



SAN FRANCISCO PLANNING DEPARTMENT

DATE: September 26, 2011
TO: Historic Preservation Commission
FROM: Timothy Frye, Preservation Coordinator, (415) 575-6822
RE: Delegation of Article 11 Minor Permits to Alter to the Department

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Charter Section 4.135 authorizes the Historic Preservation Commission (“HPC”) to determine if a proposed alteration to an Article 11 Significant or Contributory building or to any building within a Conservation District (known as a “Permit to Alter”) is a ‘Major’ or a ‘Minor’ Alteration and to delegate the approval, disapproval, or modification of certain types of work to the Planning Department (“Department”), whose decision is appealable to the HPC.

On October 6, 2010, the HPC approved Motion No. 0083, delegating approvals of certain scopes of work to the Department. This Motion was later amended by Motion No. 0106, approved March 2, 2011. Both Motion Nos. 0083 and 0106 outlined scopes of work that the HPC considered minor in nature and the procedures that the Department must follow in the review, issuance, and appeal of these applications (hereinafter “Minor Permits to Alter”). This delegation authority was for a one-year period and expires on October 6, 2011.

The Department is requesting that the HPC pass the attached Motion extending the delegation of Minor Permits to Alter and associated procedures. The Department would like this delegation to be for a two-year period from the date of approval. This delegation would be superseded if amendments to Article 11 are adopted that contain any of these functions and/or the HPC formally withdraws this authority from the Department.

In the period from October 6, 2010 to present, the Department has received and processed the following number of Permits to Alter:

Major Permits to Alter (approved by the HPC)	7
Minor Permits to Alter (approved by the Department)	73
“Open” Minor Permits to Alter (active applications)	18
Requests for Hearing by the HPC (for Minor Permits to Alter)	0

The HPC’s delegation of Minor Permits to Alter to the Department has enabled applications for minor scopes of work to be reviewed and approved in a timely manner. The majority of Article 11 applications are for commercial retail stores which have a high turnover rate, both in terms of businesses and in branding and design. The Minor Permits to Alter allow for maximum flexibility while ensuring that all proposed work meets the requirements outlined by the HPC, specifically the *Secretary of the Interior’s Treatment for Historic Properties* and any additional requirements outlined in the Article 11 Appendixes.

The Department believes that the delegation of Minor Permits to Alter has been successful. To date, there has been no 'Request for Hearing' to the HPC, affirming the quality of the review and approval of work that the Department approves.

Below is the itemized list of scopes of work that the HPC delegated to be approved in a Minor Permit to Alter. The Department is not recommending any changes to this list.

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. **Window Replacement on Secondary Elevations or Window Replacement of 20% or less of the total Window Area on a Primary Façade:**
 - a. All window replacement on secondary elevations that is in-kind and the replacement windows closely match the historic (extant or not) windows in terms of configuration, material, and all exterior profiles and dimensions.
 - b. Replacement of 20% or less of the total window area on the primary façade provided that all replacement windows closely match the historic windows (extant or not) in terms of configuration, material, and all exterior profiles and dimensions.
3. **Installation of Rooftop Equipment:**
 - a. Rooftop equipment, excluding elevator overrides, that does not result in an addition of height above one story, or 12-feet; does not cover more than 75% of the total roof area; and is setback from the exterior walls of the building and in a location that is not visible or is minimally visible (less than 50% of one story) from the surrounding public rights-of-way;
 - 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. All proposed ducts, pipes, and cables are located within the building and are not installed or anchored to an exterior elevation visible from a public right-of-way.
4. **Signs & Awnings:** New tenant signs and awnings or a change of copy on existing signs & awnings that meet the Department's draft *Downtown Commercial Design Standards*, and includes the removal of any abandoned conduit, outlets, attachment structure, and related equipment.
5. **Storefront Replacement:** Storefront replacement, specifically work confined to the ground-floor display areas within the architectural frame (piers and lintels) of the building that meet the Department's draft *Downtown Commercial Design Standards*.

Please note that the Department is currently working on the *Downtown Commercial Design Standards*, which is combining the *Sign and Awning Standards* and the *Storefront Replacement Standards* into one document. The Department realized that often commercial tenants are modifying both storefronts and signage at the same time, and the intent of the new document is to provide a comprehensive set of

guidelines and recommendations for these components. The Department hopes to bring this revised document to the HPC by the end of the year for review and comment.

In sum, the Department is requesting that the HPC review the definitions and procedures outlined in this memo and adopt a resolution at their September 15, 2010 hearing delegating this function to the Department.



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Draft Motion No.

HEARING DATE OCTOBER 5, 2011

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IDENTIFICATION AND DELEGATION OF SCOPES OF WORK DETERMINED TO BE MINOR PURSUANT TO CITY CHARTER SECTION 4.135 AND ARTICLE 11 OF THE PLANNING CODE FOR APPROVAL, MODIFICATION, OR DISAPPROVAL BY THE PLANNING DEPARTMENT.

WHEREAS, City Charter Section 4.135 gives the Historic Preservation Commission ("HPC") the authority to (1) determine if a proposed alteration ("Permit to Alter") should be considered a Major or a Minor Alteration; (2) approve, modify, or disapprove applications for permits to alter or demolish Significant or Contributory buildings or any building within a Conservation District; and, (3) delegate this function to the Planning Department ("Department") for work determined to be Minor (hereinafter "Minor Permit to Alter"), whose decision is appealable to the HPC; and

WHEREAS, the HPC, at its regular hearing of October 6, 2010, approved Motion No. 0083, identifying minor scopes of work and delegating procedures and processes for the Department to issue Minor Permits to Alter. This Motion was later amended by Motion No. 0106, approved March 2, 2011. This delegation authority was for a one-year period and expires on October 6, 2011.

WHEREAS, the HPC, at its regular hearing of October 5, 2011, reviewed the processes and applications that the Department has been implementing under the authority granted to it by the HPC; and

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS the following list of scopes of work determined to be Minor Permits to Alter and the procedures outlined in Exhibit A of this Motion for delegation to the Department for approval, modification, or disapproval for two years from the date of this Motion. Specifically, the HPC adopts the following as Minor scopes of work:

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. **Window Replacement on Secondary Elevations or Window Replacement of 20% or less of the total Window Area on a Primary Façade:**
 - a. All window replacement on secondary elevations that is in-kind and the replacement windows closely match the historic (extant or not) windows in terms of configuration, material, and all exterior profiles and dimensions.
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3. **Installation of Rooftop Equipment:**
 - a. Rooftop equipment, excluding elevator overrides, that does not result in an addition of height above one story, or 12-feet; does not cover more than 75% of the total roof area; and is setback from the exterior walls of the building and in a location that is not visible or is minimally visible (less than 50% of one story) from the surrounding public rights-of-way;
 - 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. All proposed ducts, pipes, and cables are located within the building and are not installed or anchored to an exterior elevation visible from a public right-of-way.
4. **Signs & Awnings:** New tenant signs and awnings or a change of copy on existing signs & awnings that meet the Department's draft *Downtown Commercial Design Standards*, and includes the removal of any abandoned conduit, outlets, attachment structure, and related equipment.
5. **Storefront Replacement:** Storefront replacement, specifically work confined to the ground-floor display areas within the architectural frame (piers and lintels) of the building that meet the Department's draft *Downtown Commercial Design Standards*.

BE IT FURTHER RESOLVED that for any application submitted for work on an Article 11 building or site, the Department, on behalf of the HPC, shall determine that all proposed alterations to exterior features of Significant or Contributory (Categories I, II, IV) buildings or any (Categories I-V) buildings within a Conservation District shall be consistent with the architectural character of the building and/or district, the *Secretary of the Interior's Treatment of Historic Properties*, and shall comply with the following specific requirements, where applicable:

1. The distinguishing historic qualities, features, and character of the building may not be obscured, damaged, or destroyed.
2. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.
3. 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.
4. Contemporary design of alterations is permitted, provided that such alterations do not destroy significant exterior architectural materials, including historic storefronts, and that

such design is compatible with the size, scale, color, profile, texture, material and character of the building and its surroundings.

5. Specifically for any building within a Conservation District, all exterior alterations shall be compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District.

BE IT FURTHER RESOLVED that the Commission GRANTS this delegation for a two-year period from the date of this Motion and that this authority may be revoked at any time within said period at the HPC's discretion.

I hereby certify that the foregoing Motion was adopted by the HPC at its meeting on October 5, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: OCTOBER 5, 2011

EXHIBIT A

PROCEDURES FOR WORK DETERMINED TO BE MINOR AND DELEGATED TO THE PLANNING DEPARTMENT UNDER CITY CHARTER SECTION 4.135

Under the City Charter, the HPC shall approve all exterior work for Category I-IV buildings and any building located within a Conservation District, regardless of its rating, and may delegate this function to the Department for work determined to be Minor, whose decision is appealable to the HPC. The scopes of work identified in Motion 00XX are determined to be Minor and the review and approval process shall be delegated to the Department under the following 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.

Procedures for Reviewing and Issuing Minor Permits to Alter for Category I-IV Buildings, Category V, and Unrated Buildings within a Conservation District:

- Upon receipt of a building permit application, the Department shall review the proposed project to determine if it meets the HPC's definition of a Major or Minor alteration and shall open a Permit to Alter Case (an "H" case).
- If the proposed project meets the requirements set forth in HPC Motion 00XX for a Minor Permit to Alter, the Department shall draft findings that explain how the proposed project complies with the requirements and will issue the Minor Permit to Alter.
- The Minor Permit to Alter will include a photograph of the subject building and a minimum of one 11"x17" sheet that illustrates the proposed scope of work.
- The Minor Permit to Alter will be sent to the HPC Commissioners, Applicant, as well as all interested parties who make a request in writing to the Department.
- Any member of the public or the HPC may file for a "Request for Hearing" within 20 calendar days or 10 calendar days for signs and awnings of the date of issuance of the Minor Permit to Alter. If no request is received by the Department, then the permit will be approved after the Request for Hearing period has expired.
- To file for a Request for Hearing, the interested parties shall file a "Permit to Alter Request for Hearing Application" with the Department.
- If a Request for Hearing is received by the Department, the item will be scheduled and noticed for a future hearing before the HPC.

- At the time of the hearing, the HPC may choose to uphold, modify, or disapprove the Minor Permit to Alter.