

1 [Planning Code - Landmark Designation - City Cemetery]

2

3 **Ordinance amending the Planning Code to designate City Cemetery, the majority of**
 4 **Assessor's Parcel Block No. 1313, Lot No. 029, located in Lincoln Park on the north**
 5 **side of Clement Street, to the east of the San Francisco Veteran Affairs Medical Center**
 6 **(formerly the Fort Miley Military Reservation), to the east and south of the Golden Gate**
 7 **National Recreation Area, and to the west of Assessor's Parcel Block Nos. 1312, 1392,**
 8 **and 1401, as a Landmark consistent with the standards set forth in Article 10 of the**
 9 **Planning Code; affirming the Planning Department's determination under the California**
 10 **Environmental Quality Act; and making public necessity, convenience, and welfare**
 11 **findings under Planning Code, Section 302, and findings of consistency with the**
 12 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 16 **Board amendment additions** are in double-underlined Arial font.
 17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 18 **Asterisks (* * * *)** indicate the omission of unchanged Code
 19 subsections or parts of tables.

17

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

19

20 Section 1. Findings.

21

22 (a) CEQA and Land Use Findings.

23

24

25

(1) The Planning Department has determined that the Planning Code amendment proposed in this ordinance is subject to a Categorical Exemption from the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq., hereinafter "CEQA") pursuant to Section 15308 of California Code of Regulations, Title 14, Sections 15000 et seq., the Guidelines for implementation of the statute, for actions by regulatory agencies for protection of the environment (in this case, landmark designation).

1 Said determination is on file with the Clerk of the Board of Supervisors in File No. 220654 and
2 is incorporated herein by reference. The Board of Supervisors affirms this determination.

3 (2) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
4 the proposed landmark designation of City Cemetery (the majority of Assessor's Parcel Block
5 No. 1313, Lot No. 029, hereinafter "City Cemetery") will serve the public necessity,
6 convenience, and welfare for the reasons set forth in Historic Preservation Commission
7 Resolution No. 1242, recommending approval of the proposed designation, which is
8 incorporated herein by reference.

9 (3) The Board of Supervisors finds that the proposed landmark designation of
10 City Cemetery is consistent with the General Plan and with Planning Code Section 101.1(b)
11 for the reasons set forth in Historic Preservation Commission Resolution No. 1242.

12 (b) General Findings.

13 (1) On July 27, 2021, the Board of Supervisors adopted Resolution No. 374-21,
14 initiating landmark designation of City Cemetery as a San Francisco Landmark pursuant to
15 Section 1004.1 of the Planning Code. On August 4, 2021, the Mayor approved the resolution.
16 Said resolution is on file with the Clerk of the Board of Supervisors in File No. 210087.

17 (2) Pursuant to Charter Section 4.135, the Historic Preservation Commission
18 has authority "to recommend approval, disapproval, or modification of landmark designations
19 and historic district designations under the Planning Code to the Board of Supervisors."

20 (3) Planning Department Cultural Resources staff prepared the Landmark
21 Designation Fact Sheet. All preparers meet the Secretary of the Interior's Professional
22 Qualification Standards for archaeology, historic preservation, and history, as set forth in
23 Code of Federal Regulations Title 36, Part 61, Appendix A. Staff reviewed the Landmark
24 Designation Fact Sheet for accuracy and conformance with the purposes and standards of
25 Article 10 of the Planning Code.

1 (4) The Historic Preservation Commission, at its regular meeting of May 4,
2 2022, reviewed Planning Department staff's analysis of the historical significance of City
3 Cemetery set forth in the Landmark Designation Fact Sheet dated May 4, 2022.

4 (5) On May 4, 2022, after holding a public hearing on the proposed designation
5 and having considered the specialized analyses prepared by Planning Department staff and
6 the Landmark Designation Fact Sheet, the Historic Preservation Commission recommended
7 designation of City Cemetery as a landmark consistent with the standards set forth in Section
8 1004 of the Planning Code, by Resolution No. 1242. Said resolution is on file with the Clerk of
9 the Board in File No. 220654.

10 (6) The Board of Supervisors hereby finds that City Cemetery has a special
11 character and special historical, architectural, and aesthetic interest and value, and that its
12 designation as a Landmark will further the purposes of and conform to the standards set forth
13 in Article 10 of the Planning Code. In doing so, the Board hereby incorporates by reference
14 the findings of the Landmark Designation Fact Sheet.

15
16 Section 2. Designation.

17 Pursuant to Section 1004.3 of the Planning Code, City Cemetery is hereby designated
18 as a San Francisco Landmark consistent with the standards set forth in Section 1004.
19 Appendix A to Article 10 of the Planning Code is hereby amended to include this property.

20
21 Section 3. Required Data.

22 (a) The description, location, and boundary of the Landmark site is the majority of
23 Assessor's Parcel Block No. 1313, Lot No. 029 located in Lincoln Park, as more specifically
24 shown in Figure 1 in the Landmark Designation Fact Sheet. The boundaries of the Landmark
25 are located at the north side of the Clement Street right of way (southern boundary), San

1 Francisco Veteran Affairs Center and the Golden Gate National Recreation Area (western
2 boundary), Golden Gate National Recreation Area (northern boundary), and the west side of
3 Assessor's Parcel Block Nos. 1312, 1392, and 1401, as well as the western terminus of
4 California Street (eastern boundary).

5 (b) The characteristics of the Landmark that justify its designation are described and
6 shown in the Landmark Designation Fact Sheet and other supporting materials contained in
7 Planning Department Record Docket No. 2021-004841DES. In brief, City Cemetery is eligible
8 for local designation as it is associated with events that have made a culturally and historically
9 significant contribution to the broad patterns of San Francisco history, embodies the distinctive
10 characteristics of a type, period, or method of construction, and has yielded, or may be likely
11 to yield, information important in the history of San Francisco. Specifically, regarding its
12 association with events that have made a culturally and historically significant contribution to
13 the broad patterns of San Francisco history, designation of City Cemetery is proper because it
14 represents an early incarnation of social safety nets related to burial of the dead for socially,
15 ethnically, and culturally diverse populations of San Franciscans in the late nineteenth
16 century, and its establishment on the margins of the city and its closure are associated with
17 shifting attitudes regarding cemeteries in urban spaces during the late nineteenth and early
18 twentieth cemeteries. Regarding the distinctive characteristics of a type, period, or method of
19 construction, designation of City Cemetery is proper because it contains the extant Kong
20 Chow funerary structure and Ladies' Seamen's Friends Society obelisk, both of which embody
21 distinctive characteristics of late nineteenth century funerary design and practice. Finally,
22 regarding its ability to yield information important in the history of San Francisco, designation
23 of City Cemetery is proper because it contains the buried remnants of the cemetery, including
24 human remains, which are likely to yield important information about the history of San
25 Francisco. The period of significance is 1868 to 1909.

1 (c) The particular features that should be preserved, or replaced in-kind as determined
2 necessary, are those generally shown in photographs and described in the Landmark
3 Designation Fact Sheet, which can be found in Planning Department Record Docket No.
4 2021-004841DES, and which are incorporated in this designation by reference as though fully
5 set forth herein. Specifically, the following features are character-defining and shall be
6 preserved, replaced in kind, or, for subsurface features, shall be archeologically investigated
7 and treated when discovered due to a soil disturbing project, including through archeological
8 data recovery:

9 (1) Topography and setting, identified as the topography of rolling hills sloping
10 up to the west, and the setting of undulating hills, open space, and broad vistas overlooking
11 the Pacific Ocean.

12 (2) Human remains, including but not limited to intact or *in situ* burials, as well
13 as human remains that have been disturbed by development.

14 (3) Exhumation pits, including but not limited to human remains, grave goods,
15 and/or deposits that may still exist below the surface, particularly in the sections once used by
16 Chinese organizations as shown in Figure 5 in Landmark Designation Fact Sheet.

17 (4) The following standing and visible mortuary structures: the Kong Chow
18 funerary structure and the Ladies' Seaman's Friend Monument, as shown in Figures 8 and 15
19 of Landmark Designation Fact Sheet.

20 (5) Trees associated with cemetery section boundaries, consisting of non-native
21 cypress and other trees planted to mark section borders in City Cemetery, as shown in Figure
22 20 of the Landmark Designation Fact Sheet.

23 (6) Mortuary furniture and grave goods that may be visible from the current
24 ground surface but are generally likely to be subsurface, may be *in situ* or disturbed from their
25 original location, and may be located in areas that were used as burial sections throughout the

1 parcel, including but not limited to remains of funerary structures, mausoleums or vault
2 foundations, grave or plot curbing, grave railings, tombstones, grave markers, foot markers,
3 wood or metal coffins, coffin hardware, memorial plaques, and adornments, personal items,
4 and clothing that were buried with individuals.

5 (7) Cemetery operational infrastructure that may be visible on the ground
6 surface, partially visible, or subsurface, including but not limited to foundations and deposits
7 associated with the sexton and caretakers' homes, remnants of water towers and windmills,
8 retaining walls, remains of macadamized avenues, and remains of the Sea Cliff Railroad's
9 cemetery stop. A map of the historical locations of known operational infrastructure within City
10 Cemetery is provided in Figure 7 of the Landmark Designation Fact Sheet.

11 (d) This designation does not include the following features of Lincoln Park: golf
12 clubhouse, number and location of golf holes, Legion of Honor Museum and fountain, Legion
13 of Honor Drive, Lincoln Park Playground, Lincoln Park Steps, Memorial for Peace, Kanrin
14 Maru Memorial, Holocaust Memorial, Lands End Trail, utility buildings along southern
15 boundary of park, San Francisco Recreation and Parks (SFRP) restrooms, SFRP parking lot,
16 and El Camino Del Mar.

17

18 Section 4. Standards of Review for Applications.

19 (a) The following scopes of work shall not require a Certificate of Appropriateness:

20 (1) Work consisting of "ordinary maintenance and repairs," pursuant to Planning
21 Code Section 1005(e)(3). For purposes of this ordinance, "ordinary maintenance and repairs"
22 includes grass trimming and aeration, pruning of trees, repair of irrigation systems, and
23 removal of hazardous trees with a high risk ranking in a survey prepared by an arborist
24 certified by the International Society of Arboriculture (ISA), even if that tree is a character-
25 defining feature;

1 (2) new plantings or changes to vegetation that are not character-defining;

2 (3) changes to driveways, retaining walls, pathways, lighting, or other features of
3 the golf course that were constructed after the period of significance of the Landmark. This
4 includes the configuration of golf holes; and

5 (4) soil disturbing actions pursuant to and consistent with the Standard
6 Construction Measures adopted by SFRP on December 17, 2019, as may be amended from
7 time to time, which are incorporated herein by reference, or pursuant to and consistent with
8 similar Standard Construction Measures that the Fine Arts Museums (Museums) may adopt
9 for projects under the Museums' jurisdiction, including but not limited to screening by SFRP or
10 the Museums, as applicable, of all projects that will include soil disturbance to assess whether
11 cultural resources are or may be present and could be affected, in coordination with San
12 Francisco Planning Environmental Planning (EP) archeological staff. SFRP or the Museums,
13 as applicable, shall implement the required Standard Archeological Measure, outlined in the
14 Standard Construction Measures, ~~as directed by~~ in coordination with EP archeological staff
15 prior to and/or during project construction. For soil-disturbing projects that are anticipated to
16 impact archeological resources associated with City Cemetery, in addition to the procedures
17 established in applicable Standard Construction Measures, EP archeological staff, in
18 coordination with SFRP or the Museums' staff, shall notify possible associated descendant
19 groups of the proposed project during SFRP and EP's archeological assessment.

20 (b) An Administrative Certificate of Appropriateness shall be required for work
21 delegated by the Historic Preservation Commission to Planning Department Preservation staff
22 pursuant to Planning Code Section 1006.2.

23
24 Section 5. Effective Date.

25 This ordinance shall become effective 30 days after enactment. Enactment occurs

1 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
2 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
3 Mayor's veto of the ordinance.

4

5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7

8

By: /s/ Victoria Wong

9

VICTORIA WONG
Deputy City Attorney

10

n:\legana\as2022\1800206\01628688.docxn:\legana\as2022\1800206\01628688.docx

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25