



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Public Works Code Text Change

HEARING DATE: DECEMBER 15, 2010

Project Name: **Banners on the Path of Gold**
Case Number: 2010.1085U [Board File No. 10-1445]
Initiated by: Supervisor Dufty / Introduced November 22, 2010
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
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Reviewed by: Tim Frye, Acting Historic Preservation Coordinator
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Recommendation: **Recommend Approval With Modifications**

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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

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”.

has the 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

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



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

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Reviewed by: Tim Frye, Acting Historic Preservation Coordinator
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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 text amendment will be reviewed under the California Environmental Quality Act prior to the hearing; 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 Planning Commission ADOPTED the foregoing Resolution on December 15, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

RECUSED:

ABSENT:

ADOPTED: December 15, 2010