historic preservation policy in San Francisco for many years to come.

Sincerely,

Cynthia Servetnick

eGroup Moderator

845 Sutter Street, No. 512

San Francisco, CA 94109

(415) 563-7336

cynthia.servetnick@gmail.com

Attachments: Sunshine Act Complaint (letter format) filed on April 27, 2012

San Francisco Architectural Heritage Comment Letter, April 30, 2012

San Francisco Preservation Consortium Comment Letter, April 30, 2012

Cc: Board of Supervisors
Andrea Ausberry, Administrator, Sunshine Ordinance Task Force

Rick Caldeira, Legislative Deputy Director, Board of Supervisors
Angela Calvillo, Clerk, Board of Supervisors
Alisa Miller, Assistant Clerk, Board of Supervisors
Marlena Byrne, Deputy City Attorney
Historic Preservation Commission
State Office of Historic Preservation
National Trust for Historic Preservation

California Preservation Foundation

San Francisco Architectural Heritage

San Francisco Preservation Consortium

Formal Sunshine Ordinance Task Force Complaint (Letter Format) and

Request to Postpone Board of Supervisors Land Use and Economic Development Committee

April 30, 2012 Hearing on Revised Articles 10 & 11 of the Planning Code

[BOS Files 120300 & 120301]

--------- Forwarded message ---------

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>

Date: Fri, Apr 27, 2012 at 12:53 PM

Subject: Formal Complaint and Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)

To: hopeannette@earthlink.net

Cc: rick.caldeira@sfgov.org, Andrea.Ausberry@sfgov.org, Scott Wiener <scott.wiener@sfgov.org>

Ms. Johnson,

Please consider all of the below correspondence a formal complaint to the Sunshine Ordinance Task Force regarding Supervisor Scott Wiener's improper notice of the April 30, 2012 BOS Land Use Committee Hearing on his ordinances revising Articles 10 & 11 of the Planning Code (BOS File Nos

120300 & 120301).

If the hearing is held on April 30, 2012, it should be invalidated.

Sincerely,

Cynthia Servetnick, eGroup Moderator

San Francisco Preservation Consortium

-----Original Message-----

From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>

Date: Fri, 27 Apr 2012 18:18:53

To: <Andrea.Ausberry@sfgov.org>

Reply-To: cynthia.servetnick@gmail.com

Cc: john.st.croix<john.st.croix@sfgov.org>; marlena.byrne<marlena.byrne@sfgov.org>; Consortium< sfpreservationconsortium@yahoogroups.com>; <Alisa.Miller@sfgov.org>; Scott Wiener< scott.wiener@sfgov.org>; <eric.l.mar@sfgov.org>; <BOS-Operations@sfgov.org>; Mark Farrell< Mark.Farrell@sfgov.org>; Supervisor David Chiu<David.Chiu@sfgov.org>; Supervisor David Campos< david.campos@sfgov.org>; <Board.of.Supervisors@sfgov.org>; Sean.Elsbernd< Sean.Elsbernd@sfgov.org>; <Christina.Olague@sfgov.org>; <Rick.Caldeira@sfgov.org>; Supervisor John Avalos<John.Avalos@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Carmen.Chu< Carmen.Chu@sfgov.org>; <malia.cohen@sfgov.org>; BOS SOTF<sotf@sfgov.org>

Subject: Formal Complaint and Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)

Ms. Ausberry:

Please consider all of the below correspondence a formal complaint to the Sunshine Ordinance Task Force regarding Supervisor Scott Wiener's improper notice of the April 30, 2012 BOS Land Use Committee Hearing on his ordinances revising Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301).

If the hearing is held on April 30, 2012, it should be invalidated.

Sincerely,

Cynthia Servetnick, eGroup Moderator

San Francisco Preservation Consortium

----Original Message----

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>

Date: Fri, 27 Apr 2012 09:29:00

To: BOS SOTF<sotf@sfgov.org>

Cc: john.st.croix<john.st.croix@sfgov.org>; marlena.byrne<marlena.byrne@sfgov.org>; sfpreservationconsortium<sfpreservationconsortium@yahoogroups.com>; <Alisa.Miller@sfgov.org>; Scott Wiener<scott.wiener@sfgov.org>; <eric.l.mar@sfgov.org>; <BOS-Operations@sfgov.org>; Mark Farrell<Mark.Farrell@sfgov.org>; Supervisor David Chiu<David.Chiu@sfgov.org>; Supervisor David Campos<david.campos@sfgov.org>; <Board.of.Supervisors@sfgov.org>; Sean.Elsbernd< Sean.Elsbernd@sfgov.org>; <Christina.Olague@sfgov.org>; <Rick.Caldeira@sfgov.org>; Supervisor John Avalos<John.Avalos@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Carmen.Chu< Carmen.Chu@sfgov.org>; <malia.cohen@sfgov.org>

Subject: *** Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 &

11 of the Planning Code (BOS File Nos 120300 & 120301)

Dear Sunshine Task Force:

This morning, Alisa Miller, Clerk for the BOS Land Use Committee, kindly forwarded all versions of Supervisor Wiener's Ordinances revising Articles 10 and 11 of the Planning Code.

The problem, as I understand it, is that the Historic Preservation Commission, key stakeholders such as San Francisco Architectural Heritage and other members of the preservation community only received the March 22, 2012 versions prior to the City's posting the April 24, 2012 versions on April 26, 2012.

Supervisor Wiener attempted to address the problem by sending a list of changes. However, we still have no way of knowing whether the Supervisor's changes refer to as the March 22, 2012 or the April 6,

2012 versions.

Therefore, in accordance with the Sunshine Ordinance's 10-day posting requirement, the San Francisco Preservation Consortium requests the April 30, 2012. Committee hearing be postponed until May 14, 2012. Again, thank you in advance for looking into this procedural matter which will affect historic preservation policy in San Francisco for many years to come.

Sincerely,

Cynthia Servetnick, eGroup Moderator

San Francisco Preservation Consortium

On Thu, Apr 26, 2012 at 9:41 PM, Cynthia Servetnick <cynthia.servetnick@gmail.com> wrote:

> CLARIFICATION:
>
> It appears that Supervisor Wiener's email description of the changes
> made to his ordinances revising Articles 10 & 11 of the Planning Code
> (BOS File Nos 120300 & 120301) reflect the changes made between April
> 6, 2012 and April 24, 2012 rather than between March 22, 2012 and
> April 24, 2012. However, we have no way of knowing what the
> Supervisor's changes refer to as the March 22, 2012 and April 6, 2012
> versions were not transmitted to us nor do we believe the April 6,
> 2012 versions were ever posted on the City's website.
>
> ---------- Forwarded message ----------
> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
> Date: Thu, Apr 26, 2012 at 9:26 PM

> Subject: Follow-up Re: Request to Delay 4/30 BOS LU Hearing on Revised
> Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)
> To: BOS SOTF <sotf@sfgov.org>
> Cc: "john.st.croix" <john.st.croix@sfgov.org>, "marlena.byrne"
> <marlena.byrne@sfgov.org>, sfpreservationconsortium
> <sfpreservationconsortium@yahoogroups.com>
>
>
> Dear Sunshine Task Force:
>
> Supervisor Wiener sent the below email description of the changes made
> to his ordinances revising Articles 10 & 11 of the Planning Code (BOS
> File Nos 120300 & 120301) submitted on March 22, 2012 as revised on
> April 6, 2012 and on April 24, 2012. To date we have not received the
> March 22nd versions, or the April 24th track-changes versions, of said
> ordinances.
>
> The March 22, 2012 version was substituted and assigned to the BOS
> Land Use and Economic Development Committee (Committee) on April 6,
> 2012 and referred to the Planning Department before it was finally
> substituted and assigned to the Committee on April 24, 2012. The
> preservation community would appreciate the time to review all
> revisions and prepare comments for the public hearing.
>
> In accordance with the provisions of the Sunshine Ordinance, the San
> Francisco Preservation Consortium has requested the April 30, 2012
> Committee hearing be postponed until May 14, 2012. Thank you in
> advance for looking into this procedural matter which will affect
> historic preservation policy in San Francisco for many years to come.
>

> Sincerely,

>

> Cynthia Servetnick, eGroup Moderator

> San Francisco Preservation Consortium

>

>

> -------- Forwarded message --------

> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>

> Date: Thu, Apr 26, 2012 at 7:44 PM

> Subject: Request to Delay 4/30 BOS LU Hearing on Revised Articles 10 &

> 11 of the Planning Code (BOS File Nos 120300 & 120301)

> To: Scott.Wiener@sfgov.org

> Cc: Alisa.Miller@sfgov.org, Board.of.Supervisors@sfgov.org,

> BOS-Operations@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>,

> Christina.Olague@sfgov.org, Supervisor David Campos

> <david.campos@sfgov.org>, Supervisor David Chiu

> <David.Chiu@sfgov.org>, eric.l.mar@sfgov.org, Jane Kim

> <jane.kim@sfgov.org>, Supervisor John Avalos <John.Avalos@sfgov.org>,

> malia.cohen@sfgov.org, Mark Farrell <Mark.Farrell@sfgov.org>,

> Rick.Caldeira@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>,

> Consortium <sfpreservationconsortium@yahoogroups.com>, malana moberg

> <malana@romagroup.net>, Roland Salvato <rolandsalvato@hotmail.com>,

> MBuhler@sfheritage.org, Andres.Power@sfgov.org

>

>

> Supervisor Wiener:

>

> Thank you for sending the below email description of the changes made

> to your ordinances revising Articles 10 & 11 of the Planning Code (BOS

> File Nos 120300 & 120301) submitted on March 22, 2012 as revised on

> April 24, 2012. To date we have not received the March 22nd versions

> or the April 24th track-changes versions.

>

> Again, the preservation community would appreciate the time to review

> these revisions and prepare comments for the public hearing. In

> accordance with the provisions of the Sunshine Ordinance, the San

> Francisco Preservation Consortium has requested the April 30th BOS

> Land Use hearing be postponed until May 14th.

>

> Sincerely,

>

> Cynthia Sérvetnick, eGroup Moderator

> San Francisco Preservation Consortium

>

> On Thu, Apr 26, 2012 at 6:11 PM, <Scott.Wiener@sfgov.org> wrote:

>

>> Ms. Servetnick, my apologies for misunderstanding what you were asking for.

>> Yes, you certainly are entitled to a description of what was changed. The

>> City Attorney does not have a document with track changes but has provided

>> me with the following itemization of the changes reflected in what I

>> introduced this past Tuesday:

>>

>> 1. ORDINANCE AMENDING PLANNING CODE ARTICLE 10:

>>

>> A. Both the short title and the long title have been changed to

>> provide more detail regarding the substance of the legislation. The new

>> language is shown as underlined here:

>>

>> [Planning Code–Article 10, Landmarks Preservation]

>>

>> Ordinance amending the San Francisco Planning code by amending Article 10,
>> entitled "Preservation of Historical Architectural and Aesthetic Landmarks",
>> in its entirety; and making findings, including environmental findings and
>> findings of consistency with the General Plan and Planning Code section
>> 101.1(b).
>>
>> B. The following additional edits were made:
>>
>> Section 1002, page 5, line 21. Hyphen between "Preservation" and
>> "Commission" deleted.
>>
>> Section 1006.3(b), page 25, line 13. Deleted the semicolon and added a
>> period.
>>
>> Section 1006.7(c), page 33, line 3. Extraneous small "t" deleted.
>>
>> Section 1006.7(c), page 33, line 7 (same page, lines 7-8 in new version).
>> Added "hearing the appeal" after "board".
>>
>> Section 1010(c), page 36, line 10. Changed "imposed" to "impose."
>>
>>
>> 2. ORDINANCE AMENDING PLANNING CODE ARTICLE 11:
>>
>> A. Both the short title and the long title have been changed to
>> provide more detail regarding the substance of the legislation. The new
>> language is shown as underlined here:
>>
>> [Planning Code--Article 11, Historic Preservation in the C-3 Districts]
>>

>> Ordinance amending the San Francisco Planning code by amending Article 11,
>> entitled "Preservation of Buildings and Districts of Architectural,
>> Historical, and Aesthetic Importance in the C-3 Districts", in its entirety;
>> and making findings, including environmental findings and findings of
>> consistency with the General Plan and Planning Code section 101.1(b).
>>
>> B. The following additional edits were made:
>>
>> Global Edit: This Article did not use "HPC" to refer to the Historic
>> Preservation Commission, unlike Article 10, which uses "HPC". Changed all
>> references except the first from "Historic Preservation Commission" to "HPC"
>> in conformity with Article 10. Please note: this change shortened the
>> entire ordinance by a few lines as indicated below.
>>
>> Section 1101(d), page 6, lines 20, 22, 23 (now on page 7, lines 1, 3, and 5
>> of new version). Indented (1), (2), and (3) like the rest of the Article.
>>
>> Section 1101(d)(3), page 7, line 2 (same page, line 7 in new version).
>> Change "herein" to "in this Article."
>>
>> Section 1106(f), page 14, line 5. "By" changed to "by" in lowercase.
>>
>> Section 1107(d), page 17, lines 12, 15, 16 (same page, now lines 10, 13, and
>> 14). Changed (i), (ii), and (iii) to (1), (2) and (3).
>>
>> Section 1107(h), page 18, line 23 (same page, now line 21). Added
>> "Planning" before "Department".
>>
>> Section 1108, page 19, line 9 (same page, now line 7). Added "Planning"
>> before "Department".

>>

>> Section 1109(b), page 20, line 13 (same page, now line 11). Changed

>> "herein" to "in this Article."

>>

>> Section 1110(g)(3), page 23, line 24 (same page, now line 22). Changed

>> "herein" to "in this Article."

>>

>> Section 1111(a), page 25, line 1 (now page 24, line 23 in new version).

>> "upon" replaced with "on".

>>

>> Section 1111(b)(14), page 26, line 19 (same page, now line 16 in new

>> version). Delete "and."

>>

>> Section 1111(b)(15), page 26, line 21 (same page, now line 18 in new

>> version). Replace the period with a semicolon.

>>

>> Section 1111, page 27, line 2 (now page 26, line 24 in new version). (d)

>> should be (c).

>>

>> Section 1111, page 27, line 6 (now page 27, line 3). (e) should be (d)

>>

>> Section 1111, page 27, line 19 (now page 27, line 16). (f) should be (e)

>>

>> Section 1111.1(a), page 28, line 12 (now line 8). Deleted the "s" from

>> "Minor Alterations," and added "s" to the next reference to "Minor

>> Alteration."

>>

>> Section 1111.2(c), page 30, line 12 (now line 8). Deleted "Apart from and"

>> and capitalized the "i" in "in."

>>

>> Section 1111.3, page 31, line 9 (now lines 4-8 of new version). Rewrote as
>> follows the sentence beginning "Upon acceptance as complete of any" because
>> it was unclear and confusing. The changes are shown here, with deletions
>> shown in strikethroughand additions shown in underline: "Upon acceptance as
>> complete of any other an application that is not a Minor Alteration under
>> this Article or upon appeal to or a request by the Historic Preservation
>> CommissionHPC to exercise its review powers over a Minor Permit to Alter
>> Alteration as set forth in 1111.1, the Historic Preservation Commission HPC
>> shall hold a hearing and approve, approve with modifications, or disapprove
>> the application in accordance with the procedures set forth in this Section
>> 1111.
>>
>> Section 1111.4, page 32, lines 5-24 (now page 31, line 24 through page 32,
>> line17). Needed to be reformatted for clarity. The first paragraph was
>> changed to subheading (a), with the subpoints numbered. The second
>> paragraph was changed to subheading (b), with the subpoints numbered.
>>
>> Section 1111.7(c), page 39, line 11 (now line 6). Deleted "s" from
>> "Districts."
>>
>> Section 1113(b), page 44, line 8 (now line 3). Changed "herein" to "in this
>> Article."
>>
>> Section 1116(b)(2), page 46, lines 5 and 8 (now page 45, line 22 and page
>> 46, line 2): indented subsections (1) and (2).
>>
>>
>> Scott Wiener
>> Supervisor, District 8
>> (415) 554-6968

>>

>> To read or subscribe to my monthly newsletter or to follow me on Facebook or

>> Twitter, go to www.scottwiener.com.

>>

>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>

>> To: Scott.Wiener@sfgov.org,

>> Cc: Alisa.Miller@sfgov.org, Board.of.Supervisors@sfgov.org,

>> BOS-Operations@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>,

>> Christina.Olague@sfgov.org, "Supervisor David Campos"

>> <david.campos@sfgov.org>, "Supervisor David Chiu" <David.Chiu@sfgov.org>,

>> eric.l.mar@sfgov.org, "Jane Kim" <jane.kim@sfgov.org>, "Supervisor John

>> Avalos" <John.Avalos@sfgov.org>, malia.cohen@sfgov.org, "Mark Farrell"

>> <Mark.Farrell@sfgov.org>, Rick.Caldeira@sfgov.org, "Sean.Elsbernd"

>> <Sean.Elsbernd@sfgov.org>, "Consortium"

>> <sfpreservationconsortium@yahoogroups.com>

>> Date: 04/26/2012 12:46 PM

>>

>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:

>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File

>> Nos 120300 & 120301)

>> _____

>>

>>

>>

>> Supervisor Wiener:

>>

>> It is quite a presumption to tell folks, "The changes to the legislation are

>> simply corrections of typographical errors, for example, changing upper case

>> letters to lower case. In addition, the long title of the legislation was

>> changed to make it more descriptive. Nothing in these changes would require

>> the HPC or Planning Commission to weigh in again."

>>

>> Many in the preservation community would appreciate the time to verify you

>> statement and to prepare comments for the public hearing.

>>

>> Again, on behalf of the San Francisco Preservation Consortium, I am

>> requesting the hearing be postponed for two weeks.

>>

>> Sincerely,

>>

>> Cynthia Servetnick, eGroup Moderator

>> _____

>>

>> From: Scott.Wiener@sfgov.org

>> Date: Thu, 26 Apr 2012 11:23:35 -0700

>>

>> To: Cynthia Servetnick<cynthia.servetnick@gmail.com>

>> Cc: <Alisa.Miller@sfgov.org>; <Board.of.Supervisors@sfgov.org>;

>> <BOS-Operations@sfgov.org>; Carmen.Chu<Carmen.Chu@sfgov.org>;

>> <Christina.Olague@sfgov.org>; Supervisor David

>> Campos<david.campos@sfgov.org>; Supervisor David Chiu<David.Chiu@sfgov.org>;

>> <eric.l.mar@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Supervisor John

>> Avalos<John.Avalos@sfgov.org>; <malia.cohen@sfgov.org>; Mark

>> Farrell<Mark.Farrell@sfgov.org>; <Rick.Caldeira@sfgov.org>;

>> Sean.Elsbernd<Sean.Elsbernd@sfgov.org>;

>> Consortium<sfpreservationconsortium@yahoogroups.com>

>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re: Copy of

>> Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File Nos

>> 120300 & 120301)

>>

>> Ms. Servetnick: The changes to the legislation are simply corrections of
>> typographical errors, for example, changing upper case letters to lower
>> case. In addition, the long title of the legislation was changed to make it
>> more descriptive. Nothing in these changes would require the HPC or
>> Planning Commission to weigh in again. I don't know if you attended any of
>> the numerous hearings on this legislation. I don't recall seeing you at the
>> hearings where I addressed the HPC and Planning Commission. (Forgive me if
>> I missed you.) As you may know, the HPC has conducted numerous lengthy
>> hearings on the legislation; including my amendments, and has made its
>> recommendations. The HPC supports a number of my amendments and, by split
>> votes, is not supporting others. The Planning Commission, after conducting
>> several hearings, endorsed the legislation, including my amendments.
>> Planning staff is supportive as well.
>>
>> There's no reason to continue next Monday's Land Use hearing. This
>> legislation -- which has been going through the process for years -- has
>> been exhaustively vetted and is ready for consideration by the Board of
>> Supervisors.
>>
>> Thank you.
>>
>>
>> Scott Wiener
>> Supervisor, District 8
>> (415) 554-6968
>>
>> To read or subscribe to my monthly newsletter or to follow me on Facebook or
>> Twitter, go to www.scottwiener.com.
>>
>>

>>

>> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>

>> To: scott.wiener@sfgov.org,

>> Cc: eric.l.mar@sfgov.org, malia.cohen@sfgov.org, Supervisor David

>> Chiu <David.Chiu@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>,

>> "Carmen.Chu" <Carmen.Chu@sfgov.org>, Christina.Olague@sfgov.org, Jane Kim

>> <jane.kim@sfgov.org>, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor

>> David Campos <david.campos@sfgov.org>, Supervisor John Avalos

>> <John.Avalos@sfgov.org>, Consortium

>> <sfpreservationconsortium@yahoogroups.com>, Alisa.Miller@sfgov.org,

>> Rick.Caldeira@sfgov.org, BOS-Operations@sfgov.org,

>> Board.of.Supervisors@sfgov.org

>> Date: 04/26/2012 09:27 AM

>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:

>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File

>> Nos 120300 & 120301)

>> _____

>>

>>

>>

>> Supervisor Wiener:

>>

>> Ms. Miller has forwarded the current versions of your proposed

>> ordinances revising Articles 10 & 11 of the Planning Code (BOS File

>> Nos 120300-3 & 120301-2) which were submitted on Tuesday, April 24th.

>>

>> How are these versions different than what was submitted on March 22nd

>> (which I have not yet received from Ms. Miller)?

>>

>> It is simply not possible for the Historic Preservation Commission or

>> the preservation community to evaluate changes to these ordinances

>> which will not be posted on the City's website until this afternoon

>> and will be heard by the BOS Land Use Committee on Monday, April 30th.

>>

>> On behalf of the San Francisco Preservation Consortium, I urge you to

>> postpone the hearing for at least two weeks so that the preservation

>> community can understand what changes have been made to this important

>> legislation.

>>

>> Sincerely,

>>

>> Cynthia Servetnick, eGroup Moderator

>>

>>

>> --------- Forwarded message ---------

>> From: <Alisa.Miller@sfgov.org>

>> Date: Thu, Apr 26, 2012 at 8:46 AM

>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:

>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code

>> (Planning Department Case No. 2011.0167T)

>> To: cynthia.servetnick@gmail.com

>> Cc: angela.calvillo@sfgov.sfgov.org, board.of.supervisors@sfgov.org,

>> eric.l.mar@sfgov.org, malia.cohen@sfgov.org, scott.wiener@sfgov.org,

>> Consortium <sfpreservationconsortium@yahoogroups.com>,

>> Rick.Caldeira@sfgov.org, BOS-Operations@sfgov.org

>>

>> Ms. Servetnick,

>>

>> In response to your request, I am attaching the current versions of

>> the Chapter 10 & 11 amendments submitted by Supervisor Wiener (File

>> Nos. 120300 and 120301) on April 24, 2012.

>>

>> I recognize you requested copies of these amendments on March 22, 2012

>> , but at the time of your request the legislation had not yet been

>> introduced. When I responded to you on March 22nd, I informed you of

>> this and directed you to our Information Request Form found on our

>> website (where requests such as these should be submitted).

>> Supervisor Wiener did not introduce the first versions of the

>> legislation until March 27, 2012. Copies of these proposed ordinances

>> could have been requested after introduction, although notification

>> of a hearing two weeks prior is not feasible since the Chair does not

>> finalize the Monday agenda until the Thursday before.

>>

>> If you have any questions or would like additional information, please

>> let me know.

>>

>>

>>

>>

>> Alisa Miller

>> Assistant Clerk

>> Board of Supervisors

>> 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

>> San Francisco, CA 94102

>> Phone: (415) 554-4447 | Fax: (415) 554-7714

>> alisa.miller@sfgov.org | www.sfbos.org

>>

>> Complete a Board of Supervisors Customer Satisfaction form by clicking

>> the link below.

>> http://www.sfbos.org/index.aspx?page=104

>>

>>

>>

>>

>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>

>> To: Alisa.Miller@sfgov.org

>> Cc: "Consortium" <sfpreservationconsortium@yahoogroups.com>,

>> scott.wiener@sfgov.org, eric.l.mar@sfgov.org, malia.cohen@sfgov.org,

>> board.of.supervisors@sfgov.org, angela.calvillo@sfgov

>> Date: 04/25/2012 04:00 PM

>> Subject: Public Records Act Request (Immediate Disclosure) Re:

>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code

>> (Planning Department Case No. 2011.0167T)

>> _____

>>

>>

>>

>> Ms. Miller:

>>

>> On behalf of the San Francisco Preservation Consortium, and in

>> accordance with the California Public Records Act, I am requesting

>> immediate disclosure of the current version of Supervisor Wiener's

>> proposed ordinance revising Articles 10 & 11 of the Planning Code to

>> conform with Proposition J of 2008 which created the Historic

>> Preservation Commission (Planning Department Case No. 2011.0167T).

>>

>> Per the below email we asked for a copy of said ordinance at least two

>> weeks before it is heard by the BOS Land Use Committee so that the

>> Preservation Community can provide written comments. I understand the

>> Committee will hear this item on Monday, April 30th—please confirm.

>>

>> Sincerely,

>>

>> Cynthia Servetnick

>> eGroup Moderator

>>

>> -------- Forwarded message --------

>> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>

>> Date: Thu, 22 Mar 2012 16:27:14 +0000

>> Subject: Request for a Copy of Ordinance Revising Articles 10 & 11 of

>> the Planning Code (Historic Preservation)

>> To: Alisa.Miller@sfgov.org

>> Cc: Consortium <sfpreservationconsortium@yahoogroups.com>, Supervisor

>> Scott Wiener <contact@scottwiener.com>, eric.l.mar@sfgov.org,

>> malia.cohen@sfgov.org, Mike Buhler <mbuhler@sfheritage.org>,

>> "Woodward, Lucinda" <lwoodward@parks.ca.gov>

>>

>> Ms. Miller:

>>

>> On behalf of the San Francisco Preservation Consortium, I am again

>> requesting a copy of Supervisor Wiener's proposed ordinance revising

>> Articles 10 & 11 of the Planning Code to conform with Proposition J of

>> 2008 which created the Historic Preservation Commission at least two

>> weeks before it is heard by the BOS Land Use Committee so that the

>> Preservation Community can provide written comments. Thank you in

>> advance for your assistance.

>>

>> Sincerely,

>>

>> Cynthia Servetnick

>> eGroup Moderator

>>

>> -----Original Message-----

>> From: Alisa.Miller@sfgov.org

>> Date: Thu, 22 Mar 2012 08:46:02

>> To: <cynthia.servetnick@gmail.com>

>> Subject: Re: Ordinance Revising Articles 10 & 11 of the Planning Code

>>

>> Ms. Servetnick,

>>

>> As I stated in my previous email, minimum notification of a hearing is not

>> feasible, but you can check the Land Use Committee agendas on Thursday

>> afternoon to see the following Monday calendar.

>> http://www.sfbos.org/meeting.aspx?page=720

>>

>> I realize you requested a copy of an Ordinance, but you have not provided

>> adequate information for me to know what matter you are referring to.

>> Please elaborate on the matter, provide a File Number, sponsor, or more

>> detail and I will be happy to get that to you.

>>

>> Alisa Miller

>> Assistant Clerk

>> Board of Supervisors

>> 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244

>> San Francisco, CA 94102

>> Phone: (415) 554-4447 | Fax: (415) 554-7714

>> alisa.miller@sfgov.org | www.sfbos.org

>>

>> Complete a Board of Supervisors Customer Satisfaction form by clicking the

>> link below.

>> http://www.sfbos.org/index.aspx?page=104

>>

>>

>>

>>

>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>

>> To: alisa.miller@sfgov.org

>> Cc: "Consortium" <sfpreservationconsortium@yahoogroups.com>, "Mike

>> Buhler" <mbuhler@sfheritage.org>, scott.wiener@sfgov.org,

>> eric.l.mar@sfgov.org, malia.cohen@sfgov.org

>> Date: 03/21/2012 06:05 PM

>> Subject: Ordinance Revising Articles 10 & 11 of the Planning Code

>>

>>

>>

>> Ms. Miller:

>>

>> Kindly email me a copy of the Ordinance revising Articles 10 & 11 of the

>> Planning Code a minimum of two weeks before it is heard by the BOS Land

>> Use Committee so that the Preservation Community can provide written

>> comments to the Committee. Thank you.

>>

>> Cynthia Servetnick

>> eGroup Moderator

>> San Francisco Preservation Consortium

>> [attachment "120300-3.pdf" deleted by Scott Wiener/BOS/SFGOV] [attachment

>> "120301-2.pdf" deleted by Scott Wiener/BOS/SFGOV] SOTF Complaint Re Art 10+11 5-01-12.pdf

Land Use Committee - SFAH comments re Arts. 10 & 11 (4.30.12).pdf Art 10+11 4-30-12.pdf

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April 30, 2012

Supervisor Eric Mar, Chair
Land Use and Development Committee
Attn: Alisa Miller, Clerk
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Amendments to Article 10 (Landmarks Preservation) and Article 11 (Historic Preservation in C-3 Districts), BOS File Nos. 120300 & 120301

Dear Chair Mar, Vice Chair Cohen and Supervisor Wiener:

On behalf of San Francisco Architectural Heritage (Heritage), thank you for the opportunity to comment on proposed amendments to Articles 10 and 11 introduced by Supervisor Scott Wiener. The proposed legislation is the culmination of months of public hearings and negotiations, with significant compromises made on all sides. Despite this progress, Heritage believes that further refinements are necessary to conform Articles 10 and 11 to the HPC's recommendations, City Charter Section 4.135 and the City's Certified Local Government responsibilities.[1] As explained in detail below, we urge the Land Use Committee to consider the following targeted revisions:

1) **Section 1004.2:** Delete the requirement for the Planning Commission to comment on the consistency of any proposed historic district with "the provision of housing to meet the City's Regional Housing Needs Allocation," "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area."
2) **Sections 1004.3 and 1107(e):** Eliminate the requirement for a written vote before the Board of Supervisors can take action on proposed historic districts and conservation districts. Require the Board of Supervisors to consider the views of both owners and occupants when taking action on proposed districts.
3) **Section 1006.6(h):** Delete the proposed exemption for affordable housing projects until its potential scope and adverse impacts can be studied.
4) **Sections 1006.6(b) and 1111.6(b):** Eliminate the requirement for the Planning Commission to approve local interpretations of the *Secretary of the Interior's Standards* adopted by the HPC.

A detailed explanation of the need for each of these revisions follows:

[1] Certified Local Government status enables the City to apply for federal grants, formally comment on National Register nominations, and administer Section 106 review under the National Historic Preservation Act, including streamlined review authority for federally-funded affordable housing projects involving historic resources.

SECTION 1004.2. For historic district nominations, the proposed legislation would require the Planning Commission to make findings that "(i) address the consistency of the proposed designation with the policies embodied in the General Plan and the priority policies of Section 101.1, particularly the provision of housing to meet the City's Regional Housing Needs Allocation, and the provision of housing near transit corridors; (ii) identify any amendments to the General Plan necessary to facilitate adoption of the proposed designation; and (iii) evaluate whether the district would conflict with the Sustainable Communities Strategy for the Bay Area."

- **HERITAGE POSITION:** The proposed language improperly elevates the Regional Housing Needs Allocation, Sustainable Communities Strategy, and "the provision of housing near transit corridors" over other General Plan polices, including Priority Policy 7 (stating "that landmarks and historic buildings be preserved"). As previously noted by State Historic Preservation Officer Milford Wayne Donaldson:

> Several things about this proposal are disturbing: 1) the assumption that historic preservation and housing needs are mutually exclusive; 2) that provisions in the General Plan that address housing appear to carry more weight than historic preservation, a policy which seems inconsistent with the State requirement that all elements of the General Plan have equal legal status; no one element takes precedence over any other; and 3) that historic preservation is singled out and treated differently than other land use policies.[2]

There has been no justification provided for the proposed amendment and no analysis by the Planning Department of the potential adverse impacts on historic resources. Heritage opposes the amended language because it singles out proposed historic districts for disparate treatment. Indeed, no other zoning changes are subject to such rigorous review against vague regional planning goals.

SECTIONS 1004.3 and 1107(e). Before the Board of Supervisors can vote on a proposed historic district, these amendments would require the Planning Department to "invite all property owners 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." Citing prohibitive costs and the administrative burden, the HPC deleted the requirement to conduct a written vote at its hearing on February 1, 2012. The current legislation reinstates the written vote requirement for owners and occupants, but would only require the Board of Supervisors to consider the votes of owners.

- **HERITAGE POSITION:** Heritage has consistently opposed any amendments that would impose unique procedural hurdles on the designation of historic districts. Heritage joins the HPC in opposing the requirement for a vote in writing as no other zoning changes are subject to this requirement. This voting requirement would impose a significant and unnecessary procedural hurdle on any new proposed historic district. The BOS should be required to consider the views of owners *and* occupants within a proposed historic district.

[2] Letter from Milford Wayne Donaldson, FAIA, State Historic Preservation Officer, to President Christina Olague, San Francisco Planning Commission, December 7, 2011.

SECTION 1006.6(h). This new subsection would potentially exempt "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing." The original version of the affordable housing exemption was stricken by the HPC and Planning Commission; neither commission has reviewed the new substitute language in the current legislation. The HPC questioned the need to exempt "affordable housing" projects in historic districts—approximately 1 percent of all parcels in the city—and recommended that this issue be studied as part of an independent process. The HPC's concerns were echoed by members of the Planning Commission, with Commissioner Antonini stating, "I'm concerned that if...because of the affordable component, the standards are lessened to a significant degree it defeats the purpose of what we're trying to do in the first place."[3]

- **HERITAGE POSITION:** Heritage joins the HPC in recommending that the proposed affordable housing exemption be deleted until its potential scope and impacts can be studied.[4] The exemption could have potentially far-reaching impacts in the city's existing 11 historic districts, especially when applied in conjunction with Section 1004.2's prioritization of regional housing goals over other General Plan policies. Moreover, the proposed exemption from Certificate of Appropriateness review seemingly conflicts with the City's delegated Section 106 review authority for federally-funded affordable housing projects: The Programmatic Agreement between the City and County of San Francisco, the California State Historic Preservation Officer, and the federal Advisory Council on Historic Preservation requires the City to assure compliance with the *Secretary of the Interior's Standards* for all projects using HUD funding.[5]

SECTIONS 1006.6(b) and 1111.6(b): The language approved by the HPC and Planning Commission mandates compliance with the *Secretary of the Interior's Standards* "as well as any applicable guidelines, local interpretations, bulletins, or other policies." Against the advice of the HPC, the current legislation would require both the HPC and the Planning Commission to approve local interpretations of the *Secretary's Standards*.

- **HERITAGE POSITION:** Because the City Charter (Section 4.135) and the City's Certified Local Government status reserve authority to the HPC to interpret the *Secretary's Standards*, the Planning Commission should not be required to approve local interpretations thereof. In addition, alternative language should be added to provide that the HPC may develop "district-by-district" design guidelines meeting the *Secretary's Standards* adopted by the HPC, with comments by the Planning Commission. The unique

[3] Transcription of February 2, 2012 Planning Commission hearing.

[4] "The HPC feels that substantive topics, such as language that addresses economic hardship ...merit additional research and further discussion prior to adoption." Letter from Charles Chase, President, Historic Preservation Commission, to Supervisor Scott Wiener, December 1, 2011.

[5] Programmatic Agreement By and Among the City and County of San Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Historic Properties Affected by Use of Revenue from the Department of Housing and Urban Development Part 58 Programs, January 19, 2007.

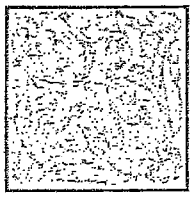
character of each district must be taken into consideration.

On behalf of San Francisco Architectural Heritage, thank you for the opportunity to comment on proposed revisions to Articles 10 and 11 recommended by the Historic Preservation Commission (HPC) and amendments introduced by Supervisor Scott Wiener. Please do not hesitate to contact me at mbuhler@sfheritage.org or (415) 441-3000 x15 should you have any questions or need additional information.

Sincerely,

Mike Buhler
Executive Director

cc: Board of Supervisors
Historic Preservation Commission
Planning Commission
John Rahaim, Director of Planning
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer
Eugene Flannery, Mayor's Office of Housing
Sarah Karlinksy, SPUR



THE SAN FRANCISCO PRESERVATION CONSORTIUM

P.O. Box 330339
San Francisco, CA 94133-0339

April 30, 2012

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Acting Chair and Treasurer

Don Andreini
Secretary

Judith Hoyem
Government Liaison

Cynthia Servetnick
eGroup Moderator

Board of Supervisors
Land Use and Economic Development Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Item 5) Amendments to Planning Code Article 10 – Landmarks Preservation (Supervisor Scott Wiener) and Item 6) Amendments to Planning Code Article 11 – Historic Preservation in C-3 Districts (Supervisor Scott Wiener), [BOS File Nos. 120300 & 120301]

The San Francisco Preservation Consortium is a nonprofit organization that works in partnership with neighborhood groups and other organizations to advocate for effective land use legislation and responsible historic architectural preservation practice in accordance with accepted professional standards to ensure that, as they continue to evolve, the city and its neighborhoods retain their historic character.

Dear Chair Mar, Vice Chair Cohen and Supervisor Wiener:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, we are concerned that Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) unnecessarily water-down our existing historic preservation laws.

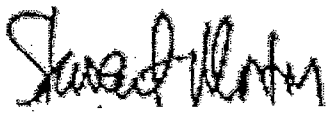
The Amendments would potentially exempt subsidized housing projects in designated historic districts from preservation requirements and may not be consistent with the Programmatic Agreement by and amongst the City and County of San Francisco, the California State Historic Preservation Officer and the Advisory Council on Historic Preservation. The Amendments could jeopardize the City's Certified Local Government status and adversely impact the development of affordable housing using Federal monies. We encourage the City to solicit comments on the Amendments from the State Office of Historic Preservation before forwarding them to the full Board of Supervisors (BOS) for adoption.

We urge you to make the following revisions to the Amendments, as recommended by the Historic Preservation Commission (HPC): 1) Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts; 2) Require the BOS to consider the views of both owners and occupants within a proposed historic district; 3) Delete the proposed exemption from preservation requirements for affordable housing projects until it

can be further studied; and 4) Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC. Additional unresolved issues are outlined in the below-linked chart.

With the passage of Proposition J in November 2008, San Franciscans expressed their desire to elevate the role of historic preservation in the City's planning processes. Approved by 57 percent of voters, the measure called for a comprehensive overhaul of our preservation program. The preservation community has advocated for incorporating best practices and national standards into the Amendments since early 2009. Let's make sure we get this right for the benefit of our collective cultural heritage. Please continue Items 5 and 6 on today's agenda until the substantive issues raised herein are resolved.

Yours truly,



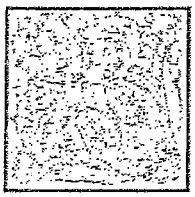
Stewart Morton, Acting Chair

Links: Articles 10 and 11 Chart: Current Status of Amendments Proposed by Supervisor Wiener (Preservation Community Version, 4-29-12)
https://www.box.com/shared/static/5b56b0fcce68cff2b5cf.pdf

Article 10 (Wiener Version, 4-24-12)
https://www.box.com/shared/static/efc3d9b4c2cd97e10945.pdf

Article 11 (Wiener Version, 4-24-12)
https://www.box.com/shared/static/54f61d5f483f677b6f6e.pdf

Cc: Mayor Edwin M. Lee
Board of Supervisors
Historic Preservation Commission
Planning Commission
Olson Lee, Director, Mayor's Office of Housing
John Rahaim, Planning Director
Tim Frye, Preservation Coordinator
Bill Wycko, Environmental Review Officer
Tina Tam, Senior Preservation Planner
Marlena Byrne, Deputy City Attorney
State Office of Historic Preservation
National Trust for Historic Preservation, Western Office
California Preservation Foundation
San Francisco Architectural Heritage
San Francisco Preservation Consortium
SPUR



THE SAN FRANCISCO PRESERVATION CONSORTIUM

P.O. Box 330339
San Francisco, CA 94133-0339

May 1, 2012

Stewart Morton
Acting Chair and Treasurer

Don Andreini
Secretary

Judith Hoyem
Government Liaison

Cynthia Servetnick
eGroup Moderator

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

SUNSHINE ORDINANCE COMPLAINT
(First Filed in Letter Format on April 27, 2012)

Re: Board of Supervisors, Land Use and Economic Development Committee April 30, 2012 Approval of: Item 5) Amendments to Planning Code Article 10 – Landmarks Preservation (Supervisor Scott Wiener) and Item 6) Amendments to Planning Code Article 11 – Historic Preservation in C-3 Districts (Supervisor Scott Wiener), [BOS File Nos. 120300 & 120301]

The San Francisco Preservation Consortium is a nonprofit organization that works in partnership with neighborhood groups and other organizations to advocate for effective land use legislation and responsible historic architectural preservation practice in accordance with accepted professional standards to ensure that, as they continue to evolve, the city and its neighborhoods retain their historic character.

Dear Chair Johnson:

On behalf of the San Francisco Preservation Consortium (Consortium), and in the interest of ensuring transparency and open government, I request the Sunshine Ordinance Task Force (SOTF) publicly hear our Sunshine Ordinance Complaint (Complaint) against the Board of Supervisors (BOS) regarding alleged non-compliance with the City Charter, the City's Sunshine Ordinance, the California Public Records Act and the Ralph M. Brown Act of Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) involving substantial policy considerations at your May 2, 2012 meeting. Time is of the essence as the BOS may take action on the Amendments at their May 8, 2012 meeting. Therefore, I am not requesting a pre-hearing conference before the Complaint Committee.

The names of individuals contacted at the BOS and the Office of the Clerk of the Board, and the alleged violations of public records access and public notice requirements, are listed in the attached Sunshine Ordinance Complaint which was first filed in letter format on April 27, 2012.

The San Francisco City Charter, Article IV, Sec. 4.104 (a) requires the BOS to adopt rules and regulations consistent with the Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days' public notice shall be given for such public

hearing. All such rules and regulations shall be filed with the Clerk of the BOS. Further, the City's Sunshine Ordinance, Sec. 67.24. requires draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees.

On March 21, 2012, the Consortium requested a copy of the Amendments and provided a meaningful description them to the BOS Land Use Committee Clerk and Supervisor Wiener. The March 22, 2012 version of the Amendments was not provided to us until April 27, 2012. We understand the Historic Preservation Commission, key stakeholders such as San Francisco Architectural Heritage and other members of the preservation community only received the March 22, 2012 versions of the Amendments prior to the City's posting of the April 24, 2012 versions on April 26, 2012. On April 26, 2012, Supervisor Wiener transmitted a list of changes made in the April 24 versions of the Amendments. However, the Consortium had no way of knowing whether those changes referred to the March 22, 2012 or the April 6, 2012 versions. We also understand said parties did not receive the substantially changed April 6, 2012 versions of the Amendments until April 26, 2012. In accordance with the Sunshine Ordinance's 10-day posting requirement, the Consortium asked the BOS to postpone its April 30, 2012 Land Use Committee until May 14, 2012. Our request was denied.

Again, thank you in advance for publicly hearing our complaint. This is an important procedural matter which will affect historic preservation policy in San Francisco for many years to come.

Sincerely,

Cynthia Servetnick

Cynthia Servetnick
eGroup Moderator

845 Sutter Street, No. 512
San Francisco, CA 94109
(415) 563-7336
cynthia.servetnick@gmail.com

Attachments: Sunshine Act Complaint (letter format) filed on April 27, 2012
San Francisco Architectural Heritage Comment Letter, April 30, 2012
San Francisco Preservation Consortium Comment Letter, April 30, 2012

Cc: Board of Supervisors
Andrea Ausberry, Administrator, Sunshine Ordinance Task Force
Rick Caldeira, Legislative Deputy Director, Board of Supervisors
Angela Calvillo, Clerk, Board of Supervisors
Alisa Miller, Assistant Clerk, Board of Supervisors
Marlena Byrne, Deputy City Attorney

Historic Preservation Commission
State Office of Historic Preservation
National Trust for Historic Preservation
California Preservation Foundation
San Francisco Architectural Heritage
San Francisco Preservation Consortium

Formal Sunshine Ordinance Task Force Complaint (Letter Format) and Request to Postpone Board of Supervisors Land Use and Economic Development Committee April 30, 2012 Hearing on Revised Articles 10 & 11 of the Planning Code [BOS Files 120300 & 120301]

--------- Forwarded message ---------
From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
Date: Fri, Apr 27, 2012 at 12:53 PM
Subject: Formal Complaint and Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)
To: hopeannette@earthlink.net
Cc: rick.caldeira@sfgov.org, Andrea.Ausberry@sfgov.org, Scott Wiener <scott.wiener@sfgov.org>

Ms. Johnson,

Please consider all of the below correspondence a formal complaint to the Sunshine Ordinance Task Force regarding Supervisor Scott Wiener's improper notice of the April 30, 2012 BOS Land Use Committee Hearing on his ordinances revising Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301).

If the hearing is held on April 30, 2012, it should be invalidated.

Sincerely,

Cynthia Servetnick, eGroup Moderator
San Francisco Preservation Consortium

-----Original Message-----
From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>
Date: Fri, 27 Apr 2012 18:18:53
To: <Andrea.Ausberry@sfgov.org>
Reply-To: cynthia.servetnick@gmail.com
Cc: john.st.croix<john.st.croix@sfgov.org>; marlena.byrne<marlena.byrne@sfgov.org>; Consortium<sfpreservationconsortium@yahoogroups.com>; <Alisa.Miller@sfgov.org>; Scott Wiener<scott.wiener@sfgov.org>; <eric.l.mar@sfgov.org>; <BOS-Operations@sfgov.org>; Mark Farrell<Mark.Farrell@sfgov.org>; Supervisor David Chiu<David.Chiu@sfgov.org>; Supervisor David Campos<david.campos@sfgov.org>; <Board.of.Supervisors@sfgov.org>; Sean.Elsbernd<Sean.Elsbernd@sfgov.org>; <Christina.Olague@sfgov.org>; <Rick.Caldeira@sfgov.org>; Supervisor John Avalos<John.Avalos@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Carmen.Chu<Carmen.Chu@sfgov.org>; <malia.cohen@sfgov.org>; BOS SOTF<sotf@sfgov.org>
Subject: Formal Complaint and Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)

Ms. Ausberry:

Please consider all of the below correspondence a formal complaint to the Sunshine Ordinance Task Force regarding Supervisor Scott Wiener's improper notice of the April 30, 2012 BOS Land Use Committee Hearing on his ordinances revising Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301).

If the hearing is held on April 30, 2012, it should be invalidated.

Sincerely,

Cynthia Servetnick, eGroup Moderator
San Francisco Preservation Consortium

-----Original Message-----
From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
Date: Fri, 27 Apr 2012 09:29:00
To: BOS SOTF<sotf@sfgov.org>
Cc: john.st.croix<john.st.croix@sfgov.org>; marlena.byrne<marlena.byrne@sfgov.org>; sfpreservationconsortium<sfpreservationconsortium@yahoogroups.com>; <Alisa.Miller@sfgov.org>; Scott Wiener<scott.wiener@sfgov.org>; <eric.l.mar@sfgov.org>; <BOS-Operations@sfgov.org>; Mark Farrell<Mark.Farrell@sfgov.org>; Supervisor David Chiu<David.Chiu@sfgov.org>; Supervisor David Campos<david.campos@sfgov.org>; <Board.of.Supervisors@sfgov.org>; Sean.Elsbernd<Sean.Elsbernd@sfgov.org>; <Christina.Olague@sfgov.org>; <Rick.Caldeira@sfgov.org>; Supervisor John Avalos<John.Avalos@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Carmen.Chu<Carmen.Chu@sfgov.org>; <malia.cohen@sfgov.org>
Subject: *** Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)

Dear Sunshine Task Force:

This morning, Alisa Miller, Clerk for the BOS Land Use Committee, kindly forwarded all versions of Supervisor Wiener's Ordinances revising Articles 10 and 11 of the Planning Code.

The problem, as I understand it, is that the Historic Preservation Commission, key stakeholders such as San Francisco Architectural Heritage and other members of the preservation community only received the March 22, 2012 versions prior to the City's posting the April 24, 2012 versions on April 26, 2012.

Supervisor Wiener attempted to address the problem by sending a list of changes. However, we still have no way of knowing whether the Supervisor's changes refer to as the March 22, 2012 or the April 6, 2012 versions.

Therefore, in accordance with the Sunshine Ordinance's 10-day posting requirement, the San Francisco Preservation Consortium requests the April 30, 2012. Committee hearing be postponed until May 14, 2012. Again, thank you in advance for looking into this procedural matter

which will affect historic preservation policy in San Francisco for many years to come.

Sincerely,

Cynthia Servetnick, eGroup Moderator
San Francisco Preservation Consortium

On Thu, Apr 26, 2012 at 9:41 PM, Cynthia Servetnick <cynthia.servetnick@gmail.com> wrote:
> CLARIFICATION:
>
> It appears that Supervisor Wiener's email description of the changes
> made to his ordinances revising Articles 10 & 11 of the Planning Code
> (BOS File Nos 120300 & 120301) reflect the changes made between April
> 6, 2012 and April 24, 2012 rather than between March 22, 2012 and
> April 24, 2012. However, we have no way of knowing what the
> Supervisor's changes refer to as the March 22, 2012 and April 6, 2012
> versions were not transmitted to us nor do we believe the April 6,
> 2012 versions were ever posted on the City's website.
>
> ---------- Forwarded message ----------
> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
> Date: Thu, Apr 26, 2012 at 9:26 PM
> Subject: Follow-up Re: Request to Delay 4/30 BOS LU Hearing on Revised
> Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)
> To: BOS SOTF <sotf@sfgov.org>
> Cc: "john.st.croix" <john.st.croix@sfgov.org>, "marlena.byrne"
> <marlena.byrne@sfgov.org>, sfpreservationconsortium
> <sfpreservationconsortium@yahoogroups.com>
>
>
> Dear Sunshine Task Force:
>
> Supervisor Wiener sent the below email description of the changes made
> to his ordinances revising Articles 10 & 11 of the Planning Code (BOS
> File Nos 120300 & 120301) submitted on March 22, 2012 as revised on
> April 6, 2012 and on April 24, 2012. To date we have not received the
> March 22nd versions, or the April 24th track-changes versions, of said
> ordinances.
>
> The March 22, 2012 version was substituted and assigned to the BOS
> Land Use and Economic Development Committee (Committee) on April 6,
> 2012 and referred to the Planning Department before it was finally
> substituted and assigned to the Committee on April 24, 2012. The
> preservation community would appreciate the time to review all
> revisions and prepare comments for the public hearing.
>

> In accordance with the provisions of the Sunshine Ordinance, the San
> Francisco Preservation Consortium has requested the April 30, 2012
> Committee hearing be postponed until May 14, 2012. Thank you in
> advance for looking into this procedural matter which will affect
> historic preservation policy in San Francisco for many years to come.
>
> Sincerely,
>
> Cynthia Servetnick, eGroup Moderator
> San Francisco Preservation Consortium
>
>
> ---------- Forwarded message ----------
> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
> Date: Thu, Apr 26, 2012 at 7:44 PM
> Subject: Request to Delay 4/30 BOS LU Hearing on Revised Articles 10 &
> 11 of the Planning Code (BOS File Nos 120300 & 120301)
> To: Scott.Wiener@sfgov.org
> Cc: Alisa.Miller@sfgov.org, Board.of.Supervisors@sfgov.org,
> BOS-Operations@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>,
> Christina.Olague@sfgov.org, Supervisor David Campos
> <david.campos@sfgov.org>, Supervisor David Chiu
> <David.Chiu@sfgov.org>, eric.l.mar@sfgov.org, Jane Kim
> <jane.kim@sfgov.org>, Supervisor John Avalos <John.Avalos@sfgov.org>,
> malia.cohen@sfgov.org, Mark Farrell <Mark.Farrell@sfgov.org>,
> Rick.Caldeira@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>,
> Consortium <sfpreservationconsortium@yahoogroups.com>, malana moberg
> <malana@romagroup.net>, Roland Salvato <rolandsalvato@hotmail.com>,
> MBuhler@sfheritage.org, Andres.Power@sfgov.org
>
>
> Supervisor Wiener:
>
> Thank you for sending the below email description of the changes made
> to your ordinances revising Articles 10 & 11 of the Planning Code (BOS
> File Nos 120300 & 120301) submitted on March 22, 2012 as revised on
> April 24, 2012. To date we have not received the March 22nd versions
> or the April 24th track-changes versions.
>
> Again, the preservation community would appreciate the time to review
> these revisions and prepare comments for the public hearing. In
> accordance with the provisions of the Sunshine Ordinance, the San
> Francisco Preservation Consortium has requested the April 30th BOS
> Land Use hearing be postponed until May 14th.
>
> Sincerely,
>
> Cynthia Servetnick, eGroup Moderator

> San Francisco Preservation Consortium
>
> On Thu, Apr 26, 2012 at 6:11 PM, <Scott.Wiener@sfgov.org> wrote:
>
>> Ms. Servetnick, my apologies for misunderstanding what you were asking for.
>> Yes, you certainly are entitled to a description of what was changed. The
>> City Attorney does not have a document with track changes but has provided
>> me with the following itemization of the changes reflected in what I
>> introduced this past Tuesday:
>>
>> 1. ORDINANCE AMENDING PLANNING CODE ARTICLE 10:
>>
>> A. Both the short title and the long title have been changed to
>> provide more detail regarding the substance of the legislation. The new
>> language is shown as underlined here:
>>
>> [Planning Code--Article 10, Landmarks Preservation]
>>
>> Ordinance amending the San Francisco Planning code by amending Article 10,
>> entitled "Preservation of Historical Architectural and Aesthetic Landmarks",
>> in its entirety; and making findings, including environmental findings and
>> findings of consistency with the General Plan and Planning Code section
>> 101.1(b).
>>
>> B. The following additional edits were made:
>>
>> Section 1002, page 5, line 21. Hyphen between "Preservation" and
>> "Commission" deleted.
>>
>> Section 1006.3(b), page 25, line 13. Deleted the semicolon and added a
>> period.
>>
>> Section 1006.7(c), page 33, line 3. Extraneous small "t" deleted.
>>
>> Section 1006.7(c), page 33, line 7 (same page, lines 7-8 in new version).
>> Added "hearing the appeal" after "board".
>>
>> Section 1010(c), page 36, line 10. Changed "imposed" to "impose."
>>
>>
>> 2. ORDINANCE AMENDING PLANNING CODE ARTICLE 11:
>>
>> A. Both the short title and the long title have been changed to
>> provide more detail regarding the substance of the legislation. The new
>> language is shown as underlined here:
>>
>> [Planning Code--Article 11, Historic Preservation in the C-3 Districts]
>>

>> Ordinance amending the San Francisco Planning code by amending Article 11,
>> entitled "Preservation of Buildings and Districts of Architectural,
>> Historical, and Aesthetic Importance in the C-3 Districts", in its entirety;
>> and making findings, including environmental findings and findings of
>> consistency with the General Plan and Planning Code section 101.1(b).
>>
>> B. The following additional edits were made:
>>
>> Global Edit: This Article did not use "HPC" to refer to the Historic
>> Preservation Commission, unlike Article 10, which uses "HPC". Changed all
>> references except the first from "Historic Preservation Commission" to "HPC"
>> in conformity with Article 10. Please note: this change shortened the
>> entire ordinance by a few lines as indicated below.
>>
>> Section 1101(d), page 6, lines 20, 22, 23 (now on page 7, lines 1, 3, and 5
>> of new version). Indented (1), (2), and (3) like the rest of the Article.
>>
>> Section 1101(d)(3), page 7, line 2 (same page, line 7 in new version).
>> Change "herein" to "in this Article."
>>
>> Section 1106(f), page 14, line 5. "By" changed to "by" in lowercase.
>>
>> Section 1107(d), page 17, lines 12, 15, 16 (same page, now lines 10, 13, and
>> 14). Changed (i), (ii), and (iii) to (1), (2) and (3).
>>
>> Section 1107(h), page 18, line 23 (same page, now line 21). Added
>> "Planning" before "Department".
>>
>> Section 1108, page 19, line 9 (same page, now line 7). Added "Planning"
>> before "Department".
>>
>> Section 1109(b), page 20, line 13 (same page, now line 11). Changed
>> "herein" to "in this Article."
>>
>> Section 1110(g)(3), page 23, line 24 (same page, now line 22). Changed
>> "herein" to "in this Article."
>>
>> Section 1111(a), page 25, line 1 (now page 24, line 23 in new version).
>> "upon" replaced with "on".
>>
>> Section 1111(b)(14), page 26, line 19 (same page, now line 16 in new
>> version). Delete "and."
>>
>> Section 1111(b)(15), page 26, line 21 (same page, now line 18 in new
>> version). Replace the period with a semicolon.
>>
>> Section 1111, page 27, line 2 (now page 26, line 24 in new version). (d)
>> should be (c).

>>
>> Section 1111, page 27, line 6 (now page 27, line 3). (e) should be (d)
>>
>> Section 1111, page 27, line 19 (now page 27, line 16). (f) should be (e)
>>
>> Section 1111.1(a), page 28, line 12 (now line 8). Deleted the "s" from
>> "Minor Alterations," and added "s" to the next reference to "Minor
>> Alteration."
>>
>> Section 1111.2(c), page 30, line 12 (now line 8). Deleted "Apart from and"
>> and capitalized the "i" in "in."
>>
>> Section 1111.3, page 31, line 9 (now lines 4-8 of new version). Rewrote as
>> follows the sentence beginning "Upon acceptance as complete of any" because
>> it was unclear and confusing. The changes are shown here, with deletions
>> shown in strikethroughand additions shown in underline: "Upon acceptance as
>> complete of any other an application that is not a Minor Alteration under
>> this Article or upon appeal to or a request by the Historic Preservation
>> CommissionHPC to exercise its review powers over a Minor Permit to Alter
>> Alteration as set forth in 1111.1, the Historic Preservation Commission HPC
>> shall hold a hearing and approve, approve with modifications, or disapprove
>> the application in accordance with the procedures set forth in this Section
>> 1111.
>>
>> Section 1111.4, page 32, lines 5-24 (now page 31, line 24 through page 32,
>> line17). Needed to be reformatted for clarity. The first paragraph was
>> changed to subheading (a), with the subpoints numbered. The second
>> paragraph was changed to subheading (b), with the subpoints numbered.
>>
>> Section 1111.7(c), page 39, line 11 (now line 6). Deleted "s" from
>> "Districts."
>>
>> Section 1113(b), page 44, line 8 (now line 3). Changed "herein" to "in this
>> Article."
>>
>> Section 1116(b)(2), page 46, lines 5 and 8 (now page 45, line 22 and page
>> 46, line 2): indented subsections (1) and (2).
>>
>>
>> Scott Wiener
>> Supervisor, District 8
>> (415) 554-6968
>>
>> To read or subscribe to my monthly newsletter or to follow me on Facebook or
>> Twitter, go to www.scottwiener.com.
>>
>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>
>> To: Scott.Wiener@sfgov.org,

>> Cc: Alisa.Miller@sfgov.org, Board.of.Supervisors@sfgov.org,
>> BOS-Operations@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>,
>> Christina.Olague@sfgov.org, "Supervisor David Campos"
>> <david.campos@sfgov.org>, "Supervisor David Chiu" <David.Chiu@sfgov.org>,
>> eric.l.mar@sfgov.org, "Jane Kim" <jane.kim@sfgov.org>, "Supervisor John
>> Avalos" <John.Avalos@sfgov.org>, malia.cohen@sfgov.org, "Mark Farrell"
>> <Mark.Farrell@sfgov.org>, Rick.Caldeira@sfgov.org, "Sean.Elsbernd"
>> <Sean.Elsbernd@sfgov.org>, "Consortium"
>> <sfpreservationconsortium@yahoogroups.com>
>> Date: 04/26/2012 12:46 PM
>>
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File
>> Nos 120300 & 120301)
>> _____
>>
>>
>>
>> Supervisor Wiener:
>>
>> It is quite a presumption to tell folks, "The changes to the legislation are
>> simply corrections of typographical errors, for example, changing upper case
>> letters to lower case. In addition, the long title of the legislation was
>> changed to make it more descriptive. Nothing in these changes would require
>> the HPC or Planning Commission to weigh in again."
>>
>> Many in the preservation community would appreciate the time to verify you
>> statement and to prepare comments for the public hearing.
>>
>> Again, on behalf of the San Francisco Preservation Consortium, I am
>> requesting the hearing be postponed for two weeks.
>>
>> Sincerely,
>>
>> Cynthia Servetnick, eGroup Moderator
>> _____
>>
>> From: Scott.Wiener@sfgov.org
>> Date: Thu, 26 Apr 2012 11:23:35 -0700
>>
>> To: Cynthia Servetnick<cynthia.servetnick@gmail.com>
>> Cc: <Alisa.Miller@sfgov.org>; <Board.of.Supervisors@sfgov.org>;
>> <BOS-Operations@sfgov.org>; Carmen.Chu<Carmen.Chu@sfgov.org>;
>> <Christina.Olague@sfgov.org>; Supervisor David
>> Campos<david.campos@sfgov.org>; Supervisor David Chiu<David.Chiu@sfgov.org>;
>> <eric.l.mar@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Supervisor John
>> Avalos<John.Avalos@sfgov.org>; <malia.cohen@sfgov.org>; Mark
>> Farrell<Mark.Farrell@sfgov.org>; <Rick.Caldeira@sfgov.org>;

>> Sean.Elsbernd<Sean.Elsbernd@sfgov.org>;
>> Consortium<sfpreservationconsortium@yahoogroups.com>
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re: Copy of
>> Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File Nos
>> 120300 & 120301)
>>
>> Ms. Servetnick: The changes to the legislation are simply corrections of
>> typographical errors, for example, changing upper case letters to lower
>> case. In addition, the long title of the legislation was changed to make it
>> more descriptive. Nothing in these changes would require the HPC or
>> Planning Commission to weigh in again. I don't know if you attended any of
>> the numerous hearings on this legislation. I don't recall seeing you at the
>> hearings where I addressed the HPC and Planning Commission. (Forgive me if
>> I missed you.) As you may know, the HPC has conducted numerous lengthy
>> hearings on the legislation, including my amendments, and has made its
>> recommendations. The HPC supports a number of my amendments and, by split
>> votes, is not supporting others. The Planning Commission, after conducting
>> several hearings, endorsed the legislation, including my amendments.
>> Planning staff is supportive as well.
>>
>> There's no reason to continue next Monday's Land Use hearing. This
>> legislation -- which has been going through the process for years -- has
>> been exhaustively vetted and is ready for consideration by the Board of
>> Supervisors.
>>
>> Thank you.
>>
>>
>> Scott Wiener
>> Supervisor, District 8
>> (415) 554-6968
>>
>> To read or subscribe to my monthly newsletter or to follow me on Facebook or
>> Twitter, go to www.scottwiener.com.
>>
>>
>>
>> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
>> To: scott.wiener@sfgov.org,
>> Cc: eric.l.mar@sfgov.org, malia.cohen@sfgov.org, Supervisor David
>> Chiu <David.Chiu@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>,
>> "Carmen.Chu" <Carmen.Chu@sfgov.org>, Christina.Olague@sfgov.org, Jane Kim
>> <jane.kim@sfgov.org>, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor
>> David Campos <david.campos@sfgov.org>, Supervisor John Avalos
>> <John.Avalos@sfgov.org>, Consortium
>> <sfpreservationconsortium@yahoogroups.com>, Alisa.Miller@sfgov.org,
>> Rick.Caldeira@sfgov.org, BOS-Operations@sfgov.org,
>> Board.of.Supervisors@sfgov.org

>> Date: 04/26/2012 09:27 AM
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File
>> Nos 120300 & 120301)
>> _____
>>
>>
>>
>> Supervisor Wiener:
>>
>> Ms. Miller has forwarded the current versions of your proposed
>> ordinances revising Articles 10 & 11 of the Planning Code (BOS File
>> Nos 120300-3 & 120301-2) which were submitted on Tuesday, April 24th.
>>
>> How are these versions different than what was submitted on March 22nd
>> (which I have not yet received from Ms. Miller)?
>>
>> It is simply not possible for the Historic Preservation Commission or
>> the preservation community to evaluate changes to these ordinances
>> which will not be posted on the City's website until this afternoon
>> and will be heard by the BOS Land Use Committee on Monday, April 30th.
>>
>> On behalf of the San Francisco Preservation Consortium, I urge you to
>> postpone the hearing for at least two weeks so that the preservation
>> community can understand what changes have been made to this important
>> legislation.
>>
>> Sincerely,
>>
>> Cynthia Servetnick, eGroup Moderator
>>
>>
>> ---------- Forwarded message ----------
>> From: <Alisa.Miller@sfgov.org>
>> Date: Thu, Apr 26, 2012 at 8:46 AM
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code
>> (Planning Department Case No. 2011.0167T)
>> To: cynthia.servetnick@gmail.com
>> Cc: angela.calvillo@sfgov.sfgov.org, board.of.supervisors@sfgov.org,
>> eric.l.mar@sfgov.org, malia.cohen@sfgov.org, scott.wiener@sfgov.org,
>> Consortium <sfpreservationconsortium@yahoogroups.com>,
>> Rick.Caldeira@sfgov.org, BOS-Operations@sfgov.org
>>
>> Ms. Servetnick,
>>
>> In response to your request, I am attaching the current versions of
>> the Chapter 10 & 11 amendments submitted by Supervisor Wiener (File

>> Nos. 120300 and 120301) on April 24, 2012.
>>
>> I recognize you requested copies of these amendments on March 22, 2012
>> , but at the time of your request the legislation had not yet been
>> introduced. When I responded to you on March 22nd, I informed you of
>> this and directed you to our Information Request Form found on our
>> website (where requests such as these should be submitted).
>> Supervisor Wiener did not introduce the first versions of the
>> legislation until March 27, 2012. Copies of these proposed ordinances
>> could have been requested after introduction, although notification
>> of a hearing two weeks prior is not feasible since the Chair does not
>> finalize the Monday agenda until the Thursday before.
>>
>> If you have any questions or would like additional information, please
>> let me know.
>>
>>
>>
>>
>> Alisa Miller
>> Assistant Clerk
>> Board of Supervisors
>> 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
>> San Francisco, CA 94102
>> Phone: (415) 554-4447 | Fax: (415) 554-7714
>> alisa.miller@sfgov.org | www.sfbos.org
>>
>> Complete a Board of Supervisors Customer Satisfaction form by clicking
>> the link below.
>> http://www.sfbos.org/index.aspx?page=104
>>
>>
>>
>>
>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>
>> To: Alisa.Miller@sfgov.org
>> Cc: "Consortium" <sfpreservationconsortium@yahoogroups.com>,
>> scott.wiener@sfgov.org, eric.l.mar@sfgov.org, malia.cohen@sfgov.org,
>> board.of.supervisors@sfgov.org, angela.calvillo@sfgov
>> Date: 04/25/2012 04:00 PM
>> Subject: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code
>> (Planning Department Case No. 2011.0167T)
>> _____
>>
>>
>>
>> Ms. Miller:

>>
>> On behalf of the San Francisco Preservation Consortium, and in
>> accordance with the California Public Records Act, I am requesting
>> immediate disclosure of the current version of Supervisor Wiener's
>> proposed ordinance revising Articles 10 & 11 of the Planning Code to
>> conform with Proposition J of 2008 which created the Historic
>> Preservation Commission (Planning Department Case No. 2011.0167T).
>>
>> Per the below email we asked for a copy of said ordinance at least two
>> weeks before it is heard by the BOS Land Use Committee so that the
>> Preservation Community can provide written comments. I understand the
>> Committee will hear this item on Monday, April 30th--please confirm.
>>
>> Sincerely,
>>
>> Cynthia Servetnick
>> eGroup Moderator
>>
>> ---------- Forwarded message ----------
>> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
>> Date: Thu, 22 Mar 2012 16:27:14 +0000
>> Subject: Request for a Copy of Ordinance Revising Articles 10 & 11 of
>> the Planning Code (Historic Preservation)
>> To: Alisa.Miller@sfgov.org
>> Cc: Consortium <sfpreservationconsortium@yahoogroups.com>, Supervisor
>> Scott Wiener <contact@scottwiener.com>, eric.l.mar@sfgov.org,
>> malia.cohen@sfgov.org, Mike Buhler <mbuhler@sfheritage.org>,
>> "Woodward, Lucinda" <lwoodward@parks.ca.gov>
>>
>> Ms. Miller:
>>
>> On behalf of the San Francisco Preservation Consortium, I am again
>> requesting a copy of Supervisor Wiener's proposed ordinance revising
>> Articles 10 & 11 of the Planning Code to conform with Proposition J of
>> 2008 which created the Historic Preservation Commission at least two
>> weeks before it is heard by the BOS Land Use Committee so that the
>> Preservation Community can provide written comments. Thank you in
>> advance for your assistance.
>>
>> Sincerely,
>>
>> Cynthia Servetnick
>> eGroup Moderator
>>
>> -----Original Message-----
>> From: Alisa.Miller@sfgov.org
>> Date: Thu, 22 Mar 2012 08:46:02
>> To: <cynthia.servetnick@gmail.com>

>> Subject: Re: Ordinance Revising Articles 10 & 11 of the Planning Code
>>
>> Ms. Servetnick,
>>
>> As I stated in my previous email, minimum notification of a hearing is not
>> feasible, but you can check the Land Use Committee agendas on Thursday
>> afternoon to see the following Monday calendar.
>> http://www.sfbos.org/meeting.aspx?page=720
>>
>> I realize you requested a copy of an Ordinance, but you have not provided
>> adequate information for me to know what matter you are referring to.
>> Please elaborate on the matter, provide a File Number, sponsor, or more
>> detail and I will be happy to get that to you.
>>
>> Alisa Miller
>> Assistant Clerk
>> Board of Supervisors
>> 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
>> San Francisco, CA 94102
>> Phone: (415) 554-4447 | Fax: (415) 554-7714
>> alisa.miller@sfgov.org | www.sfbos.org
>>
>> Complete a Board of Supervisors Customer Satisfaction form by clicking the
>> link below.
>> http://www.sfbos.org/index.aspx?page=104
>>
>>
>>
>>
>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>
>> To: alisa.miller@sfgov.org
>> Cc: "Consortium" <sfpreservationconsortium@yahoogroups.com>, "Mike
>> Buhler" <mbuhler@sfheritage.org>, scott.wiener@sfgov.org,
>> eric.l.mar@sfgov.org, malia.cohen@sfgov.org
>> Date: 03/21/2012 06:05 PM
>> Subject: Ordinance Revising Articles 10 & 11 of the Planning Code
>>
>>
>>
>> Ms. Miller:
>>
>> Kindly email me a copy of the Ordinance revising Articles 10 & 11 of the
>> Planning Code a minimum of two weeks before it is heard by the BOS Land
>> Use Committee so that the Preservation Community can provide written
>> comments to the Committee. Thank you.
>>
>> Cynthia Servetnick
>> eGroup Moderator

>> San Francisco Preservation Consortium
>> [attachment "120300-3.pdf" deleted by Scott Wiener/BOS/SFGOV] [attachment
>> "120301-2.pdf" deleted by Scott Wiener/BOS/SFGOV]

Public Records Act Request (Immediate Disclosure) Re: Amendments to Articles 10 & 11 of the Planning Code [BOS File Nos. 120300 & 120301]

Cynthia Servetnick to: Board.of.Supervisors, Rick.Caldeira@sfgov.org, Alisa.Miller, marlena.byrne 05/01/2012 11:50 PM

Cc: Andrea.Ausberry, hopeannette

History: This message has been replied to.

Public Records Act Request (Immediate Disclosure)
Re: Amendments to Articles 10 & 11 of the Planning Code
[BOS File Nos. 120300 & 120301]

To Whom It May Concern:

Kindly provide the following documents via email:

1) CEQA Exemption for the proposed Amendments to Articles 10 & 11 of the Planning Code [BOS File Nos. 120300 & 120301], and

2) A "Red-line/Strike-out" version of the proposed Amendments to Articles 10 & 11 of the Planning Code [BOS File Nos. 120300 & 120301] that compares the March 22, 2012 versions with the April 24, 2012 versions.

Thank you.

Cynthia Servetnick, eGroup Moderator
San Francisco Preservation Consortium

From:	Library Users Association <libraryusers2004@yahoo.com>
To:	Scott.Wiener@sfgov.org, Eric.L.Mar@sfgov.org, Malia.Cohen@sfgov.org, Christina.Olague@sfgov.org, board.of.supervisors@sfgov.org,
Cc:	sruecker@gmail.com, dsmith@sfheritage.org
Date:	04/30/2012 01:53 PM
Subject:	Concerning Articles 10 and 11 on Today's Agenda, 4-30-12

Dear Supervisors:

With respect to your consideration of changes to Articles 10 and 11 of the Planning Code, we support the HPC-approved version, as set forth by SF Heritage.

The version before you places unnecessary and inappropriate obstacles to protection and disenfranchises occupants compared with owners in considering a proposed historic district. Those who do not own property are people and citizens, too (although some owners are not citizens or even residents of the City) and their voices should be considered equally.

Would you allow only property owners to receive library cards and use library facilities? We certainly hope not. And the library's slogan, "Free and Equal Access..." is a good guide for other things in the City, such as noted above.

The main concerns of SF Heritage are summarized below, and we ask you to follow these recommendations.

Thank you.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association
415/7 5 3 - 2 1 8 0

SF Heritage's key concerns:
with regard to Articles 10 & 11:
–Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts;
–Require the Board of Supervisors to consider the views of both owners and occupants within a proposed historic district;
–Delete the proposed exemption for affordable housing projects until it can be further studied;
–Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC.

4/30 BOS LU Hearing on Wiener Amendments to Planning Code Articles 10 and 11 [BOS Files 120300 & 120301] [1 Attachment]

Board of Supervisors to: Rick Caldeira, Alisa Miller 04/30/2012 12:18 PM

—— Forwarded by Board of Supervisors/BOS/SFGOV on 04/30/2012 12:18 PM ——

From:	David Tornheim <DavidTornheim@hotmail.com>
To:	"Supervisor Eric L. Mar" <Eric.L.Mar@sfgov.org>, Malia.Cohen@sfgov.org, scott.wiener@sfgov.org,
Cc:	NINERSAM@aol.com, Cynthia Servetnick <Cynthia.Servetnick@gmail.com>, mayoredwinlee@sfgov.org, Supervisor David Chiu <David.Chiu@sfgov.org>, Christina.Olague@sfgov.org, Mark.Farrell@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor David Campos <david.campos@sfgov.org>, Supervisor John Avalos <John.Avalos@sfgov.org>, board.of.supervisors@sfgov.org, awmartinez@earthlink.net, andrew.wolfram@perkinswill.com, c.chase@argsf.com, RSEJohns@yahoo.com, cdamkroger@hotmail.com, karlhasz@gmail.com, planning@rodneyfong.com, cwu.planning@gmail.com, rm@well.com, wordweaver21@aol.com, plangsf@gmail.com, mooreurban@aol.com, hs.commish@yahoo.com, Linda Avery <Linda.Avery@sfgov.org>, "john.rahaim" <john.rahaim@sfgov.org>, Tim Frye <Tim.Frye@sfgov.org>, bill.wycko@sfgov.org, Tina Tam <Tina.Tam@sfgov.org>, "marlena.byrne" <marlena.byrne@sfgov.org>
Date:	04/30/2012 11:53 AM
Subject:	Re: 4/30 BOS LU Hearing on Wiener Amendments to Planning Code Articles 10 and 11 [BOS Files 120300 & 120301] [1 Attachment]

Dear Supervisors:

I agree with the below two positions sent to you via e-mail by the San Francisco Preservation Consortium and CSFN Land Use and Housing Committee. I also urge the Land Use Committee to continue the hearing on changes to Articles 10 and 11 of the Planning Code, and in the alternative to make these four changes to the proposed legislation:

1. Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts;
2. Require the BOS to consider the views of both owners and occupants within a proposed historic district;
3. Delete the proposed exemption from preservation requirements for affordable housing projects until it can be further studied;
4. Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC.

-David Tornheim

Cynthia Servetnick wrote, On 4/30/2012 1:05 PM:

[Attachment(s) from Cynthia Servetnick included below]

Dear Chair Mar, Vice Chair Cohen and Supervisor Wiener:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, we

are concerned that Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) unnecessarily water-down our existing historic preservation laws.

The Amendments would potentially exempt subsidized housing projects in designated historic districts from preservation requirements and may not be consistent with the Programmatic Agreement by and amongst the City and County of San Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The Amendments could jeopardize the City's Certified Local Government status and adversely impact the development of affordable housing using Federal monies. We encourage the City to solicit comments on the Amendments from the State Office of Historic Preservation before forwarding them to the full Board of Supervisors (BOS) for adoption.

We urge you to make the following revisions to the Amendments, as recommended by the Historic Preservation Commission (HPC): 1) Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts; 2) Require the BOS to consider the views of both owners and occupants within a proposed historic district; 3) Delete the proposed exemption from preservation requirements for affordable housing projects until it

can be further studied; and 4) Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC. Additional unresolved issues are outlined in the below-linked chart.

With the passage of Proposition J in November 2008, San Franciscans expressed their desire to elevate the role of historic preservation in the City's planning processes. Approved by 57 percent of voters, the measure called for a comprehensive overhaul of our preservation program. The preservation community has advocated for incorporating best practices and national standards into the Amendments since early 2009. Let's make sure we get this right for the benefit of our collective cultural heritage. Please continue Items 5 and 6 on today's agenda until the substantive issues raised herein are resolved.

Yours truly,

Stewart Morton, Acting Chair

Links: Articles 10 and 11 Chart: Current Status of Amendments

Proposed by Supervisor Wiener (Preservation Community

Version, 4-29-12)

https://www.box.com/shared/static/5b56b0fcce68cff2b5cf.pdf

Article 10 (Wiener Version, 4-24-12)

https://www.box.com/shared/static/efc3d9b4c2cd97e10945.pdf

Article 11 (Wiener Version, 4-24-12)

https://www.box.com/shared/static/54f61d5f483f677b6f6e.pdf

From: NINERSAM@aol.com
Date: Mon, 30 Apr 2012 14:02:37 -0400 (EDT)
To: <scott.wiener@sfgov.org>; <Eric.L.Mar@sfgov.org>; <Malia.Cohen@sfgov.org>
Cc: <cynthia.servetnick@gmail.com>
Subject: Revisons to Articles 10 and 11

The CSFN land Use and Housing Committee urges the BOS Land Use Committee members to continue this item because the final draft of these amendments to Articles 10 & 11 of the Planning Code to the public in the time required by the Sunshine Ordinance.

A second request is to make the following revisions to Articles 10 and 11, as recommended by the Historic Preservation Commission:

1) Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts;
2) Require the BOS to consider the views of both owners and occupants within a proposed historic district;
3) Delete the proposed exemption from preservation requirements for affordable housing projects until it can be further studied;
4) Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC.

The proposed legislation waters down our existing historic preservation laws and would add new language that would potentially exempt certain projects in our designated historic districts from preservation requirements. We strongly believe that the expertise of the Historic Preservation Commission should not be ignored.

Yours truly,
Hiroshi Fukuda, Chair
CSFN land Use and Housing Committee

4/30 BOS LU Hearing on Wiener Amendments to Planning Code Articles 10 and 11 [BOS Files 120300 & 120301]

Cynthia Servetnick to: Supervisor Eric L. Mar, Malia.Cohen, scott.wiener 04/30/2012 10:04 AM

Cc: mayoredwinlee, Supervisor David Chiu, Christina.Olague, Mark.Farrell, "Carmen.Chu", jane.kim, "Sean.Elsbernd", Supervisor David Campos, Supervisor John Avalos,

1 attachment

Art 10+11 4-30-12.pdf

Dear Chair Mar, Vice Chair Cohen and Supervisor Wiener:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, we are concerned that Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) unnecessarily water-down our existing historic preservation laws.

The Amendments would potentially exempt subsidized housing projects in designated historic districts from preservation requirements and may not be consistent with the Programmatic Agreement by and amongst the City and County of San Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The Amendments could jeopardize the City's Certified Local Government status and adversely impact the development of affordable housing using Federal monies. We encourage the City to solicit comments on the Amendments from the State Office of Historic Preservation before forwarding them to the full Board of Supervisors (BOS) for adoption.

We urge you to make the following revisions to the Amendments, as recommended by the Historic Preservation Commission (HPC): 1) Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts; 2) Require the BOS to consider the views of both owners and occupants within a proposed historic district; 3) Delete the proposed exemption from preservation requirements for affordable housing projects until it

can be further studied; and 4) Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC. Additional unresolved issues are outlined in the below-linked chart.

With the passage of Proposition J in November 2008, San Franciscans expressed their desire to elevate the role of historic preservation in the City's planning processes. Approved by 57 percent of voters, the measure called for a comprehensive overhaul of our preservation program. The preservation community has advocated for incorporating best practices and national standards into the Amendments since early 2009. Let's make sure we get this right for the benefit of our collective cultural heritage. Please continue Items 5 and 6 on today's agenda until the substantive issues raised herein are resolved.

Yours truly,

Stewart Morton, Acting Chair

Links: Articles 10 and 11 Chart: Current Status of Amendments

Proposed by Supervisor Wiener (Preservation Community Version, 4-29-12)

https://www.box.com/shared/static/5b56b0fcce68cff2b5cf.pdf

Article 10 (Wiener Version, 4-24-12)

https://www.box.com/shared/static/efc3d9b4c2cd97e10945.pdf

Article 11 (Wiener Version, 4-24-12)

https://www.box.com/shared/static/54f61d5f483f677b6f6e.pdf

Cc: Mayor Edwin M. Lee

Board of Supervisors

Historic Preservation Commission

Planning Commission

Olson Lee, Director, Mayor's Office of Housing

John Rahaim, Planning Director

Tim Frye, Preservation Coordinator

Bill Wycko, Environmental Review Officer

Tina Tam, Senior Preservation Planner

Marlena Byrne, Deputy City Attorney

State Office of Historic Preservation

National Trust for Historic Preservation, Western Office

California Preservation Foundation

San Francisco Architectural Heritage

San Francisco Preservation Consortium

SPUR

THE SAN FRANCISCO PRESERVATION CONSORTIUM

P.O. Box 330339
San Francisco, CA 94133-0339

April 30, 2012

Stewart Morton
Acting Chair and Treasurer

Don Andreini
Secretary

Judith Hoyem
Government Liaison

Cynthia Servetnick
eGroup Moderator

Board of Supervisors
Land Use and Economic Development Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Item 5) Amendments to Planning Code Article 10 – Landmarks Preservation (Supervisor Scott Wiener) and Item 6) Amendments to Planning Code Article 11 – Historic Preservation in C-3 Districts (Supervisor Scott Wiener), [BOS File Nos. 120300 & 120301]

The San Francisco Preservation Consortium is a nonprofit organization that works in partnership with neighborhood groups and other organizations to advocate for effective land use legislation and responsible historic architectural preservation practice in accordance with accepted professional standards to ensure that, as they continue to evolve, the city and its neighborhoods retain their historic character.

Dear Chair Mar, Vice Chair Cohen and Supervisor Wiener:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots education and advocacy group comprised of individuals and member organizations, we are concerned that Supervisor Wiener's proposed amendments to Articles 10 and 11 of the Planning Code (Amendments) unnecessarily water-down our existing historic preservation laws.

The Amendments would potentially exempt subsidized housing projects in designated historic districts from preservation requirements and may not be consistent with the Programmatic Agreement by and amongst the City and County of San Francisco, the California State Historic Preservation Officer and the Advisory Council on Historic Preservation. The Amendments could jeopardize the City's Certified Local Government status and adversely impact the development of affordable housing using Federal monies. We encourage the City to solicit comments on the Amendments from the State Office of Historic Preservation before forwarding them to the full Board of Supervisors (BOS) for adoption.

We urge you to make the following revisions to the Amendments, as recommended by the Historic Preservation Commission (HPC): 1) Eliminate the requirement for a written vote before the BOS can take action on proposed historic districts; 2) Require the BOS to consider the views of both owners and occupants within a proposed historic district; 3) Delete the proposed exemption from preservation requirements for affordable housing projects until it

can be further studied; and 4) Eliminate the requirement for the Planning Commission to approve local interpretations of the Secretary of the Interior's Standards adopted by the HPC. Additional unresolved issues are outlined in the below-linked chart.

With the passage of Proposition J in November 2008, San Franciscans expressed their desire to elevate the role of historic preservation in the City's planning processes. Approved by 57 percent of voters, the measure called for a comprehensive overhaul of our preservation program. The preservation community has advocated for incorporating best practices and national standards into the Amendments since early 2009. Let's make sure we get this right for the benefit of our collective cultural heritage. Please continue Items 5 and 6 on today's agenda until the substantive issues raised herein are resolved.

Yours truly,

Stewart Morton, Acting Chair

Links: Articles 10 and 11 Chart: Current Status of Amendments Proposed by Supervisor Wiener (Preservation Community Version, 4-29-12)
https://www.box.com/shared/static/5b56b0fcce68cff2b5cf.pdf

Article 10 (Wiener Version, 4-24-12)
https://www.box.com/shared/static/efc3d9b4c2cd97e10945.pdf

Article 11 (Wiener Version, 4-24-12)
https://www.box.com/shared/static/54f61d5f483f677b6f6e.pdf

Cc: Mayor Edwin M. Lee
Board of Supervisors
Historic Preservation Commission
Planning Commission
Olson Lee, Director, Mayor's Office of Housing
John Rahaim, Planning Director
Tim Frye, Preservation Coordinator
Bill Wycko, Environmental Review Officer
Tina Tam, Senior Preservation Planner
Marlena Byrne, Deputy City Attorney
State Office of Historic Preservation
National Trust for Historic Preservation, Western Office
California Preservation Foundation
San Francisco Architectural Heritage
San Francisco Preservation Consortium
SPUR

Land Use Committee - SFAH Comments re Article 10 & 11 (Agenda Items 5 & 6)
Mike Buhler
to:
Alisa.Miller@sfgov.org
04/30/2012 09:37 AM
Cc:
"scott.wiener@sfgov.org", "andres.power@sfgov.org", "Eric.L.Mar@sfgov.org", "Nickolas.pagoulatos@sfgov.org", "Malia.Cohen@sfgov.org", "john.rahaim@sfgov.org", "Tim.Frye@sfgov.org", "sophie.hayward@sfgov.org", "mwdonaldson@parks.ca.gov", "Woodward, Lucinda", "rm@well.com", "Wordweaver21@aol.com", "plangsf@gmail.com", "mooreurban@aol.com", "rodney@waxmuseum.com", "bill@careyco.com", "c.chase@argsf.com", Courtney Damkroger, "awmarch@mac.com", "Wolfram, Andrew", "karlhasz@gmail.com", "rsejohns@yahoo.com", "diane@johnburtonfoundation.org", "mwdonaldson@parks.ca.gov", "lwoodward@parks.ca.gov", Sarah Karlinsky, "Eugene.Flannery@sfgov.org", "David.Chiu@sfgov.org", "Carmen.Chu@sfgov.org", "Christina.Olague@sfgov.org", "david.campos@sfgov.org", "jane.kim@sfgov.org", "John.Avalos@sfgov.org", "Mark.Farrell@sfgov.org", "Rick.Caldeira@sfgov.org", "Sean.Elsbernd@sfgov.org"
Show Details

1 Attachment

Land Use Committee - SFAH comments re Arts. 10 & 11 (4.30.12).pdf

Good morning Alisa – Attached please find San Francisco Architectural Heritage's comments on proposed amendments to Articles 10 and 11 of the Planning Code, which is scheduled for review by the Land Use Committee this afternoon. Please forward these comments to members of the committee. Thanks for your consideration.

Mike Buhler
Executive Director
San Francisco Architectural Heritage
P: 415.441.3000 x15
F: 415.441.3015
2007 Franklin Street
San Francisco, CA 94109
mbuhler@sfheritage.org | www.sfheritage.org
Join Heritage now or sign up for our e-mail list!

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HERITAGE

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Douglas Tom
Christopher VerPlanck

Mike Buhler
Executive Director

2007 FRANKLIN ST.
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TEL 415-441-3000
FAX 415-441-3015
www.sfheritage.org

April 30, 2012

Supervisor Eric Mar, Chair
Land Use and Development Committee
Attn: Alisa Miller, Clerk
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Amendments to Article 10 (Landmarks Preservation) and Article 11 (Historic Preservation in C-3 Districts), BOS File Nos. 120300 & 120301

Dear Chair Mar, Vice Chair Cohen and Supervisor Wiener:

On behalf of San Francisco Architectural Heritage (Heritage), thank you for the opportunity to comment on proposed amendments to Articles 10 and 11 introduced by Supervisor Scott Wiener. The proposed legislation is the culmination of months of public hearings and negotiations, with significant compromises made on all sides. Despite this progress, Heritage believes that further refinements are necessary to conform Articles 10 and 11 to the HPC's recommendations, City Charter Section 4.135 and the City's Certified Local Government responsibilities.[1] As explained in detail below, we urge the Land Use Committee to consider the following targeted revisions:

1) **Section 1004.2:** Delete the requirement for the Planning Commission to comment on the consistency of any proposed historic district with "the provision of housing to meet the City's Regional Housing Needs Allocation," "the provision of housing near transit corridors," and "the Sustainable Communities Strategy for the Bay Area."
2) **Sections 1004.3 and 1107(e):** Eliminate the requirement for a written vote before the Board of Supervisors can take action on proposed historic districts and conservation districts. Require the Board of Supervisors to consider the views of both owners and occupants when taking action on proposed districts.
3) **Section 1006.6(h):** Delete the proposed exemption for affordable housing projects until its potential scope and adverse impacts can be studied.
4) **Sections 1006.6(b) and 1111.6(b):** Eliminate the requirement for the Planning Commission to approve local interpretations of the *Secretary of the Interior's Standards* adopted by the HPC.

A detailed explanation of the need for each of these revisions follows:

[1] Certified Local Government status enables the City to apply for federal grants, formally comment on National Register nominations, and administer Section 106 review under the National Historic Preservation Act, including streamlined review authority for federally-funded affordable housing projects involving historic resources.

SECTION 1004.2. For historic district nominations, the proposed legislation would require the Planning Commission to make findings that "(i) address the consistency of the proposed designation with the policies embodied in the General Plan and the priority policies of Section 101.1, particularly the provision of housing to meet the City's Regional Housing Needs Allocation, and the provision of housing near transit corridors; (ii) identify any amendments to the General Plan necessary to facilitate adoption of the proposed designation; and (iii) evaluate whether the district would conflict with the Sustainable Communities Strategy for the Bay Area."

- **HERITAGE POSITION:** The proposed language improperly elevates the Regional Housing Needs Allocation, Sustainable Communities Strategy, and "the provision of housing near transit corridors" over other General Plan polices, including Priority Policy 7 (stating "that landmarks and historic buildings be preserved"). As previously noted by State Historic Preservation Officer Milford Wayne Donaldson:

> Several things about this proposal are disturbing: 1) the assumption that historic preservation and housing needs are mutually exclusive; 2) that provisions in the General Plan that address housing appear to carry more weight than historic preservation, a policy which seems inconsistent with the State requirement that all elements of the General Plan have equal legal status; no one element takes precedence over any other; and 3) that historic preservation is singled out and treated differently than other land use policies.[2]

There has been no justification provided for the proposed amendment and no analysis by the Planning Department of the potential adverse impacts on historic resources. Heritage opposes the amended language because it singles out proposed historic districts for disparate treatment. Indeed, no other zoning changes are subject to such rigorous review against vague regional planning goals.

SECTIONS 1004.3 and 1107(e). Before the Board of Supervisors can vote on a proposed historic district, these amendments would require the Planning Department to "invite all property owners 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." Citing prohibitive costs and the administrative burden, the HPC deleted the requirement to conduct a written vote at its hearing on February 1, 2012. The current legislation reinstates the written vote requirement for owners and occupants, but would only require the Board of Supervisors to consider the votes of owners.

- **HERITAGE POSITION:** Heritage has consistently opposed any amendments that would impose unique procedural hurdles on the designation of historic districts. Heritage joins the HPC in opposing the requirement for a vote in writing as no other zoning changes are subject to this requirement. This voting requirement would impose a significant and unnecessary procedural hurdle on any new proposed historic district. The BOS should be required to consider the views of owners *and* occupants within a proposed historic district.

[2] Letter from Milford Wayne Donaldson, FAIA, State Historic Preservation Officer, to President Christina Olague, San Francisco Planning Commission, December 7, 2011.

SECTION 1006.6(h). This new subsection would potentially exempt "residential projects within historic districts receiving a direct financial contribution for funding from local, state, or federal sources for the purpose of providing a subsidized for-sale or rental housing." The original version of the affordable housing exemption was stricken by the HPC and Planning Commission; neither commission has reviewed the new substitute language in the current legislation. The HPC questioned the need to exempt "affordable housing" projects in historic districts—approximately 1 percent of all parcels in the city—and recommended that this issue be studied as part of an independent process. The HPC's concerns were echoed by members of the Planning Commission, with Commissioner Antonini stating, "I'm concerned that if...because of the affordable component, the standards are lessened to a significant degree it defeats the purpose of what we're trying to do in the first place."[3]

- **HERITAGE POSITION:** Heritage joins the HPC in recommending that the proposed affordable housing exemption be deleted until its potential scope and impacts can be studied.[4] The exemption could have potentially far-reaching impacts in the city's existing 11 historic districts, especially when applied in conjunction with Section 1004.2's prioritization of regional housing goals over other General Plan policies. Moreover, the proposed exemption from Certificate of Appropriateness review seemingly conflicts with the City's delegated Section 106 review authority for federally-funded affordable housing projects: The Programmatic Agreement between the City and County of San Francisco, the California State Historic Preservation Officer, and the federal Advisory Council on Historic Preservation requires the City to assure compliance with the *Secretary of the Interior's Standards* for all projects using HUD funding.[5]

SECTIONS 1006.6(b) and 1111.6(b): The language approved by the HPC and Planning Commission mandates compliance with the *Secretary of the Interior's Standards* "as well as any applicable guidelines, local interpretations, bulletins, or other policies." Against the advice of the HPC, the current legislation would require both the HPC and the Planning Commission to approve local interpretations of the *Secretary's Standards*.

- **HERITAGE POSITION:** Because the City Charter (Section 4.135) and the City's Certified Local Government status reserve authority to the HPC to interpret the *Secretary's Standards*, the Planning Commission should not be required to approve local interpretations thereof. In addition, alternative language should be added to provide that the HPC may develop "district-by-district" design guidelines meeting the *Secretary's Standards* adopted by the HPC, with comments by the Planning Commission. The unique

[3] Transcription of February 2, 2012 Planning Commission hearing.

[4] "The HPC feels that substantive topics, such as language that addresses economic hardship ...merit additional research and further discussion prior to adoption." Letter from Charles Chase, President, Historic Preservation Commission, to Supervisor Scott Wiener, December 1, 2011.

[5] Programmatic Agreement By and Among the City and County of San Francisco, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Historic Properties Affected by Use of Revenue from the Department of Housing and Urban Development Part 58 Programs, January 19, 2007.

character of each district must be taken into consideration.

On behalf of San Francisco Architectural Heritage, thank you for the opportunity to comment on proposed revisions to Articles 10 and 11 recommended by the Historic Preservation Commission (HPC) and amendments introduced by Supervisor Scott Wiener. Please do not hesitate to contact me at mbuhler@sfheritage.org or (415) 441-3000 x15 should you have any questions or need additional information.

Sincerely,

Mike Buhler
Executive Director

cc: Board of Supervisors
Historic Preservation Commission
Planning Commission
John Rahaim, Director of Planning
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer
Eugene Flannery, Mayor's Office of Housing
Sarah Karlinksy, SPUR

***** Request to Postpone 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)**

Cynthia Servetnick to: BOS SOTF 04/27/2012 09:28 AM

Cc: "john.st.croix", "marlena.byrne", sfpreservationconsortium, Alisa.Miller, Scott Wiener, eric.l.mar, BOS-Operations, Mark Farrell, Supervisor David Chiu, Supervisor David Campos,

Dear Sunshine Task Force:

This morning, Alisa Miller, Clerk for the BOS Land Use Committee, kindly forwarded all versions of Supervisor Wiener's Ordinances revising Articles 10 and 11 of the Planning Code.

The problem, as I understand it, is that the Historic Preservation Commission, key stakeholders such as San Francisco Architectural Heritage and other members of the preservation community only received the March 22, 2012 versions prior to the City's posting the April 24, 2012 versions on April 26, 2012.

Supervisor Wiener attempted to address the problem by sending a list of changes. However, we still have no way of knowing whether the Supervisor's changes refer to as the March 22, 2012 or the April 6, 2012 versions.

Therefore, in accordance with the Sunshine Ordinance's 10-day posting requirement, the San Francisco Preservation Consortium requests the April 30, 2012. Committee hearing be postponed until May 14, 2012. Again, thank you in advance for looking into this procedural matter which will affect historic preservation policy in San Francisco for many years to come.

Sincerely,

Cynthia Servetnick, eGroup Moderator
San Francisco Preservation Consortium

On Thu, Apr 26, 2012 at 9:41 PM, Cynthia Servetnick <cynthia.servetnick@gmail.com> wrote:

> CLARIFICATION:
>
> It appears that Supervisor Wiener's email description of the changes made to his ordinances revising Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301) reflect the changes made between April 6, 2012 and April 24, 2012 rather than between March 22, 2012 and April 24, 2012. However, we have no way of knowing what the Supervisor's changes refer to as the March 22, 2012 and April 6, 2012 versions were not transmitted to us nor do we believe the April 6, 2012 versions were ever posted on the City's website.
>
> ---------- Forwarded message ----------
> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
> Date: Thu, Apr 26, 2012 at 9:26 PM
> Subject: Follow-up Re: Request to Delay 4/30 BOS LU Hearing on Revised Articles 10 & 11 of the Planning Code (BOS File Nos 120300 & 120301)
> To: BOS SOTF <sotf@sfgov.org>
> Cc: "john.st.croix" <john.st.croix@sfgov.org>, "marlena.byrne" <marlena.byrne@sfgov.org>, sfpreservationconsortium <sfpreservationconsortium@yahoogroups.com>
>
>
> Dear Sunshine Task Force:
>

> Supervisor Wiener sent the below email description of the changes made
> to his ordinances revising Articles 10 & 11 of the Planning Code (BOS
> File Nos 120300 & 120301) submitted on March 22, 2012 as revised on
> April 6, 2012 and on April 24, 2012. To date we have not received the
> March 22nd versions, or the April 24th track-changes versions, of said
> ordinances.
>
> The March 22, 2012 version was substituted and assigned to the BOS
> Land Use and Economic Development Committee (Committee) on April 6,
> 2012 and referred to the Planning Department before it was finally
> substituted and assigned to the Committee on April 24, 2012. The
> preservation community would appreciate the time to review all
> revisions and prepare comments for the public hearing.
>
> In accordance with the provisions of the Sunshine Ordinance, the San
> Francisco Preservation Consortium has requested the April 30, 2012
> Committee hearing be postponed until May 14, 2012. Thank you in
> advance for looking into this procedural matter which will affect
> historic preservation policy in San Francisco for many years to come.
>
> Sincerely,
>
> Cynthia Servetnick, eGroup Moderator
> San Francisco Preservation Consortium
>
>
> ---------- Forwarded message ----------
> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
> Date: Thu, Apr 26, 2012 at 7:44 PM
> Subject: Request to Delay 4/30 BOS LU Hearing on Revised Articles 10 &
> 11 of the Planning Code (BOS File Nos 120300 & 120301)
> To: Scott.Wiener@sfgov.org
> Cc: Alisa.Miller@sfgov.org, Board.of.Supervisors@sfgov.org,
> BOS-Operations@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>,
> Christina.Olague@sfgov.org, Supervisor David Campos
> <david.campos@sfgov.org>, Supervisor David Chiu
> <David.Chiu@sfgov.org>, eric.l.mar@sfgov.org, Jane Kim
> <jane.kim@sfgov.org>, Supervisor John Avalos <John.Avalos@sfgov.org>,
> malia.cohen@sfgov.org, Mark Farrell <Mark.Farrell@sfgov.org>,
> Rick.Caldeira@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>,
> Consortium <sfpreservationconsortium@yahoogroups.com>, malana moberg
> <malana@romagroup.net>, Roland Salvato <rolandsalvato@hotmail.com>,
> MBuhler@sfheritage.org, Andres.Power@sfgov.org
>
>
> Supervisor Wiener:
>
> Thank you for sending the below email description of the changes made
> to your ordinances revising Articles 10 & 11 of the Planning Code (BOS
> File Nos 120300 & 120301) submitted on March 22, 2012 as revised on
> April 24, 2012. To date we have not received the March 22nd versions
> or the April 24th track-changes versions.
>
> Again, the preservation community would appreciate the time to review
> these revisions and prepare comments for the public hearing. In
> accordance with the provisions of the Sunshine Ordinance, the San
> Francisco Preservation Consortium has requested the April 30th BOS
> Land Use hearing be postponed until May 14th.
>
> Sincerely,
>
> Cynthia Servetnick, eGroup Moderator
> San Francisco Preservation Consortium
>

> On Thu, Apr 26, 2012 at 6:11 PM, <Scott.Wiener@sfgov.org> wrote:
>
>> Ms. Servetnick, my apologies for misunderstanding what you were asking for.
>> Yes, you certainly are entitled to a description of what was changed. The
>> City Attorney does not have a document with track changes but has provided
>> me with the following itemization of the changes reflected in what I
>> introduced this past Tuesday:
>>
>> 1. ORDINANCE AMENDING PLANNING CODE ARTICLE 10:
>>
>> A. Both the short title and the long title have been changed to
>> provide more detail regarding the substance of the legislation. The new
>> language is shown as underlined here:
>>
>> [Planning Code--Article 10, Landmarks Preservation]
>>
>> Ordinance amending the San Francisco Planning code by amending Article 10,
>> entitled "Preservation of Historical Architectural and Aesthetic
Landmarks",
>> in its entirety; and making findings, including environmental findings and
>> findings of consistency with the General Plan and Planning Code section
>> 101.1(b).
>>
>> B. The following additional edits were made:
>>
>> Section 1002, page 5, line 21. Hyphen between "Preservation" and
>> "Commission" deleted.
>>
>> Section 1006.3(b), page 25, line 13. Deleted the semicolon and added a
>> period.
>>
>> Section 1006.7(c), page 33, line 3. Extraneous small "t" deleted.
>>
>> Section 1006.7(c), page 33, line 7 (same page, lines 7-8 in new version).
>> Added "hearing the appeal" after "board".
>>
>> Section 1010(c), page 36, line 10. Changed "imposed" to "impose."
>>
>>
>> 2. ORDINANCE AMENDING PLANNING CODE ARTICLE 11:
>>
>> A. Both the short title and the long title have been changed to
>> provide more detail regarding the substance of the legislation. The new
>> language is shown as underlined here:
>>
>> [Planning Code--Article 11, Historic Preservation in the C-3 Districts]
>>
>> Ordinance amending the San Francisco Planning code by amending Article 11,
>> entitled "Preservation of Buildings and Districts of Architectural,
>> Historical, and Aesthetic Importance in the C-3 Districts", in its
entirety;
>> and making findings, including environmental findings and findings of
>> consistency with the General Plan and Planning Code section 101.1(b).
>>
>> B. The following additional edits were made:
>>
>> Global Edit: This Article did not use "HPC" to refer to the Historic
>> Preservation Commission, unlike Article 10, which uses "HPC". Changed all
>> references except the first from "Historic Preservation Commission" to
"HPC"
>> in conformity with Article 10. Please note: this change shortened the
>> entire ordinance by a few lines as indicated below.
>>
>> Section 1101(d), page 6, lines 20, 22, 23 (now on page 7, lines 1, 3, and 5

>> of new version). Indented (1), (2), and (3) like the rest of the Article.
>>
>> Section 1101(d)(3), page 7, line 2 (same page, line 7 in new version).
>> Change "herein" to "in this Article."
>>
>> Section 1106(f), page 14, line 5. "By" changed to "by" in lowercase.
>>
>> Section 1107(d), page 17, lines 12, 15, 16 (same page, now lines 10, 13,
and
>> 14). Changed (i), (ii), and (iii) to (1), (2) and (3).
>>
>> Section 1107(h), page 18, line 23 (same page, now line 21). Added
>> "Planning" before "Department".
>>
>> Section 1108, page 19, line 9 (same page, now line 7). Added "Planning"
>> before "Department".
>>
>> Section 1109(b), page 20, line 13 (same page, now line 11). Changed
>> "herein" to "in this Article."
>>
>> Section 1110(g)(3), page 23, line 24 (same page, now line 22). Changed
>> "herein" to "in this Article."
>>
>> Section 1111(a), page 25, line 1 (now page 24, line 23 in new version).
>> "upon" replaced with "on".
>>
>> Section 1111(b)(14), page 26, line 19 (same page, now line 16 in new
>> version). Delete "and."
>>
>> Section 1111(b)(15), page 26, line 21 (same page, now line 18 in new
>> version). Replace the period with a semicolon.
>>
>> Section 1111, page 27, line 2 (now page 26, line 24 in new version). (d)
>> should be (c).
>>
>> Section 1111, page 27, line 6 (now page 27, line 3). (e) should be (d)
>>
>> Section 1111, page 27, line 19 (now page 27, line 16). (f) should be (e)
>>
>> Section 1111.1(a), page 28, line 12 (now line 8). Deleted the "s" from
>> "Minor Alterations," and added "s" to the next reference to "Minor
>> Alteration."
>>
>> Section 1111.2(c), page 30, line 12 (now line 8). Deleted "Apart from and"
>> and capitalized the "i" in "in."
>>
>> Section 1111.3, page 31, line 9 (now lines 4-8 of new version). Rewrote as
>> follows the sentence beginning "Upon acceptance as complete of any" because
>> it was unclear and confusing. The changes are shown here, with deletions
>> shown in strikethroughand additions shown in underline: "Upon acceptance
as
>> complete of any other an application that is not a Minor Alteration under
>> this Article or upon appeal to or a request by the Historic Preservation
>> CommissionHPC to exercise its review powers over a Minor Permit to Alter
>> Alteration as set forth in 1111.1, the Historic Preservation Commission HPC
>> shall hold a hearing and approve, approve with modifications, or disapprove
>> the application in accordance with the procedures set forth in this Section
>> 1111.
>>
>> Section 1111.4, page 32, lines 5-24 (now page 31, line 24 through page 32,
>> line17). Needed to be reformatted for clarity. The first paragraph was
>> changed to subheading (a), with the subpoints numbered. The second
>> paragraph was changed to subheading (b), with the subpoints numbered.
>>

>> Section 1111.7(c), page 39, line 11 (now line 6). Deleted "s" from
>> "Districts."
>>
>> Section 1113(b), page 44, line 8 (now line 3). Changed "herein" to "in
this
>> Article."
>>
>> Section 1116(b)(2), page 46, lines 5 and 8 (now page 45, line 22 and page
>> 46, line 2): indented subsections (1) and (2).
>>
>>
>> Scott Wiener
>> Supervisor, District 8
>> (415) 554-6968
>>
>> To read or subscribe to my monthly newsletter or to follow me on Facebook
or
>> Twitter, go to www.scottwiener.com.
>>
>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>
>> To: Scott.Wiener@sfgov.org,
>> Cc: Alisa.Miller@sfgov.org, Board.of.Supervisors@sfgov.org,
>> BOS-Operations@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>,
>> Christina.Olague@sfgov.org, "Supervisor David Campos"
>> <david.campos@sfgov.org>, "Supervisor David Chiu" <David.Chiu@sfgov.org>,
>> eric.l.mar@sfgov.org, "Jane Kim" <jane.kim@sfgov.org>, "Supervisor John
>> Avalos" <John.Avalos@sfgov.org>, malia.cohen@sfgov.org, "Mark Farrell"
>> <Mark.Farrell@sfgov.org>, Rick.Caldeira@sfgov.org, "Sean.Elsbernd"
>> <Sean.Elsbernd@sfgov.org>, "Consortium"
>> <sfpreservationconsortium@yahoogroups.com>
>> Date: 04/26/2012 12:46 PM
>>
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File
>> Nos 120300 & 120301)
>> _____
>>
>>
>>
>> Supervisor Wiener:
>>
>> It is quite a presumption to tell folks, "The changes to the legislation
are
>> simply corrections of typographical errors, for example, changing upper
case
>> letters to lower case. In addition, the long title of the legislation was
>> changed to make it more descriptive. Nothing in these changes would
require
>> the HPC or Planning Commission to weigh in again."
>>
>> Many in the preservation community would appreciate the time to verify you
>> statement and to prepare comments for the public hearing.
>>
>> Again, on behalf of the San Francisco Preservation Consortium, I am
>> requesting the hearing be postponed for two weeks.
>>
>> Sincerely,
>>
>> Cynthia Servetnick, eGroup Moderator
>> _____
>>
>> From: Scott.Wiener@sfgov.org
>> Date: Thu, 26 Apr 2012 11:23:35 -0700
>>

>> To: Cynthia Servetnick<cynthia.servetnick@gmail.com>
>> Cc: <Alisa.Miller@sfgov.org>; <Board.of.Supervisors@sfgov.org>;
>> <BOS-Operations@sfgov.org>; Carmen.Chu<Carmen.Chu@sfgov.org>;
>> <Christina.Olague@sfgov.org>; Supervisor David
>> Campos<david.campos@sfgov.org>; Supervisor David
Chiu<David.Chiu@sfgov.org>;
>> <eric.l.mar@sfgov.org>; Jane Kim<jane.kim@sfgov.org>; Supervisor John
>> Avalos<John.Avalos@sfgov.org>; <malia.cohen@sfgov.org>; Mark
>> Farrell<Mark.Farrell@sfgov.org>; <Rick.Caldeira@sfgov.org>;
>> Sean.Elsbernd<Sean.Elsbernd@sfgov.org>;
>> Consortium<sfpreservationconsortium@yahoogroups.com>
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re: Copy of
>> Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File Nos
>> 120300 & 120301)
>>
>> Ms. Servetnick: The changes to the legislation are simply corrections of
>> typographical errors, for example, changing upper case letters to lower
>> case. In addition, the long title of the legislation was changed to make
it
>> more descriptive. Nothing in these changes would require the HPC or
>> Planning Commission to weigh in again. I don't know if you attended any of
>> the numerous hearings on this legislation. I don't recall seeing you at
the
>> hearings where I addressed the HPC and Planning Commission. (Forgive me if
>> I missed you.) As you may know, the HPC has conducted numerous lengthy
>> hearings on the legislation, including my amendments, and has made its
>> recommendations. The HPC supports a number of my amendments and, by split
>> votes, is not supporting others. The Planning Commission, after conducting
>> several hearings, endorsed the legislation, including my amendments.
>> Planning staff is supportive as well.
>>
>> There's no reason to continue next Monday's Land Use hearing. This
>> legislation -- which has been going through the process for years -- has
>> been exhaustively vetted and is ready for consideration by the Board of
>> Supervisors.
>>
>> Thank you.
>>
>>
>> Scott Wiener
>> Supervisor, District 8
>> (415) 554-6968
>>
>> To read or subscribe to my monthly newsletter or to follow me on Facebook
or
>> Twitter, go to www.scottwiener.com.
>>
>>
>>
>> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
>> To: scott.wiener@sfgov.org,
>> Cc: eric.l.mar@sfgov.org, malia.cohen@sfgov.org, Supervisor David
>> Chiu <David.Chiu@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>,
>> "Carmen.Chu" <Carmen.Chu@sfgov.org>, Christina.Olague@sfgov.org, Jane Kim
>> <jane.kim@sfgov.org>, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Supervisor
>> David Campos <david.campos@sfgov.org>, Supervisor John Avalos
>> <John.Avalos@sfgov.org>, Consortium
>> <sfpreservationconsortium@yahoogroups.com>, Alisa.Miller@sfgov.org,
>> Rick.Caldeira@sfgov.org, BOS-Operations@sfgov.org,
>> Board.of.Supervisors@sfgov.org
>> Date: 04/26/2012 09:27 AM
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code (BOS File
>> Nos 120300 & 120301)

>> _____
>>
>>
>>
>> Supervisor Wiener:
>>
>> Ms. Miller has forwarded the current versions of your proposed
>> ordinances revising Articles 10 & 11 of the Planning Code (BOS File
>> Nos 120300-3 & 120301-2) which were submitted on Tuesday, April 24th.
>>
>> How are these versions different than what was submitted on March 22nd
>> (which I have not yet received from Ms. Miller)?
>>
>> It is simply not possible for the Historic Preservation Commission or
>> the preservation community to evaluate changes to these ordinances
>> which will not be posted on the City's website until this afternoon
>> and will be heard by the BOS Land Use Committee on Monday, April 30th.
>>
>> On behalf of the San Francisco Preservation Consortium, I urge you to
>> postpone the hearing for at least two weeks so that the preservation
>> community can understand what changes have been made to this important
>> legislation.
>>
>> Sincerely,
>>
>> Cynthia Servetnick, eGroup Moderator
>>
>>
>> ---------- Forwarded message ----------
>> From: <Alisa.Miller@sfgov.org>
>> Date: Thu, Apr 26, 2012 at 8:46 AM
>> Subject: Re: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code
>> (Planning Department Case No. 2011.0167T)
>> To: cynthia.servetnick@gmail.com
>> Cc: angela.calvillo@sfgov.sfgov.org, board.of.supervisors@sfgov.org,
>> eric.l.mar@sfgov.org, malia.cohen@sfgov.org, scott.wiener@sfgov.org,
>> Consortium <sfpreservationconsortium@yahoogroups.com>,
>> Rick.Caldeira@sfgov.org, BOS-Operations@sfgov.org
>>
>> Ms. Servetnick,
>>
>> In response to your request, I am attaching the current versions of
>> the Chapter 10 & 11 amendments submitted by Supervisor Wiener (File
>> Nos. 120300 and 120301) on April 24, 2012.
>>
>> I recognize you requested copies of these amendments on March 22, 2012
>> , but at the time of your request the legislation had not yet been
>> introduced. When I responded to you on March 22nd, I informed you of
>> this and directed you to our Information Request Form found on our
>> website (where requests such as these should be submitted).
>> Supervisor Wiener did not introduce the first versions of the
>> legislation until March 27, 2012. Copies of these proposed ordinances
>> could have been requested after introduction, although notification
>> of a hearing two weeks prior is not feasible since the Chair does not
>> finalize the Monday agenda until the Thursday before.
>>
>> If you have any questions or would like additional information, please
>> let me know.
>>
>>
>>
>>
>> Alisa Miller

>> Assistant Clerk
>> Board of Supervisors
>> 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
>> San Francisco, CA 94102
>> Phone: (415) 554-4447 | Fax: (415) 554-7714
>> alisa.miller@sfgov.org | www.sfbos.org
>>
>> Complete a Board of Supervisors Customer Satisfaction form by clicking
>> the link below.
>> http://www.sfbos.org/index.aspx?page=104
>>
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>>
>> From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>
>> To: Alisa.Miller@sfgov.org
>> Cc: "Consortium" <sfpreservationconsortium@yahoogroups.com>,
>> scott.wiener@sfgov.org, eric.l.mar@sfgov.org, malia.cohen@sfgov.org,
>> board.of.supervisors@sfgov.org, angela.calvillo@sfgov
>> Date: 04/25/2012 04:00 PM
>> Subject: Public Records Act Request (Immediate Disclosure) Re:
>> Copy of Ordinance Revising Articles 10 & 11 of the Planning Code
>> (Planning Department Case No. 2011.0167T)
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>> Ms. Miller:
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>> On behalf of the San Francisco Preservation Consortium, and in
>> accordance with the California Public Records Act, I am requesting
>> immediate disclosure of the current version of Supervisor Wiener's
>> proposed ordinance revising Articles 10 & 11 of the Planning Code to
>> conform with Proposition J of 2008 which created the Historic
>> Preservation Commission (Planning Department Case No. 2011.0167T).
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>> Per the below email we asked for a copy of said ordinance at least two
>> weeks before it is heard by the BOS Land Use Committee so that the
>> Preservation Community can provide written comments. I understand the
>> Committee will hear this item on Monday, April 30th--please confirm.
>>
>> Sincerely,
>>
>> Cynthia Servetnick
>> eGroup Moderator
>>
>> ---------- Forwarded message ----------
>> From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
>> Date: Thu, 22 Mar 2012 16:27:14 +0000
>> Subject: Request for a Copy of Ordinance Revising Articles 10 & 11 of
>> the Planning Code (Historic Preservation)
>> To: Alisa.Miller@sfgov.org
>> Cc: Consortium <sfpreservationconsortium@yahoogroups.com>, Supervisor
>> Scott Wiener <contact@scottwiener.com>, eric.l.mar@sfgov.org,
>> malia.cohen@sfgov.org, Mike Buhler <mbuhler@sfheritage.org>,
>> "Woodward, Lucinda" <lwoodward@parks.ca.gov>
>>
>> Ms. Miller:
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>> On behalf of the San Francisco Preservation Consortium, I am again
>> requesting a copy of Supervisor Wiener's proposed ordinance revising
>> Articles 10 & 11 of the Planning Code to conform with Proposition J of
>> 2008 which created the Historic Preservation Commission at least two
>> weeks before it is heard by the BOS Land Use Committee so that the