

File No. 101445

Committee Item No. 5

Board Item No. 2

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee CITY OPERATIONS AND
NEIGHBORHOOD SERVICES

Date 12/13/10

Board of Supervisors Meeting

Date 1/4/10

Cmte Board

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<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

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Completed by: Gail Johnson

Date 12/9/10

Completed by: Ng

Date 12/23/10

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

FILE NO. 101445

[Public Works Code – Banners on the Path of Gold]

Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough-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. (a) The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 101445 and is incorporated herein by reference.

(b) On December 15, 2010, at a duly noticed public hearing, the Historic Preservation Commission considered this Ordinance. Documents associated with that hearing are on file with the Clerk of the Board of Supervisors in File No. 101445 and are incorporated herein by reference.

Section 2. The San Francisco Public Works Code is hereby amended by amending Section 184.78, to read as follows:

SEC. 184.78. BANNERS.

(a) **Findings.** The Board of Supervisors hereby finds that:

(1) Banners placed on the upper portion of City-owned utility poles are an important medium for providing notice to San Francisco residents, as well as those who work in and visit

1 San Francisco, about City-sponsored, City-funded, and City-wide special events, City-
2 convention facility events, and the locations of the City's diverse neighborhoods.

3 (2) Because of the significant economic benefits that the City gains from tourism, San
4 Francisco has a strong interest in fostering tourism by promoting City-sponsored, City-funded
5 and City-wide special events, and in providing notice of the locations of the City's varied and
6 distinct neighborhoods.

7 (3) Because of the significant economic benefits that the City gains from the events
8 held at the City's convention facilities, San Francisco has a strong interest in fostering,
9 promoting and identifying those events conducted at the City's convention facilities.

10 (4) Increasing awareness of City-sponsored City-funded and City-wide special events,
11 and San Francisco's diverse neighborhoods also fosters civic pride.

12 (5) By adopting this section the Board does not intend to create a public forum on the
13 upper portion of City-owned utility poles, it has decided to make the upper portion of City-
14 owned utility poles available for the installation of banners that announce City-sponsored
15 events, City-funded events, City-wide special events, City convention facility events, or City
16 neighborhoods in order to achieve its goals of promoting tourism and civic pride, and
17 providing public notice.

18 (b) Subject to the conditions and limitations imposed by this Section, the Department is
19 authorized to adopt rules and regulations governing the posting of banners consistent with the
20 terms of this Article. In enacting such rules and regulations, the Department shall consider the
21 need to protect the safety of pedestrians, vehicles and other property and the need to promote
22 aesthetics on the City's streets and sidewalks. With respect to City-wide special event
23 banners or City convention facility banners, the Department of Public Works shall not
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25

1 discriminate on the basis of the viewpoint in a banner in its administration and interpretation of
2 this Section and any rules or regulations adopted under this Section.

3 (c) Only the following banners may be posted on City-owned utility poles: City-
4 sponsored banners, City-funded event banners, City-wide event banners, City convention
5 facility banners, and City neighborhood banners.

6 (1) A "city-sponsored banner" is a banner announcing an event or series of related
7 events conducted by the City or any of its departments, boards, commissions or agencies, or
8 announcing a facility operated by the City or any of its departments, boards, commissions.

9 (2) A "city-funded event banners is a banner announcing an event or series of related
10 events which event or series of events have received funding of \$5,000 or more from the City
11 or any of its departments, boards, commissions or agencies.

12 (3) A "city-wide special event banner" is a banner announcing an event or series of
13 related events of interest to a significant portion of the residents of San Francisco and/or
14 tourists, which is not a purely commercial enterprise, and where (a) the proceeds, if any, will
15 directly benefit either a federal, state, or local government agency or a charitable non-profit
16 organization that maintains tax-exempt status under Internal Revenue Code Section 501(c)(3)
17 or (b) the event or series of events will take place on City-owned property and further a public
18 purpose.

19 (4) A "city convention facility banner" is a banner installed on any City-owned utility
20 pole located on streets proximate to the City's convention center facilities that announces an
21 event currently being held at a City-owned convention center facility. Those streets are: Third
22 Street between Folsom and Mission (west side only), Folsom Street between Third and Fourth
23 (north side only), Howard Street between Third and Fifth (both sides), Mission Street between
24 Third and Fourth (south side only), Fourth Street between Mission and Howard (both sides),
25

1 Fourth Street between Howard and Folsom (east side only), and Grove Street between Polk
2 and Larkin (both sides). A "city convention facility banner" may only be installed proximate to
3 the City-owned convention center facility at which the event the banner announces is currently
4 being held. A "city convention facility banner" may only be installed 10 days prior an event,
5 and may not remain posted for more than 10 days after an event. The Department shall give
6 requests for a "city convention facility banner" priority over other requests for banners on City-
7 owned utility poles directly adjacent to any part of the City's convention center facilities.

8 (5) A "city neighborhood banner" is a banner demarking a neighborhood in San
9 Francisco, placed in that neighborhood, and (A) identifying the neighborhood's name, such
10 as, for example: the Tenderloin, or Pacific Heights, or (B) symbolically representing the
11 neighborhood, such as the rainbow flags in and adjacent to the Castro neighborhood starting
12 at Church Street and ending at Castro Street.

13 (6) For the purposes of this Section, an "event or series of related events of interest to
14 a significant portion of the residents of San Francisco" is any event or series of related events
15 that take place in the City and that reasonably expect an in-person attendance of 500 or more
16 people for a single event or 1000 or more people for a series of events. Expected attendance
17 may be demonstrated by attendance at that same event or series of related events in previous
18 years, attendance at a similar event or series of related events in previous years, by
19 attendance projections for an event or series of events based on sales of tickets or
20 subscriptions to the event or series of related events or, for an event or series of events that is
21 being organized for the first time, by another reasonable measure of expected in-person
22 attendance to be determined by the Department of Public Works.

23 (d) Under the findings made in Section 184.58, no banner may be posted on the
24 historic and decorative lamp posts listed in Section 184.58, with the exception of those historic
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1 and decorative lamp posts in the "Mission Street Corridor" located on Mission Street between
2 Sixteenth and Twenty-Fourth Streets, where banners may be posted.

3 (e) No banner shall be affixed to more than one structure so that it spans the area
4 between two or more structures or spans a street unless and until the party responsible for the
5 posting of such banner first obtains a permit from the Department for the purpose of enabling
6 that Department to ensure that the banner is posted in a safe manner and that the party has
7 obtained adequate insurance coverage for any risk posed by such posting, according to
8 guidelines established by the Director; and provided that, if any part of the banner is to be
9 attached to non-City property, upon filing the permit application, the party shall be notified that
10 the consent of the private owner should be obtained before posting the banner.

11 (f) Notwithstanding anything in this Code that may be to the contrary, the Director is
12 authorized to permit the posting of banners on the historic lamp posts lining Market Street, an
13 area known as the "Path of Gold," and more fully described in Section 184.58, *for city*
14 neighborhood banners as defined in Subsection (c)(5) or, The "Path of Gold" is City Landmark
15 #200. As such, all attachments must be made with fasteners that are completely reversible
16 and cause no damage. Pursuant to Planning Code Section 1006, any modifications, even
17 temporary, shall be sent to the Historic Preservation Commission for a Certificate of
18 Appropriateness. Banners that do not qualify as city neighborhood banners are subject to the
19 following conditions:

20 (1) The Director may issue a permit only for an event: (A) that results in the closure of
21 all or a portion of Market Street's Path of Gold and (B) for which the event sponsor has
22 already obtained the necessary City approvals for such closure; and

23 (2) Banners shall not be posted for longer than 30 days prior to the event, nor remain
24 posted for longer than 10 days after the event.

1 (g) The following shall apply to all Banners:

2 (1) Banners identifying the name of a commercial sponsor must limit that identification
3 to a logo or business name only, located in the top or bottom portion of the banner, and
4 comprising no more than 15% of the total area of the banner.

5 (2) Banners shall not be installed for longer than 30 days prior to the event or series of
6 events, nor remain posted for longer than 10 days after the event or series of events.

7 (3) Banners shall be limited in size to 36 inches in width by 72 inches in length.

8 (4) An application for a banner permit may be submitted to the Department no earlier
9 than 90 days prior to the first day for which the banner permit is sought.

10 (h) No banners may be installed in R (residential) districts, excepting RM-4
11 (residential-mixed high density) districts as defined in the San Francisco Planning Code,
12 Article 2 and excepting the R (residential) districts contained within the area defined as the
13 North of Market/Tenderloin Community Benefit District in Board of Supervisors Resolution No.
14 584-05, Clerk of the Board of Supervisors File No. 051192, including the street face opposite
15 the boundaries of this District.

16 (i) All banners shall bear the name of the installer of the banner and a local or toll-free
17 phone number, labeled "Service Number," where citizens may contact or leave word for the
18 installer of the banner regarding maintenance or repair problems with any banner bearing the
19 installer's service phone number. This required text shall be imprinted and maintained on the
20 face or edge of the banner and shall be a minimum of 2 inches in height.

21 (j) Each applicant for a banner permit shall pay to the Department of Public Works a
22 processing fee of \$65 for the first 20 banners sought to compensate the Department for the
23 cost of processing and administering the permit. An applicant shall pay a fee of \$65 for each
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1 20 additional banners sought per application. Processing fees for banner requests under 20
2 banners shall be prorated.

3 (k) Each applicant for a banner permit shall pay to the Department of Public Works an
4 inspection fee of \$130 for the first 20 banners approved to compensate the Department for the
5 cost of enforcing the banner permits. Applicants shall pay an inspection fee of \$130 for each
6 20 additional banners, or fraction thereof, approved.

7 (l) The procedures to review and adjust the fees specified in Section 184.78(k) and
8 Section 184.78(l) shall be the procedures for fee review and adjustment set forth in Section
9 2.1.2 of the Public Works Code.

10 (m) Any person violating the provisions of this Section or any regulations promulgated
11 by the Department of Public Works pursuant to this Section, shall be guilty of an infraction.
12 Each banner determined to be an infraction is punishable by (1) a fine of \$100 for a first
13 violation; (2) a fine not exceeding \$200 for a second violation within one year; (3) a fine not
14 exceeding \$500 and revocation of the permittee's banner permits for a third violation within
15 one year.

16 (n) In addition, a fee equal to the cost of the time and materials expended by the
17 Department of Public Works may be imposed by the Department of Public Works for
18 investigation of banners being maintained without or in violation of a valid permit. Payment of
19 the fees shall be directly to the Department of Public Works.

20 (1) The person responsible for payment of the fee may appeal the amount of the
21 investigation fee to the Board of Appeals, subject to its filing fees and rules.

22 (2) The nonpayment of such fee or fine, or the continued existence of a condition in
23 violation of this Section, shall be grounds for the Director of Public Works to deny a permit for
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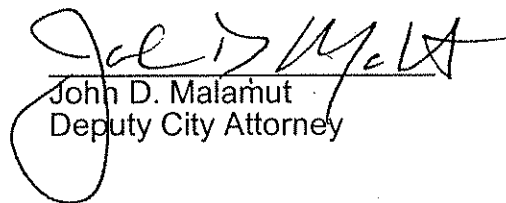
1 a banner to the responsible owner or applicant until such penalty has been paid and the
2 condition corrected.

3 (o) At his or her discretion, the Director of the Department of Public Works may require
4 that a performance bond, not to exceed \$25,000 be posted before a banner permit is granted
5 to any permittee who has violated this Section, or any of the regulations promulgated by the
6 Department of Public Works pursuant to this Section, more than three times within the year
7 preceding the banner permit request.

8 (p) Six months after the effective date of this legislation an appropriate committee of
9 the Board of Supervisors shall hold a hearing to review the status of the City's banner
10 program.

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

13 By:

14 
15 John D. Malamut
16 Deputy City Attorney

LEGISLATIVE DIGEST

[Public Works Code – Banners on the Path of Gold]

Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.

Existing Law

The San Francisco Public Works Code Section 184.78 regulates the placement of banners on streets throughout San Francisco and authorizes different types banners, such as neighborhood banners. Section 184.78(c)(5) defines neighborhood banners as: "a banner demarking a neighborhood in San Francisco, placed in that neighborhood, and identifying the neighborhood's name, such as, for example: the Tenderloin, or Pacific Heights." Section 184.78(f) allows the posting of banners on the Path of Gold lamp posts lining Market Street under certain specified conditions. The Ordinance would adopt environmental findings.

Amendments to Current Law

This legislation would amend Section 184.78(f) to also allow the placement of city neighborhood banners on the Path of Gold lamp posts. The ordinance also would clarify that neighborhood banners can either identify the neighborhood's name or symbolically represent the neighborhood, such as the rainbow flags in and adjacent to the Castro neighborhood from Church Street to Castro Street. The legislation also would specify a performance standard for the fasteners used to attach banners to the Path of Gold lamp posts and recognize the need for compliance with Planning Code Section 1006, concerning the Historic Preservation Commission's issuance of a Certificate of Appropriateness.



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 DEC 22 PM 3:20
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December 22, 2010

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Case Number 2010.1085U to the Board of Supervisors File No. 10-1445: Banners on the Path of Gold Light Standards

Recommendation: Approval with Modifications

Dear Ms. Calvillo,

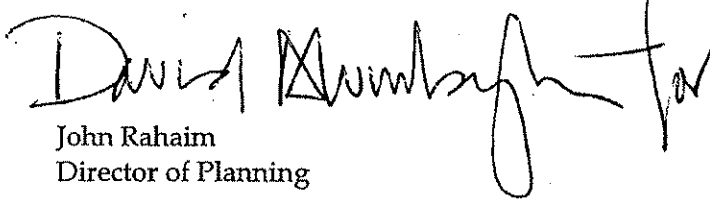
On December 15, 2010, the San Francisco Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the December 15th hearing, the Commission voted 7-0 to recommend approval with the following modifications:

- Specification of a fastener or attachment structure that is reversible, and will not damage, obscure, or destroy any of the character-defining features associated with the Landmark. The Commission recommends that the existing method of attachment be modified so as not to cause damage to the lampposts and so that any attachment would be completely reversible. There are a number of options for potential fasteners or attachment structures. The Commission recommends that Planning Preservation staff work with the Department of Public Works and the Historic Preservation Commission to find a method that is deemed to be appropriate; and
- Specification of a procedure for Certificate of Appropriateness ("C of A") review as required by Article 10 of the Planning Code. The Commission recommends that the Department of Public Works (DPW) apply for a single programmatic "C of A", to provide review for the installation of all "city neighborhood banners" over the set period of time that conform to specific dimensions as described by DPW. As "C of A's are generally effective for three years, the Department recommends that the "C of A" to accompany the installation of the banners under this ordinance be effective for at least three years but could be effective for a longer period of time such as five to ten years.

Please find attached resolution which provides more detail about 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:

Supervisor Bevan Dufty

Attachments (one copy of the following):

Executive Summary

Historic Preservation Commission Resolution No. 661



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Public Works Code Text Change HEARING DATE: DECEMBER 15, 2010

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Banners on the Path of Gold
Case Number: 2010.1085U [Board File No. 10-1445]
Initiated by: Supervisor Duffy / Introduced November 22, 2010
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed by: Tim Frye, Acting Historic Preservation Coordinator
tim.frye@sfgov.org, 415-575-6822
Recommendation: Recommend Approval With Modifications

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Public Works Code Section 184.78 to allow neighborhood banners, as defined in Section 184.78 to be posted on the Path of Gold lampposts lining Market Street.

The Way It Is Now:

The Public Works Code Section 184.78(f) allows the Director of Public Works to permit the posting of banners on the Market Street historic lampposts (aka "Path of Gold") subject to the following two conditions. Currently, banners can be installed where 1) the event results in the closure of all or a portion of Market Street's Path of Gold and 2) where banners shall not be posted for more than 30 days prior to the event nor remain posted for more than 10 days after the event.

The following conditions described in Public Works Section 184.78(g) shall apply to all banners, including Path of Gold Banners:

- (1) Banners identifying the name of a commercial sponsor must limit that identification to a logo or business name only, located in the top or bottom portion of the banner, and comprising no more than 15% of the total area of the banner.
- (2) Banners shall not be installed for longer than 30 days prior to the event or series of events, nor remain posted for longer than 10 days after the event or series of events.
- (3) Banners shall be limited in size to 36 inches in width by 72 inches in length.
- (4) An application for a banner permit may be submitted to the Department no earlier than 90 days prior to the first day for which the banner permit is sought.

The Way It Would Be:

The proposed ordinance would allow for posting of banners on the Path of Gold provided that the banners meet the existing definition of a "city neighborhood banner" as defined by Public Works Code Section 184.78(c)(5). A "city neighborhood banner" is a banner demarking a neighborhood in San

Francisco, placed in that neighborhood, and identifying the neighborhood's name, such as, for example: the Tenderloin, or Pacific Heights.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The conditions that the Department recommends include 1) specification of a fastener or attachment structure that is reversible, and will not damage, obscure, or destroy any of the character-defining features associated with the Landmark and 2) specification of a procedure for Certificate of Appropriateness review as required by Article 10 of the Planning Code.

BASIS FOR RECOMMENDATION

The Path of Gold (Light Standards) is City Landmark Number 200. The Landmark is described in the Landmark Case Report prepared for the Landmarks Preservation Advisory Board in 1991 as follows:

"The 327 handsome Path of Gold street light standards are a significant legacy from the City Beautiful movement of the early 20th century, which also gives us the Civic Center. They have long been the public's favorite street furniture, and their distinctive color and pattern of light identify Market Street from distant view points. The "Winning of the West" bases by outstanding SF sculptor Arthur Putnam feature three bands of historical subjects: ox-drawn covered wagons with weary pioneer and dog, seated pumas (mountain lions) looking down at a scared jackrabbit and overlooked by an Indian head, and alternating prospectors and mountain Indians. Willis Polk designed the ensemble of the base and pole in 1908 for United Railways' trolley poles-with-street-lights. The City had required the company to provide "highly ornamental" poles, plus lamps upon them and electricity for them, as the price for permitting the much opposed over head trolley wires. Granting the permit by the corrupt (sic) Board of Supervisors, only five weeks after the 1906 earthquake, was linked to graft payments of \$50,000 to the then-Mayor Schmitz and \$4000 to \$15,000 each to 17 of the 18 Supervisors. It became a prime subject of the graft trials of political boss Abe Ruef, United Railroads president Patrick Calhoun, and the United Railroads chief counsel Tirey Ford, who transmitted \$200,000 of the company's money to Ruef, and had apparently agreed with him about the compromise of providing highly ornamental poles. The topos were designed in 1916 by sculptor Leo Lentelli and engineer Walter D'Arcy Ryan, whose lighting designs for the Panama Pacific International Exposition of 1915 had inspired emulation on the City's principle thoroughfare. The 1916 installation, from the Ferry Building to Seventh Street, was a cooperative effort by the Down Town Association, Market Street merchants and property owners, the Pacific Gas & Electric and United Railroads (now part of Muni). To service the tall poles, PG&E invented an ancestor to the cherry picker. Path of Gold tops were added to the Winning the West bases from Seventh to Valencia in the mid-1920s. In the

1972-73 Market Street Beautification after BART construction, all the poles and ornaments were replaced with replicas, fitted with new high pressure sodium vapor lamps. In the mid-1980s, original Path of Gold standards were used to extend the system out Market Street to just beyond Castro."

The Path of Gold lampposts are associated with significant historical events and people in San Francisco and were designated as City Landmark Number 200 in 1991. The landmark stretches along Market Street from the Embarcadero to Castro Street. While the majority of the lampposts are now replicas (the exception is the portion of Market Street between Sanchez and Octavia Streets the entirety of the Path of Gold is the Landmark. The replicas contribute to the character of the set of lampposts, which together comprise the longest Landmark in San Francisco.

The proposed amendment would allow "city neighborhood banners" to be hung on the lampposts throughout the year. Currently the rainbow banners that were meant to mark the annual gay pride event in June have been left on the posts throughout the year. The sponsoring organization, SF Pride, does not have the money to properly maintain the banners. Therefore, Supervisor Dufty is proposing an amendment to the Public Works Code to enable the banners to be sponsored and financially supported throughout the year. This will ensure proper maintenance and upkeep of the banners by the fiscal sponsor.

The Department has two concerns that should be addressed: 1) banner attachment to the lamppost and 2) review for Certificate of Appropriateness.

Metal Bands: The metal bands that fasten the banners to the lamppost were intended for temporary attachment. These metal fasteners may lead to water collection and eventual damage to the cast iron posts. As the legislation intends to enable prolonged attachment of the banners to the lampposts, the Department recommends that the existing method of attachment be modified so as not to cause damage to the lampposts and so that any attachment would be completely reversible. There are a number of options for potential fasteners or attachment structures. The Planning Preservation staff would like to work with the Department of Public Works and the Historic Preservation Commission to find a method that is deemed to be appropriate and address the concerns outlined above.

Certificate of Appropriateness: Pursuant to Planning Code Section 1006, a Certificate of Appropriateness¹ ("C of A") is required for any construction, addition, alteration, relocation, removal or demolition of a structure, object or feature on a designated historic site, in a designated historic district, or in a designated historic interior, regardless of whether or not the proposed change is visible from a public street or other public place. City Charter Section 4.135, states that the Historic Preservation Commission has the

¹ A "C of A" is the authorization by the Historic Preservation Commission (HPC) to perform specific scopes of work on designated City landmarks and buildings within historic districts. A C of A requires an HPC hearing in order to determine if the proposed work conforms to the Secretary of the Interior Standard's, Article 10 of the San Francisco Planning Code and additional recommendations provided by the Planning Department that can be found in the supporting document titled: Preservation Bulletin #4; Obtaining a Certificate of Appropriateness for Your Historic Property. The Planning Department and the HPC must determine that the proposed work will not have a significant impact on the historic resource and will be of benefit to the community as a whole. During the public hearing, the HPC can approve, disapprove or approve with conditions a "C of A".

authority to approve, disapprove, or modify a C of A for work to designated Landmarks. A "C of A" is an approval given by the Historic Preservation Commission (HPC) to a property owner of a historic building that allows the owner to then apply for a building permit, or other entitlements. In this case, the Department of Public Works would be the appropriate applicant for the "C of A".

The primary concern of the Department is the method of attachment to the lampposts and considering that a uniform approach will likely be used for all banners erected along the Path of Gold, the Department recommends that the Department of Public Works (DPW) apply for a single programmatic "C of A", to provide review for the installation of all "city neighborhood banners" over the set period of time that conform to specific dimensions as described by DPW. As "C of A's are generally effective for three years, the Department recommends that the "C of A" to accompany the installation of the banners under this ordinance be effective for at least three years but could be effective for a longer period of time such as five to ten years.

ENVIRONMENTAL REVIEW

The proposal to amend the Public Works Code Section 184.78 to allow neighborhood banners, as defined in Section 184.78 to be posted on the Path of Gold lampposts lining Market Street would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received a letter in opposition to the proposed Ordinance from the Mission Dolores Neighborhood Association.

RECOMMENDATION:	Recommendation of Approval with Modifications
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Attachments:

- Exhibit A: Draft Historic Preservation Commission Resolution
- Exhibit B: Board of Supervisors File No. 10-1445
- Exhibit C: Mission Dolores Neighborhood Association Letter Dated 11/29/10



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. 661 Public Works Code Change HEARING DATE: DECEMBER 15, 2010

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Banners on the Path of Gold
Case Number: 2010.1085U [Board File No. 10-1445]
Initiated by: Supervisor Dufty / Introduced April 6, 2010
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed by: Tim Frye, Acting Historic Preservation Coordinator
tim.frye@sfgov.org, 415-575-6822
Recommendation: Recommend Approval with Modifications

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE THAT WOULD AMEND THE PUBLIC WORKS CODE SECTION 184.78 TO ALLOW NEIGHBORHOOD BANNERS, AS DEFINED IN SECTION 184.78 TO BE POSTED ON THE PATH OF GOLD LAMP POSTS LINING MARKET STREET; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.

PREAMBLE

Whereas, on November 22, 2010, Supervisor Dufty introduced a draft Ordinance that would amend the Public Works Code Section 184.78 to allow neighborhood banners, as defined in Section 184.78 to be posted on the Path Of Gold Lamp Posts lining Market Street; and

Whereas, on December 15, 2010, the San Francisco Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed amendment have been determined to be categorically exempt from environmental review under Section 15060(c)(2) of the California Environmental Quality Act; and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented by 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 Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval with modifications of the proposed ordinance and adopts the attached Draft Resolution to that effect. Specifically, the Commission has two concerns that should be addressed: 1) specification of a fastener or attachment structure that is reversible, and will not damage, obscure, or destroy any of the character-defining features associated with the Landmark and 2) specification of a procedure for Certificate of Appropriateness review as required by Article 10 of the Planning Code. The Commission recommends that the existing method of attachment be modified so as not to cause damage to the lampposts and so that any attachment would be completely reversible. There are a number of options for potential fasteners or attachment structures. The Commission recommends that Planning Preservation staff work with the Department of Public Works and the Historic Preservation Commission to find a method that is deemed to be appropriate and address the concerns outlined above. The Commission further recommends that the Department of Public Works (DPW) apply for a single programmatic "C of A", to provide review for the installation of all "city neighborhood banners" over the set period of time that conform to specific dimensions as described by DPW. As "C of A's are generally effective for three years, the Department recommends that the "C of A" to accompany the installation of the banners under this ordinance be effective for at least three years but could be effective for a longer period of time such as five to ten years.

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. The Path of Gold Lampposts are attached to significant historical events and people in San Francisco and were designated as City Landmark Number 200 in 1991.
2. Currently the rainbow banners that were meant to mark the annual gay pride event in June have been left on the posts throughout the year.
3. The proposed amendment to the Public Works Code would enable the banners to be sponsored and financially supported throughout the year. This will ensure proper maintenance and upkeep of the banners by the fiscal sponsor.
4. Therefore, the Commission recommends *approval of the proposed Ordinance with the modifications specified above.*
5. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

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.

The proposed Ordinance would help to maintain the identity of Market Street and orient people to the specific neighborhoods that dwell along the corridor.

OBJECTIVE 2

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

The Path of Gold represents a significant landmark that provides a visual link to important elements of San Francisco's heritage.

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.

The proposed Ordinance with the recommended modifications would help to ensure that any banners are attached in an appropriate manner and that the banner can be maintained by the fiscal sponsor.

6. The proposed replacement project 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 will provide opportunities for strengthening neighborhood character.
 - C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the City's 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.

The proposed Ordinance with the recommended modifications will help to ensure that the lampposts along the Path of Gold are not damaged by water and may therefore be less likely to fail in the event of an earthquake.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance with the recommended modifications will help preserve Landmark Number 200, The Path of Gold.

- 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 Historic Preservation Commission ADOPTED the foregoing Resolution on December 15, 2010.

Linda Avery
Commission Secretary

AYES: Commissioners Chase, Damkroger, Hasz, Martinez, Wolfram, Buckley, and Matsuda.

NAYS: None

RECUSED: None

ABSENT: None

ADOPTED: December 15, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2010.1117E
Project Title: Board of Supervisors Legislation File No. 101445
Banners on Path of Gold
Zoning: Various
Block/Lot: Various
Lot Size: N/A
Project Sponsor: Supervisor Bevan Dufty
415-554-6968
Staff Contact: Nannie R. Turrell – (415) 575-9047
nannie.turrell@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed ordinance would allow for posting of banners on the Path of Gold provided that the banners meet the existing definition of a "city neighborhood banner" as defined by Public Works Code Section 184.78(c)(5). A "city neighborhood banner" is a banner demarking a neighborhood in San Francisco, placed in that neighborhood, and identifying the neighborhood's name, such as, for example: the Tenderloin, or Pacific Heights, or symbolically representing the neighborhood, such as the rainbow flags in and adjacent to the Castro neighborhood starting at Market and Church Streets and ending at Castro Street. (Continued on page 2)

EXEMPT STATUS:

Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301)

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

for Lisa Khan
Bill Wycko
Environmental Review Officer

December 15, 2010
Date

cc: Supervisor Bevan Dufty
Historic Preservation Commission
AnMarie Rodgers, Legislative Liaison

Tim Frye, Acting Preservation Coordinator
Historic Preservation Distribution List
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued)

The Path of Gold lampposts are associated with significant historical events and people in San Francisco and were designated as City Landmark Number 200 in 1991. The Landmark stretches along Market Street from the Embarcadero to Castro Street. While the majority of the lampposts are now replicas (the exception is the portion of Market Street between Sanchez and Octavia Streets), the entirety of the Path of Gold is the Landmark. The replicas contribute to the character of the set of lampposts, which together comprise the longest Landmark in San Francisco.

REMARKS (continued):

The proposed banners under Public Works Code Section 184.78 are proposed to be attached with fasteners that are completely reversible and cause no damage to the known historic resource. Prior to issuance of a permit under this Section, including any permit modification or a temporary permit, the applicant is required to apply for and obtain a Certificate of Appropriateness from the Historic Preservation Commission pursuant to Planning Code Section 1006.

CEQA Section 15301, Existing Facilities, consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The addition of temporary fasteners and banners to the Path of Gold lampposts would cause no damage to the historic resource, are completely reversible and constitute a minor alteration. The project is therefore exempt under Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The Path of Gold lampposts are an historical resource; however, the proposed fasteners and banners would not cause a substantial adverse change in the significance of the resource. There are no other unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.