



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 26, 2012
TO: Historic Preservation Commission
FROM: Tim Frye, Preservation Coordinator
Shelley Caltagirone, Preservation Planner
RE: Administrative Certificate of Appropriateness Procedures

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

REQUESTED ACTION

At the May 18, 2012 hearing, the Historic Preservation Commission ("Commission") modified the Administrative Certificate of Appropriateness (ACOA) interim procedures and extended them for an additional six months to expire November 16, 2012 (see attached Motion No. 0158). The Planning Department requests that the Commission review the existing interim procedures and discuss potential modifications to improve or expand the process.

BACKGROUND

Section 1006.2 of the San Francisco Planning Code provides that the Commission may, for properties designated individually or within a historic district under Article 10 of the Planning Code, may define certain categories of work as Minor Alterations and delegate approval of an Administrative Certificate of Appropriateness for such Minor Alterations to Planning Department ("Department") staff. At its regular hearing of May 18, 2011, the Commission reviewed and approved Motion No. 0122, which outlined a list of projects considered to be minor in scope, the ACOA application and review process, and the appeal process of these decisions to the Commission. The Commission granted this delegation as an interim procedure and then approved a six month extension of the procedures with modifications at their May 18, 2012 hearing. In order to continue the ACOA program, the Commission must approve new procedures at the November 16, 2012 hearing.

STAFF ANALYSIS

In the first year of the newly established ACOA procedures, thirty-five (35) ACOA applications were applied for and approved by the Department. No "Requests for Hearing" have been filed for any project reviewed under the ACOA process. The average processing time for ACOA applications was 20 days (excluding the 20-day hold). The median processing time was 9.5 days. This represents a significant reduction in waiting time for COA applicants, which is generally 8 weeks at minimum. The average staff time spent processing the applications was 4.25 hours, equating to an average fee of \$416 (applicants are charged directly for time and materials rather than a flat fee). This is only slightly more than the Tier 1 (less than \$999 construction cost) fee of \$339 and represents a significant reduction in cost

to the applicant in comparison to the Tier 2 (\$1,000 to \$19,999 construction cost) and Tier 3 (more than \$20,000 construction cost) fees for a traditional COA at \$1,277 and \$5,818 respectively.¹

While staff finds that the implementation of the ACOA process has been largely successful in streamlining the time and cost associated with the review of Article 10 properties, staff has recognized over the past year that there are several types of minor work that appear to be similar in scale to the work approved for the ACOA process but that were not anticipated and listed as minor work in Motion 0122. Examples of these types of work are:

- In-kind window replacement of standard window types (not including stained glass, leaded glass, curved sash, or arch-headed windows).
- Minor alterations to non-contributing buildings within a historic district
- Minor alterations to non-visible, secondary or tertiary facades to contributing buildings within a historic district

Staff has briefly analyzed two options for addressing the types of work described above, which arguably comply with the intent of the ACOA delegation but cannot be approved by the Department without a hearing before the HPC.

1. **Expand the list of minor work to be reviewed by the Department.** The HPC could explore defining additional types of minor work such as those listed above that could also be delegated to the Department for review. The advantage of this approach is to further streamline the COA review process and reduce cost to property owners within Article 10 districts. The disadvantage of this approach is that it does not allow the Department discretion to implement the ACOA process when unanticipated minor alterations are proposed by an applicant.
2. **Define a list of major work to be reviewed by the HPC.** Alternatively, the HPC could change the existing ACOA review procedures to define the major work that the HPC must review through a traditional COA process with a hearing and to delegate all other work to the Department for review. Such a list of major work could potentially include the following:
 - a. New construction
 - b. Additions
 - c. Demolition of any building or structure
 - d. Garage installations
 - e. Alteration of primary (visible) facades
 - f. Alteration of secondary (non-visible) facades that affect more than 20% of the wall
 - g. Painting of masonry

Staff recognized several advantages of this approach. Like the first option, this approach further streamlines the COA review process and reduces costs to property owners within Article 10 districts. Also, by not listing and thereby limiting the minor work that the Department can review, this approach allows the Department discretion to implement the ACOA process for work that is consistent with the architectural character of the building and/or district and the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, and that complies with the specific requirements described in the ACOA Motion. Lastly, this approach clearly defines for the public

¹ Department staff is working to calculate the average cost savings to project sponsors by comparing the costs of the traditional COA fee to the actual ACOA fee charged in the past year.

work that will trigger review by the HPC at a public hearing. A potential disadvantage of this approach is that it increases the responsibility of the Department to distinguish between work that meets the intent of the ACOA Motion and work that does not. However, all ACOA applications would continue to be submitted to the HPC and interested parties prior to approval, which would allow the HPC to monitor the consistency of staff's decisions.

PLANNING DEPARTMENT RECOMMENDATION

Planning Department staff recommends consideration of improvements measures for the current ACOA procedures.

ATTACHMENTS

Motion No. 0158



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Motion No. 0158

HEARING DATE MAY 16, 2012

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

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Fax:
415.558.6409

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IDENTIFICATION AND DELEGATION OF SCOPES OF WORK DETERMINED TO BE MINOR ALTERATIONS PURSUANT TO CITY CHARTER SECTION 4.135 FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF AN ADMINISTRATIVE CERTIFICATE OF APPROPRIATENESS BY THE PLANNING DEPARTMENT.

1. WHEREAS, Section 4.135 of the City Charter provides that the Historic Preservation Commission (“HPC”) may, for properties designated individually or within a historic district under Article 10 of the Planning Code, (1) determine alterations considered to be minor in scope; and (2) delegate the ability to approve, disapprove, or modify applications (“Administrative Certificate of Appropriateness”) for minor alterations to individual landmarks or properties within historic districts to Planning Department staff; and
2. WHEREAS, the HPC, at its regular hearing of May 16, 2012, reviewed a list of projects considered to be minor in scope, the Administrative Certificate of Appropriateness application and review process by the Department, and the appeal process of these decisions to the HPC; and
3. WHEREAS, in appraising a proposal for an Administrative Certificate of Appropriateness, the Department, on behalf of the HPC, shall determine that all proposed alterations to exterior features on individual landmarks and on buildings within historic districts shall be consistent with the architectural character of the building and/or district, the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*, and shall comply with the following specific requirements, where applicable:
 - a. The distinguishing historic qualities, features, and character of the building should not be obscured, damaged, or destroyed.
 - b. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.
 - c. Distinctive architectural features which are deteriorated shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the historic material in composition, design, color, profile, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on

historic, physical or pictorial evidence, if available, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- d. For any building within a historic district, all exterior alterations shall be compatible in scale and design with the District as set forth in the applicable Article 10 Appendix which describes the District.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS the following list of work to be minor in scope and approved in an Administrative Certificate of Appropriateness, and the procedures outlined in Exhibit A of this Resolution for delegation to the Department for approval, modification, or disapproval of said Administrative Certificates of Appropriateness.

1. **Ordinary Maintenance and Repair:** Work determined to be ordinary maintenance and repair which is defined as any work, the sole purpose and effect of which is to correct or repair deterioration, decay, or damage, including repair of damage caused by minor fire or other disaster.
2. **Exploratory and Investigative work:** Removal of a limited amount non-historic material to conduct investigations about the historic structure and to determine the existence of historic material. This work will be limited to no more than 5% of the total surface area on a façade.
3. **Front stairways and railings:** The replacement of non-historic materials with more appropriate compatible stairways and/or railings provided that the proposal is based on physical or documented evidence or is found to be compatible with the character-defining features of the building and/or district. This does not include replacement of porticos, porches, or other architectural components of the entry.
4. **Window Replacement:** The replacement of windows in existing openings. This does not apply to enlarging or modifying window openings on any façade.
 - a. **Primary (Visible) Facades:** Window replacement of 20% or less on primary elevations that matches the historic (extant or not) windows in terms of configuration, material, and all exterior profiles and dimensions. This scope of work qualifies provided that within the last 5 years there have not been any issued Certificates of Appropriateness that have individually or cumulatively resulted in replacement of more that 20% of the windows on the primary elevation.
 - b. **Secondary Facades:**
 - i. **Visible:** Windows must be compatible in terms of configuration and material.
 - ii. **Non-visible:** Windows must match the size of the existing openings..
5. **Signs & Awnings:** New tenant signs and awnings or a change of copy on existing signs & awnings that are compatible in terms of material, location, size, method of attachment, and method of illumination with the building and/or district. Applications for new signs and

awnings must include the removal of any abandoned conduit, outlets, attachment structure, and related equipment.

6. **Installation of Rooftop Appurtenances (excluding dormers, elevator penthouses, and cellular installations):**
 - a. Rooftop equipment that is not visible from the public right-of-way, does not result in additional of height of 8-feet; does not cover more than 20% of the total roof area, and is setback from the exterior walls of the building;
 - b. Rooftop equipment that can be easily removed in the future without disturbing historic fabric and is installed in a manner that avoids harming any historic fabric of the building; and,
 - c. Solar panel structures and skylights that have a low profile and are mounted flush with the slope of the roof and are located a minimum of 20 feet from the front façade.
7. **Rear yard decks and stairways:** The repair and replacement of rear yard decks and stairways (and associated structural materials) that are not visible from the public way.
8. **Replacement and/or modification of non-historic storefronts:** The replacement and/or modification of storefront materials that are not original elements of the building, including framing, glazing, doors, bulkheads, cladding, and ornament.
9. **Selective in-kind replacement of cladding:** The selective replacement of cladding materials at any façade when the existing cladding is damaged beyond repair and when the new cladding will match the historic cladding (extant or not) in terms of material, dimensions, details, and finish.
10. **Construction and/or modification of landscape features:** The construction of new landscape features or modification of existing landscape features when the work will not impact character-defining features of the resource as listed in the designating ordinance or identified by staff.
11. **Construction of non-visible roof decks:** The construction of roof decks, including associated railings, windscreens, and planters, that cannot be viewed from the public rights-of-way located within 150 feet of the subject property.
12. **Work described in an approved Mill's Act maintenance plan.**
13. **Removal of non-historic features:** The removal of any features that are not original features of the building and that have not gained historical significance in their own right, including but not limited to fire escapes. Please note that replacement of such features would require review by the Commission.

BE IT FURTHER RESOLVED that the Commission GRANTS this delegation as an interim procedure that will expire within six months of the date of this Motion on November 16, 2012 and may be revoked at any time within the interim period at the Commission's discretion.

I hereby certify that the foregoing Motion was adopted by the Commission at its meeting on May 16, 2012.

Linda D. Avery
Commission Secretary

AYES: Chase, Damkroger, Hasz, Johns, Martinez, and Matsuda

NAYS: None

ABSENT: Wolfram

ADOPTED: May 16, 2012

EXHIBIT A

INTERIM PROCEDURES FOR WORK DETERMINED TO BE MINOR AND DELEGATED TO THE PLANNING DEPARTMENT FOR APPROVAL AS AN ADMINISTRATIVE CERTIFICATE OF APPROPRIATENESS PURSUANT TO CHARTER SECTION 4.135

Section 4.135 of the City Charter provides that the Historic Preservation Commission (“HPC”) may, for properties designated individually or within a historic district under Article 10 of the Planning Code, (1) determine alterations considered to be minor in scope; and (2) delegate the ability to approve, disapprove, or modify applications (“Administrative Certificate of Appropriateness”) for minor alterations to individual landmarks or properties within historic districts to Planning Department staff. These Administrative Certificates of Appropriateness are appealed directly to the HPC.

The scopes of work identified in Motion No. 0158 are determined to be minor and the review and approval process shall be delegated to the Department under the following interim procedures. These procedures do not include any other entitlements that may be required as part of the proposal and the HPC retains discretion to revise or rescind these procedures as necessary.

- Upon receipt of a Certificate of Appropriateness application, the Department shall review the proposed project to determine if it falls within the minor scopes of work listed in Motion No. 0158 and shall open a Certificate of Appropriateness case (an “A” case).
- If the proposed project meets the requirements set forth in HPC Motion No. 0158, for an Administrative Certificate of Appropriateness, the Department shall draft findings that explain how the proposed project complies with the requirements and will issue the Administrative Certificate of Appropriateness.
- If the project does not meet the requirements set forth in HPC Motion No. 0158 or if Department staff finds that the project needs HPC review and approval, then the Department reserves the right to bring the application to the HPC for a public hearing. All regular procedures for the public hearing will be followed.
- If no HPC is required, then the final Administrative Certificate of Appropriateness will include a photograph of the subject building and a minimum of one 11”x17” sheet that illustrates the proposed scope of work.
- The Administrative Certificate of Appropriateness will be sent to each HPC Commissioners, the Applicant, as well as any interested parties who make a request in writing to the Department.
- Any member of the public or the HPC may file a Request for Hearing within 20 calendar days of the date of issuance of the Administrative Certificate of Appropriateness. If no request is received

by the Department, then the Administrative Certificate of Appropriateness shall be deemed approved.

- To file for a Request for Hearing, the interested parties shall file a written request with the Department.
- If a Request for Hearing is received by the Department, the hearing will be scheduled and noticed for a future hearing before the HPC.
- The hearing notice shall be mailed to the property owner, project sponsor, applicant, as well as all interested parties who make a request in writing to the Department.
- At the time of the hearing, the HPC may choose to uphold, modify, or disapprove the Administrative Certificate of Appropriateness.