



SAN FRANCISCO PLANNING DEPARTMENT

DATE: October 6, 2010
TO: Historic Preservation Commission
FROM: Timothy Frye, Acting Preservation Coordinator, (415) 575-6822
RE: Adoption of the identification and delegation of approvals for work determined to be minor under Article 11 of the Planning Code and in compliance with City Charter Section 4.135

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Planning Department (Department) has prepared the attached documents based on the discussions of all work to be delegated to Department staff at the September 2010 hearings. At the September 15, 2010 hearing, the Historic Preservation Commission (HPC) directed staff to revise the identification of types of work and delegation process and materials as outlined below. The Department's responses are in italics below each of the tasks.

1. Develop a draft definition that allows for some window replacement to be considered a Minor Alteration provided that the work meets specific criteria.

The Department has defined window replacement that is eligible for a Minor Permit to Alter as the replacement of all windows on secondary elevations or 20% or less of all windows on the primary façade. All windows are required to be replaced in-kind and closely match the historic windows regardless of whether the historic windows exist or not, including configuration, materials, exterior profiles, and dimensions. For example, an applicant that proposes an alternate material, such as a wood-clad window system, or proposes replacement of more than 20% of the windows on the primary façade would be required to obtain a Major Alteration Permit from the HPC. The Department believes that this addresses the request of the HPC to develop a definition for window replacement that will allow smaller scopes of work to be approved administratively.

2. Clarify the definition of "Ordinary Maintenance & Repair."

The Department believes that the proposed language outlined in the draft Resolution is adequate. This definition is identical to the definition included in Articles 10 and 11 of the Planning Code. It does not include material replacement and is meant to address deterioration in order to extend the life of existing historic fabric.

3. Under Rooftop Equipment clarify "substantial addition in height" and "minimally visible."

Article 11 of the Planning Code limits additions (including mechanical equipment) on Category I (Significant) Buildings to one story and to less than 75% of the roof area. The Department has refined the definition of "substantial addition in height" to "one story" to bring it into alignment with the requirements of Article 11. The Department has clarified "minimally visible" to read

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“less than 50% of one story.” While the definition of “one story” allows for some flexibility in interpretation, the Department believes that any project proposing large-scale rooftop equipment will be subject to HPC review if it is unable to meet the less than 50% visible from the surrounding public right-of-way requirement. The Department believes that this addresses the HPC’s request.

4. Clarify that the draft *Sign, Awning, and Storefront Replacement Standards* should address all buildings under Article 11 and that they shall come back to the HPC for final review and approval during the interim period.

This task is included for action in the draft Resolution.

5. Clarify what materials will be included in the notification materials that accompany the Minor Permits to Alter.

These materials are listed under the third bullet point in Exhibit A of the draft resolution and include a photograph of the building and one 11”x17” sheet indicating the proposed scope of work.

6. Provide an opportunity for the HPC to discuss Minor Permits to Alter at its regularly scheduled hearings during the interim period.

This request is listed under the fifth bullet point in Exhibit A of the draft Resolution. The Department will include a copy of the Minor Permits to Alter in the HPC’s correspondence folder and Minor Permits to Alter will be included as a item under “Matters of the Commission” on the HPC’s agenda for discussion at the HPC’s discretion

7. Extend the Request for Notification period to 20 days.

This request is listed under the sixth bullet point in Exhibit A of the draft Resolution. The Department would like the HPC to consider a separate shorter period (10-day) for Minor Permits to Alter for signs and awnings only. The majority of permit applications processed by the Department within the Conservation Districts are related to signs and awnings and the scope of work associated with these projects is generally limited. The Department believes that a 10-day period allow for adequate notice to interested parties and will allow for the Department to respond applicants in a timely fashion.

REQUIRED COMMISSION ACTION

The Department requests that the HPC adopt a resolution at its October 6, 2010 hearing delegating this function to the Department as an interim measure.



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. XXX

HEARING DATE OCTOBER 6, 2010

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.

1. WHEREAS, Proposition J received voter approval in November 2008 and gives the Historic Preservation Commission (HPC) authority under Section 4.135 of the City Charter (1) the authority to determine if a proposed alteration (Permit to Alter) should be considered a Major or a Minor Alteration, (2) the authority to approve, modify, or disapprove applications for permits to alter or demolish Significant or Contributory buildings or any building within a Conservation District; and, (3) the authority to delegate this function to the Planning Department (Department) for work determined to be Minor, whose decision is appealable to the HPC.
2. WHEREAS, the Historic Preservation Commission, at its regular hearings of September 1, 2010, September 15, 2010, and October 6, 2010 reviewed and discussed the intent and application of the procedures outlined to identify and delegate Permits to Alter that are determined to be Minor; and
3. WHEREAS, in appraising a proposal for a Permit to Alter determined to be a Minor, the Department on behalf of the HPC, shall determine that all proposed alterations to exterior features of Significant or Contributory buildings or any buildings within a Conservation District shall be consistent with the architectural character of the building and/or district, the Secretary of the Interior's Standards, and shall comply with the following specific requirements, where applicable:
 - a. The distinguishing historic qualities and character of the building may 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,

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rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- d. 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.
- e. 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.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS the following list of scopes of work determined to be Minor Alteration Permits to Alter and the procedures outlined in Exhibit A of this resolution for delegation to the Department for approval, modification, or disapproval

1. **Ordinary Maintenance & Repair:** Work determined to be ordinary maintenance & repair which is defined as any work, the sole purpose and effect of which is to correct deterioration, decay, or damage, including repair of damage caused by fire or other disaster.
2. **Window Replacement on Secondary Elevations or Window Replacement of 20% or less of 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 windows 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 that does not result in an addition of height above one story and is 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 & awnings or a change of copy on existing signs & awnings that meet the Department's *Sign and Awning Standards*, and includes the removal of any abandoned conduit, outlets, attachment structure, and related equipment, as adopted by the HPC.
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 *Storefront Replacement Standards* as adopted by the HPC.

BE IT FURTHER RESOLVED that the Commission GRANTS this delegation based on the general intent and tone of the Department's Draft *Sign, Awning, and Storefront Replacement Standards*. These final documents shall be presented to the HPC for review and approval within the one year interim period as they are revised and expanded to address property types in all six existing Conservation Districts.

BE IT FURTHER RESOLVED that the Commission GRANTS this delegation as an interim procedure that will expire within one year of the date of this resolution or may be revoked at any time within the interim period at the Commission's discretion.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 6, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: OCTOBER 6, 2010

EXHIBIT A

INTERIM 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 Resolution XXX are determined to be Minor and the review and approval process shall be delegated to the Department under the following interim procedures. This procedure does 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.

Category I-IV & 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 Resolution XXX 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 one 11"x17" sheet that illustrates the proposed scope of work.
- The Minor Permit to Alter will be sent to all HPC Commissioners, Applicant, as well as all interested parties who make a request in writing to the Department.
- During the interim period the Minor Permit to Alter will also be included in the HPC's correspondence folder and Minor Permits to Alter will be included as an item under "Matters of the Commission" on the HPC's agenda for discussion at the HPC's discretion.
- Any member of the public or the HPC may file for a "Request for Hearing" within 20 calendar days 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 20-day period or a 10-day period for sign and awning Minor Permits to Alter.

- 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 hearing will be scheduled and noticed for a future hearing before the HPC.
- The mailed 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.
- All other notification will follow the standard hearing noticing requirements under Article 11.
- At the time of the hearing, the HPC may choose to uphold, modify, or disapprove the Permit to Alter.



SAN FRANCISCO PLANNING DEPARTMENT

Permit to Alter MINOR ALTERATION DRAFT EXAMPLE

Date: September 1, 2010
Case No. 2010.0000H
Permit Application No.: 2010.07.20.0695
Project Address: 33 Maiden Lane
Conservation District: Kearny-Market-Mason-Sutter Conservation District
Category: Category IV - Contributing
Zoning: C-3-R (Downtown Retail)
80-130-F Height and Bulk District
Block/Lot: 0310/008
Applicant: Tristan Warren
Senior Associate
Zackl de Vito ARCHITECTURE
156 South Park
San Francisco, CA 94107
Staff Contact Timothy Frye - (415) 558-6625
tim.frye@sfgov.org

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

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This is to notify you that pursuant to the process and procedures adopted by the Historic Preservation Commission (HPC) and authorized by City Charter Section 4.135, your request for a Permit to Alter at **ADDRESS** is determined to be a Minor Alteration to a **CATEGORY** Building within the **CONSERVATION DISTRICT** under the Downtown Plan.

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

The scope of work identified in this Permit to Alter for a Minor Alteration has been delegated to the Department in accordance with HPC Resolution No. XXX and the Department grants APPROVAL in conformance with the architectural plans dated XXXXXXXX and labeled Exhibit A on file in the docket for Case No. 2010.0000H and associated with Permit Application No. 2010.07.20.0695

FINDINGS

The proposed scope of work includes (**INSERT SCOPE e.g. storefront replacement confined to the piers and lintels of the ground-floor commercial space**) and complies with the following requirements:

- a. The distinguishing historic qualities and character of the building may not be damaged or destroyed.

No historic fabric is proposed to be removed as part of this proposal.

- b. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.

The proposal will remove an existing non-historic storefront. All work is confined within the piers and lintels of the ground-floor commercial space and will not impact the integrity of any adjacent distinctive features or examples of skilled craftsmanship.

- 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.

N/A

- d. 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.

The proposal includes the removal of the existing non-historic storefront system and replacement with a new compatible storefront system. The overall exterior profiles and storefront arrangement meets the Department's Storefront Standards and is determined to be compatible with the character-defining features of the subject building and the Conservation District; a horizontal metal panel will separate the main storefront glazing from the transom area and will match the overall historic proportion, scale, and character of ground-floor storefronts within the district; all glazing shall be clear vision glass; intake louvers will be located above the transom area but will be incorporated into the overall storefront system and will be installed behind an architecturally finished grille to conceal their appearance from the public right-of-way. The storefront shall have a dark painted or powder coated finish. All new tenant signage shall be reviewed under a separate permit application.

- e. All exterior alterations, including signage and awnings, shall be compatible with the character-defining features of the building and/or the Conservation District.

The proposal is found to be compatible with Appendix E of the Planning Code in terms of Massing, Composition, Scale, Materials, Detailing, and Ornamentation.

For these reasons, the above-cited work is consistent with the intent and requirements outlined in HPC Resolution No. XXX and will not be detrimental to the subject building and/or the Conservation District.

REQUEST FOR HEARING: If you have substantial reason to believe that there was an error in the issuance of this Permit to Alter, or abuse of discretion on the part of the Planning Department, you may file for a Request for Hearing with the Historic Preservation Commission within 20 days of the date of this letter or 10 days for a Minor Permit to Alter for a sign or awning. Should you have any questions about the contents of this letter, please contact the Planning Department at 1650 Mission Street, 4th Floor or call 415-575-9121.

cc: Historic Preservation Commission, 1650 Mission Street
San Francisco Architectural Heritage, 2007 Franklin Street
Sue Hestor, Attorney, 870 Market Street
Other Interested Parties

1. **General Plan Compliance.** The proposed Permit to Alter is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

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.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

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

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.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Permit to Alter is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Permit to Alter and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the subject building and/or Conservation District for the future enjoyment and education of San Francisco residents and visitors.

1. The proposed 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 project is not neighborhood-serving; however, its continued use maintains and strengthens the surrounding retail uses, many of them are locally-owned, by bringing visitors to the area.

- 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 project will strengthen neighborhood character by respecting the character-defining features of the subject building and/or Conservation District in conformance with the requirements set forth in HPC Resolution No. XXX and the Secretary of the Interior's Standards.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed project will have no adverse effect on 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 project 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 project will not affect the City's diverse economic base and will not displace any business sectors due to commercial office development.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any construction or alteration associated would be executed in compliance with all applicable construction and safety measures.

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

The proposed project respects the character-defining features of the subject building and/or Conservation District and is in conformance with the requirements set forth in HPC Resolution No. XXX and the Secretary of the Interior's Standards

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Permit to Alter will not impact the City's parks and open space.

2. For these reasons, the proposal meets the provisions of City Charter Section 4.135 and HPC Resolution No. XXX regarding Permits to Alter.