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Executive Director

2007 FRANKLIN ST.
SAN FRANCISCO
CALIFORNIA 94109

TEL 415-441-3000

FAX 415-441-3015

www.sfheritage.org

October 3, 2011

Historic Preservation Commission
San Francisco Planning Department
Attn: Linda Avery, Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479
Email: linda.avery@sfgov.org

RE: Amendments to Articles 10 & 11 (Supervisor Scott Wiener)

Dear Members of the Commission:

On behalf of San Francisco Architectural Heritage (Heritage), thank you for the opportunity to comment on proposed amendments to Articles 10 and 11 put forward by Supervisor Scott Wiener. Nearly three years after the voters of San Francisco passed Proposition J, a charter amendment creating the Historic Preservation Commission (HPC), San Francisco is on the verge of recommending comprehensive revisions to Articles 10 and 11 to conform the Planning Code to Proposition J. The HPC amendments are the culmination of an exhaustive, collaborative process spanning over a dozen hearings. Unfortunately, the amendments submitted by Supervisor Wiener would undermine this progress and contravene the intent of Proposition J by imposing unprecedented procedural barriers on preservation planning efforts. While Heritage can support revisions that codify existing practice, we strongly oppose policy changes that would dilute the *Secretary of the Interior's Standards* or impose unique hurdles on the initiation of historic resource surveys and the designation of historic districts.

In March 2011, San Francisco Planning and Urban Research (SPUR) and Heritage formed a joint task force that has been meeting monthly to develop policy recommendations on a range of historic preservation issues. The group is comprised of stakeholders in the preservation, development, and planning communities, including legislative staff from Supervisor Wiener's office. Although the initial focus of the task force was on historic districts, the scope of the discussion has broadened to include the process for conducting historic resource surveys, distinguishing between various types of preservation districts, and project review within potential and designated historic districts—many of the same topics addressed by the proposed amendments before you. Nonetheless, the proposed amendments were not shared with members of the task force in advance.

Heritage has consistently sought to build consensus for policy recommendations based on nationally-recognized best practices. Many of the ideas put forward by Supervisor Wiener depart from this fundamental objective, opting for "go it alone" solutions to perceived problems that have no precedent in San Francisco or any other city. A detailed analysis of each proposed amendment and Heritage's position follows:

AMENDMENT #1

SECTION 1002. POWERS AND DUTIES OF THE PLANNING DEPARTMENT AND THE HISTORIC PRESERVATION COMMISSION: *(8) Shall have the authority to oversee and direct the survey and inventory of historic properties provided that no such survey or inventory shall proceed unless one of the following two occur: (1) a majority of property owners in the proposed survey area agree to the survey's commencement and the Board of Supervisors, by majority vote of all members, approves the survey's commencement; or (2) the Board of Supervisors, by a 2/3 vote of all members, approves the survey's commencement;*

- **HERITAGE POSITION:** Heritage strongly opposes the amended language because it would impose unprecedented procedural barriers and prohibitive costs that would effectively end the Planning Department's historic resource survey program and abrogate the city's responsibilities as a Certified Local Government. Because historic resource surveys are associated with broader long-range community planning efforts, the amended language would require the Department to obtain property owner and Board of Supervisor approval prior to proposing any zoning changes or evaluating any long-range planning efforts for compliance with CEQA. The practical effect of the proposed amendments would be to add uncertainty to the development process and potentially jeopardize the Certified Local Government status conferred on the City of San Francisco by the State Office of Historic Preservation and the National Park Service. Heritage supports the Department's recommendation to adopt interim policies to provide for robust public outreach and community participation in the survey process.
 - **Historic resource surveys are widely recognized as model planning policy:** Historic surveys serve as the foundation for local preservation efforts by providing for the systematic collection and organization of information on the buildings, structures, and sites that are of local historical and cultural significance. They do not result in historic designation or require property owners to obtain a Certificate of Appropriateness for proposed alterations. Surveys provide greater predictability for property owners and provide planners with a database from which to channel new development. The American Planning Association's Policy Guide on Historic and Cultural Resources recognizes that, "a sound preservation program must be based on a survey, an historic preservation ordinance and plan, and economic and technical assistance in coordination with other community policies and ordinances."¹
 - **Requiring majority owner consent to initiate an historic resource survey is unprecedented and inconsistent with best practices:** The proposal to require majority owner consent to initiate historic surveys is anomalous and contrary to the intent of

¹ APA Policy Guide on Historic and Cultural Resources, Policy Guide Principle 4, www.planning.org/policy/guides/adopted/historic.htm. This year, the APA selected SurveyLA to receive the prestigious 2011 National Planning Excellence Award for Public Outreach, commending the City of Los Angeles for "taking this significant step to identify and protect its rich heritage."

Proposition J. As noted by the State Office of Historic Preservation, owner consent provisions undermine and are incompatible with effective preservation protections: “Practical experience around the country shows that it is difficult to craft an effective historic preservation program if owner consent is required. Inevitably, the city will lose significant structures or deleterious alterations will be made. ... The vast majority of preservation ordinances nationwide wisely avoid any type of owner consent provisions.”²

- **The amended language could jeopardize the city’s Certified Local Government status:** As a Certified Local Government (CLG), the City of San Francisco is required to “maintain a system for the survey and inventory of historic properties.”³ CLG status is subject to decertification by the State Office of Historic Preservation if a “CLG fails to adequately survey historical resources in its jurisdiction.”⁴ Among other benefits, certification 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. Since 2000, the City of San Francisco has received over \$200,000 in CLG grants for historic preservation projects. The city’s CLG status has also enabled it to assume Section 106 review authority to streamline approval of federally-funded affordable housing projects involving historic resources.⁵
- **The burden of documenting owner support would prompt independent surveys conducted outside the purview of the city:** Prohibitive costs and procedural barriers blocking the initiation of local surveys would force neighborhood groups to pursue less burdensome alternatives, such as listing in the California Register of Historic Resources or the National Register of Historic Places. Neither registration program requires minimum owner support for a district to be determined eligible for listing. State and national nominations bypass the Planning Department and Board of Supervisors altogether, with the final vote on designation made by the State Historical Resources Commission. The result is that the HPC and the Planning Department would have a significantly diminished role in identifying the city’s historic resources compared to locally-sanctioned survey.

² Technical Assistance Bulletin #14, “Drafting Effective Historic Preservation Ordinances: A Manual for California’s Local Governments” (California State Office of Historic Preservation, 2005).

³ Certification Agreement between the City and County of San Francisco and the California State Historic Preservation Officer, August 18, 1995.

⁴ *Certified Local Government Program Application and Procedures* (California State Office of Historic Preservation, 2007), at pp.38-39.

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. In its June 2011 annual compliance report, the Mayor’s Office of Housing reported that “our expectation that review times for individual projects [under the Programmatic Agreement] would decrease was realized.”

- **The proposed amendment would impose unnecessary costs on property owners:** By effectively halting survey activity, the amended language would result in project-by-project review of potential impacts on historic resources. Property owners in non-surveyed areas would be required to pay for an historic resource evaluation report before undertaking any major alteration or demolition project involving a building over 45 years of age.

AMENDMENT #2

SECTION 1004.2. DECISION OF THE HISTORIC PRESERVATION COMMISSION: *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 an 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. Such comments shall be transmitted to the Board of Supervisors as a resolution and shall (i) address the consistency of the proposed designation with the General Plan and the priority policies of Section 101.1 and (ii) identify any amendments to the General Plan and to the priority policies of Section 101.1 necessary to facilitate adoption of the proposed designation. 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.*

- **HERITAGE POSITION:** The amended language in the first romanette appears unnecessary because the HPC already makes findings on General Plan consistency for Certificates of Appropriateness, individual landmark nominations, and historic district nominations. Likewise, the Planning Commission is charged with balancing competing planning priorities and makes General Plan findings when commenting on historic district nominations. To the extent the second romanette could require amendments to Section 101.1 priority policies to designate an historic district, Heritage opposes the amended language because the Board of Supervisors lacks authority to amend the City Charter. Whether intended or not, the amended language could require proposed historic districts—and amendments to priority policies needed to facilitate their adoption—to be approved by voters.

AMENDMENT #3

SECTION 1004.4. APPEAL TO THE BOARD OF SUPERVISORS: *(b) Decision. The Board of Supervisors may overrule the HPC and approve, modify and approve the designation by a majority vote of all its members. The Board of Supervisors may designate an historic district by a majority vote of all its members if a majority of the property owners in the proposed historic district consent in writing to the designation; in the event a majority of the property owners in the proposed historic district have not consented in writing to the designation, the Board of Supervisors may nonetheless designate the historic district by a 2/3 vote of all its members.*

- **HERITAGE POSITION:** Heritage opposes the amended language as unnecessary and unduly burdensome. Although there is a need to clarify certain procedures for historic districts, final designation should remain by a simple majority vote of the Board of Supervisors.
 - **The amended language prescribes a severe remedy to a hypothetical problem:** Over the past 45 years, only eleven local historic districts have been designated in San Francisco, the most recent being the Dogpatch neighborhood in 2003. (Another pending district in Duboce Triangle enjoys broad community support.) By requiring documentation of majority owner support—or a super-majority of the Board of Supervisors—the proposed amendment would impose a unique, costly, and time-consuming hurdle on historic district designation. No other zoning changes in San Francisco are subject to this requirement.
 - **The burden of documenting owner consent will prompt state and national nominations that circumvent the city process:** Procedural barriers for local historic district nominations will force neighborhood groups to pursue designation under the California Register and/or National Register. Although neither registration program requires owner consent for a formal determination of eligibility, both trigger the same level of CEQA review as local designation. The result is that the HPC, Planning Commission, and Board of Supervisors will have a significantly diminished role in the process.

AMENDMENT #4

SECTION 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS: *(e) For projects that require multiple planning approvals, the HPC must 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 resources provisions. For properties 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 resources provisions.*

- **HERITAGE POSITION:** The HPC and Planning Commission already make consistency findings under Section 101 when reviewing applications for Certificates of Appropriateness. The proposed amendment is unnecessary.

AMENDMENT #5

SECTION 1006.3. SCHEDULING AND NOTICE OF HEARING: (a)(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 and owners and occupants of properties within ~~300~~ 150 feet of the subject property.*

- **HERITAGE POSITION:** The HPC is recommending the following amendments to notice requirements for a Certificate of Appropriateness: within 150 feet to owners and occupants for individual landmarks and within 300 feet to owners and occupants for projects within a historic district. The HPC's proposed notice requirement for projects located in historic districts is appropriate given the potential for impacts on the district as a whole.

AMENDMENT #6

SECTION 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS: (b) *The proposed work's compliance with the Secretary of Interior's Standards for the Treatment of Historic Properties, as interpreted by the Planning Department for specific application in San Francisco, including any Guidelines, Interpretations, Bulletins, or other materials that the Planning Department or HPC has adopted (the "San Francisco Standards"), shall be considered. The San Francisco Standards shall be promulgated by the Planning Department following a public planning process, determination of conformance with the General Plan and Planning Code by the Planning Commission, and adoption by the HPC. The proposed work shall comply with the Secretary of the Interior's Standards for Treatment of Historic Properties.*

- **HERITAGE POSITION:** The proposal to develop an alternative to the *Secretary of the Interior's Standards* "for specific application in San Francisco" is unnecessary and contrary to nationally accepted preservation practice. The amended language would also eliminate mandatory compliance with the *Secretary's Standards*. Although other cities have developed design guidelines that interpret the *Secretary's Standards* for application within a specific historic context,⁶ Supervisor Wiener's proposal seeks to create new standards that are filtered through (and potentially diluted by) other planning priorities in the General Plan. To the extent the amendment seeks to substitute less rigorous standards for the *Secretary's Standards*, Heritage opposes the adoption of "San Francisco Standards."
 - **The amended language would result in two levels of review for projects subject to CEQA and/or federal environmental review:** The proposed "San Francisco Standards" would cause confusion and uncertainty by subjecting projects to different levels of

⁶ The *Historic Design Guidelines for Downtown Los Angeles* (July 2002), for example, "provide...guidance about compatible storefront and signage design, repair and maintenance of older buildings, renovation that highlights historic features, and sensitive new construction." See www.laconservancy.org/initiatives/guidelines.php4.

historic review under Article 10, CEQA, Section 106, and/or the National Environmental Policy Act. Whereas the “San Francisco Standards” would apply to Certificates of Appropriateness, projects undergoing CEQA or federal review would still be evaluated for conformance with the *Secretary’s Standards*.⁷ Certificates of Appropriateness approved under the “San Francisco Standards” could still be challenged under CEQA for failing to meet the *Secretary’s Standards*.

- **The *Secretary’s Standards* provide detailed guidance on urban design issues:** Standards 9 and 10 of the *Standards for Rehabilitation* expressly contemplate and provide criteria for evaluating additions to historic buildings and new infill construction.⁸ These Standards are augmented and refined by National Park Service publications addressing specific design issues, including *National Register Bulletins*, *Preservation Briefs*, and the *Rehab Yes/No Learning Program. Preservation Brief 14: New Exterior Additions to Historic Buildings* provides detailed guidance on additions and new construction within a dense urban environment.⁹ To date, the NPS has published 56 *Interpreting the Standards* bulletins that cover a wide range of topics, from “New Additions” and “Alterations without Historical Basis” to “Incorporating Solar Panels in a Rehabilitation Project” and “Rooftop Additions.”¹⁰
- **The *Secretary’s Standards* provide ample flexibility to accommodate local development needs:** The HPC and its predecessor, the Landmarks Preservation Advisory Board, have frequently applied the *Secretary’s Standards* to approve major additions to historic buildings and infill projects, such as 72 Townsend, 690 Market Street, and 178 Townsend (currently under construction). Located in the South End Historic District, the 178 Townsend project is adding four stories and 94 rental housing units behind the edifice of the former Arc Light Company Station B building, constructed in 1888. Although not without controversy, these projects demonstrate the compatibility of the *Secretary’s Standards* with San Francisco planning and development goals.
- **The amended language could jeopardize the city’s Certified Local Government status:** The city’s CLG status is subject to decertification if “the CLG no longer meets the minimal requirements or...a CLG’s performance is not satisfactory.” Performance shall be deemed unsatisfactory if, *inter alia*, “the commission substantially fails to maintain consistency of

⁷ CEQA Guidelines Section 15064.5(b)(3), for example, considers any adverse impacts to be mitigated if the project follows the *Secretary’s Standards*.

⁸ “Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” www.nps.gov/hps/tps/standguide/rehab/rehab_standards.htm.

⁹ “Preservation Brief 14: New Exterior Additions to Historic Buildings,” www.nps.gov/hps/tps/briefs/brief14.pdf.

¹⁰ “Historic Preservation Tax Incentives: Interpreting the Standards,” www.nps.gov/hps/tps/tax/ITS/itshome.htm.

its design review decisions with the *Secretary's Standards for Historic Preservation*.¹¹ By separate programmatic agreement, the city is required to apply the *Secretary's Standards* in its review and approval of federally-funded affordable housing projects.¹²

AMENDMENT #7

SECTION 1014. APPLICABILITY: (a)(2): *For historic districts: ~~1 year~~ 180 days after the date of initiation. The HPC or the Board of Supervisors may approve by resolution a one-time extension of up to 90 days of either of the above-time periods. The Board of Supervisors may approve by resolution one further extension of up to 90 days of either of the above time periods. If final action on such designation has not been completed before the end of the relevant time period, the permit application may be approved.*

- **HERITAGE POSITION:** Heritage does not object to the proposed change as part of a comprehensive package amending Article 10 (or Planning Department Preservation Bulletins) to clarify the process for the nomination and designation of historic districts. If majority owner support is ultimately required (as proposed by Supervisor Wiener in Section 1004.4), the 180-day limit would be insufficient time for the Department to review the nomination, document owner consent, and schedule hearings before the HPC, Planning Commission and Board of Supervisors.

AMENDMENT #8

SECTION 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS: (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 if a majority of the property owners in the proposed Conservation District or within the expanded boundaries consent in writing to the designation; if a majority of the property owners in the proposed Conservation District or within the expanded boundaries have not consented in writing to the designation, the Board of Supervisors may nonetheless designate and expand the boundaries of the Conservation District by a 2/3 vote of all its members.*

¹¹ *Certified Local Government Program Application and Procedures* (California State Office of Historic Preservation, 2007), pp.38-39.

¹² 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, at p.4.

- **HERITAGE POSITION:** Same as proposed amendment to Section 1004.4 (Amendment #3 above).

AMENDMENT #9

SECTION 1111. APPLICATIONS FOR PERMITS TO ALTER, PERMITS TO DEMOLISH, AND PERMITS FOR NEW CONSTRUCTION IN CONSERVATION DISTRICTS: *(b) In addition to the contents specified for applications in (1) above, any application for a Permit to Demolish a Significant building or a Contributory building from which TDR have been transferred shall also contain the following information:*

- **HERITAGE POSITION:** First, we note that the September 7, 2011 memo submitted by Supervisor Wiener to the HPC failed to highlight all of the language proposed to be added to Section 1111(b). We have double-underlined the additional new text above.

The amended language would significantly narrow the scope of this section by exempting (1) all buildings that have not transferred TDR and (2) all Category V buildings. The proposed amendment would eliminate the ability of the HPC to consider “the amount and value of [available] untransferred TDR” when reviewing permits to demolish. In addition, Category V buildings not rated in Heritage’s original downtown survey may have acquired significance over time and should be re-evaluated in conjunction with applications for demolition.¹³ Accordingly, Heritage supports the Planning Department’s recommendation to leave this section unchanged.

AMENDMENT #10

SECTION 1111. APPLICATIONS FOR PERMITS TO ALTER, PERMITS TO DEMOLISH, AND PERMITS FOR NEW CONSTRUCTION IN CONSERVATION DISTRICTS: *(c) The requirements (1)-(6) become (16) to (21) rather than a new subsection (c).*

- **HERITAGE POSITION:** For the reasons set forth above for Section 1111(b), Heritage believes that this section should remain unchanged. Section 1111(c) applies specifically to permits to demolish buildings that have already transferred TDR, whereas Section 1111(b) applies to all permits to demolish.

¹³ It has been over 25 years since the adoption of the Downtown Plan and nearly 35 years since Heritage’s downtown survey rated individual buildings.

AMENDMENT #11

SECTION 1111.6. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR

ALTERATIONS: *(b) The proposed work's compliance with the Secretary of Interior's Standards for the Treatment of Historic Properties, as interpreted by the Planning Department for specific application in San Francisco, including any Guidelines, Interpretations, Bulletins, or other materials that the Planning Department or HPC has adopted (the "San Francisco Standards"), shall be considered. The San Francisco Standards shall be promulgated by the Planning Department following a public planning process, determination of conformance with the General Plan and Planning Code by the Planning Commission, and adoption by the HPC. The proposed work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, including any Guidelines, Interpretations, Bulletins, or other materials that the Historic Preservation Commission has adopted.*

- **HERITAGE POSITION:** Same as proposed amendment to Section 1006.7 (Amendment #6 above).

AMENDMENT #12

SECTION 1111.7. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR

DEMOLITION: *(a) For Significant Buildings (Category I and II), ~~contributory Buildings (Category III), and for Contributory Buildings in a Conservation District (Category III and IV)~~ from which TDR have been transferred:*

- **HERITAGE POSITION:** Heritage opposes the proposed amendment because it appears to exempt an entire class of buildings (Category III from which no TDR has been transferred) from this section. Section 1111.7(a) should be rewritten to clarify its meaning and intent. Proposed new language:

“(a) For Contributory Buildings in a Conservation District (Category IV) from which TDR have been transferred, and for Significant Buildings (Category I and II), Contributory Buildings (Category III):”

AMENDMENT #13

SECTION 1111.7. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR

DEMOLITION: *(b) For Contributory Buildings ~~in a Conservation District (Category IV)~~ from which no TDR has been transferred:*

- **HERITAGE POSITION:** It is unclear if the intent of the proposed amendment is to expand the scope of this section to include both Category III and Category IV buildings. Heritage recommends that Section 1111.7(b) be left unchanged or conformed to Section 1111.7(a).

AMENDMENT #14

SECTION 1111.7. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR

DEMOLITION: *(c)(i)(A) Based on new documentation presented, the building has not gained additional historical or architectural significance that may make it eligible for classification as a Category I, II, or IV building. 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 or IV building;*

- **HERITAGE POSITION:** Heritage opposes the proposed amendment without further clarification. As set forth in Section 1106, the process for reclassification of Category V buildings involves several steps, including notice, referral to the HPC, action by the HPC, designation by the Board of Supervisors, and possible appeal to the Board of Supervisors. The amended language does not indicate when the 180-day clock would start, and Section 1106 does not currently include time limits to ensure speedy disposition. Heritage proposes the following alternative language as one possible option to address these concerns:

“Any determination by the HPC that a Category V building may be eligible for reclassification to a Category I, II or IV building shall be deemed approved unless the Board of Supervisors has disapproved the designation within 180 days of such determination;”

Heritage also supports the Planning Department’s recommendation that Section 1111.7(c)(A) be revised to cross-reference procedures for reclassification in Sections 1106 and 1107.

AMENDMENT #15

SECTION 1111.7. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR

DEMOLITION: *(d) The cumulative effects on the integrity of the Conservation District associated with demolition of the Contributory Building shall be considered and may be grounds for denial of the Permit to Demolish if the effects would materially impair the significance of the Conservation District.*

- **HERITAGE POSITION:** The proposed amendment seeks to introduce CEQA terminology (“materially impair”) to gauge the cumulative effects of demolition of a Category V building on the integrity of a Conservation District. CEQA Guidelines Section 15064.5(b)(1) define a significant effect as one that would “materially impair” the significance of an historical resource. Under Section 15064.5(b)(2), material impairment of a resource’s historic significance could result if the project would demolish or materially alter in an adverse manner those physical characteristics that convey its significance and justify its inclusion in the California Register, a local register of historical resources, or its identification in an historic resources survey. Because Article 11 Conservation Districts do not neatly fit within

this definition of historical resource, the use of “materially impair” is inappropriate and confusing for the evaluation of cumulative impacts pursuant to Section 1111.7(d).¹⁴

AMENDMENT #16

SECTION 1111.7. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR

DEMOLITION: *(e) If a building located within a Conservation District (Category II, IV, and V) or a Category III Building located outside of a Conservation District is found to have gained significance pursuant (c)(i) above and the building has been re-classified by the Board of Supervisors within 180 days, then the Permit to Demolish will be reviewed under Subsection (a) or (b) above, and not under Subsection (c).*

- **HERITAGE POSITION:** Same as proposed amendment to Section 1111.7(c)(A) (Amendment #14 above). Heritage supports the Department’s recommendation that Section 1111.7(e) be revised to cross-reference procedures for reclassification in Sections 1106 and 1107.

On behalf of San Francisco Architectural Heritage, thank you for the opportunity to comment on Supervisor Wiener’s proposed amendments to Articles 10 and 11. Please do not hesitate to contact me at mbuhler@sfheritage.org or (415) 441-3000x15 should you have any questions or need additional information.

Sincerely,



Mike Buhler
Executive Director

cc: Historic Preservation Commission
Supervisor Scott Wiener
John Rahaim, Director, San Francisco Planning Department
Tim Frye, Preservation Coordinator, San Francisco Planning Department
Sarah Karlinsky, Deputy Director, SPUR
Andrew Junius, Reuben & Junius LLP (Co-Chair, SPUR-Heritage Task Force)
Lucinda Woodward, CLG Coordinator, California State Office of Historic Preservation
Anthony Veerkamp, National Trust for Historic Preservation

¹⁴ “Unlike traditional historic districts, which recognize historic and cultural significance, Conservation Districts seek to designate and protect buildings based on architectural quality and contribution to the environment. These downtown districts contain concentrations of buildings that together create geographic areas of unique quality and thus facilitate preservation of the quality and character of the area as a whole.” San Francisco Preservation Bulletin No. 10, Historic and Conservation Districts.