



**SAN FRANCISCO
PLANNING**

Update: April 2013

PROPOSED DUBOCE PARK LANDMARK DISTRICT

The Planning Department (Department) developed this response to address concerns expressed in a series of flyers circulating the neighborhood regarding the proposed Duboce Park Landmark District. The goal of this document is to correct the record and provide information to assist residents and property owners in understanding the review process for alterations in landmark districts and in developing an informed opinion regarding the proposed District.

Background

The Department has engaged in an unprecedented level of community outreach related to the proposed landmark district to include the community in the proposed landmark designation process. In addition to door-to-door flyers, mailings and email correspondence, the Department posted regular updates on its project website, made presentations to the local neighborhood group (the Duboce Triangle Neighborhood Association), and provided updates for the neighborhood group's large-circulation newsletter. Over the course of nearly two years, the Department has hosted a heavily promoted series of eight community events. Many property owners, residents, and stakeholders have participated in the community workshops, meetings, and "Ask a Planner" events.

Two key outcomes resulted from this community collaboration:

1. a designation ordinance tailored to the community's expressed needs and concerns, and
2. a successful effort to expand access to the property tax savings offered by the Mills Act.

Designation Ordinance.

Input gathered from community meetings was used to guide revisions to the draft designation ordinance, which was tailored to align more closely with expressed community needs. The Department significantly scaled back the level of review for scopes of work that meet certain conditions and minimized the proposed review of alterations at the rear of properties. Some types of work are specifically exempted from additional review, such as seismic upgrades, ordinary maintenance and repair, painting, and interior renovations. Other scopes of work simply need to comply with existing Department codes and standards, such as window replacement, roof replacement, and most common alterations at the rear of buildings. It was described by a Historic Preservation Commissioner as the most permissive and flexible landmark designations she has ever seen. The scaled-back designation ordinance is a direct result of the community engagement process. Examples of alterations and the review process are included in this document.

Mills Act.

At community meetings, many property owners expressed interest in the property tax savings offered by the Mills Act program and concern that the existing application process presented a barrier to realizing those savings. In response, Supervisor Scott Wiener sponsored legislation to amend San Francisco's Mills Act program to make the application process quicker, cheaper, and more predictable. The improved program became effective in October 2012, and the Department is planning a Mills Act clinic in May or June 2013 to assist interested property owners with the application process.

1 Outreach activities were funded by a federal Preserve America grant.

Correcting the Record

In response to recent viewpoints expressed in flyers circulating the neighborhood, the Department would like to address the primary areas of concern.

→ Clear and Predictable Review Process.

The designation provides residents with clarity regarding the levels of review for permit applications. The revised Designation Ordinance provides clarity and predictability in the review of future alterations as sought by the community. The identified level of review for specific alterations is clearly documented in the designation ordinance posted on the project website.² In certain cases, landmark designation would result in less expensive fees and a quicker review time. For instance, if the criteria in the designation are followed, **the environmental review process will be faster and cheaper than without the designation in place.**³

→ Costs of Designation.

One recent flyer states that designation would “impose additional costs up to tens of thousands of dollars” upon property owners, which is an exaggerated statement. As documented in the Designation Ordinance, most common alterations would require no change to the current review procedures or minimal review by Department staff, with no new or a small increase in fees. Likewise, any claim that these potential additional costs would be passed on to renters is not accurate. San Francisco’s rent control ordinances apply regardless of landmark designation. Common capital improvement pass-throughs (rent increases) such as roof replacement and seismic upgrades are not impacted by designation. Also, common alterations such as maintenance and repair (including window replacement) are not considered capital improvements.

→ Mills Act: A Proven Residential Financial Incentive.

The Mills Act is widely considered the most important financial incentive for preservation. Some cities, such as Los Angeles and San Diego, boast hundreds of Mills Act contracts. It is expected that the recent amendments sponsored by Supervisor Wiener to San Francisco’s Mills Act program will vastly expand access to and implementation of this valuable financial incentive. The Mills Act primarily benefits more recent property owners, who pay much higher property taxes than longer-term residents. The most significant property tax savings are realized by owners of property purchased within the last 10 years. Landmark designation will qualify owners of contributing buildings in the district to apply for the Mills Act program. Based on an analysis of property ownership records, it appears that many property owners have purchased their building after 2000 and therefore would likely benefit from a Mills Act contract. Other financial incentives include the federal 20% tax credit for rehabilitation and the Façade Easement program. These programs were discussed at community meetings and the related information posted online.⁴

→ Streetscape & Park Improvements.

Contrary to one recent flyer, the installation of streetlights or work to park features, such as steps and trees were never part of the proposed district designation, nor were such repairs ever linked to the designation. The park and interior block park entrances are managed by the Recreation and Parks Department and any repair or rehabilitation is dependent upon acquisition of funds to complete the work and prioritization of projects. Since the Planning Department does not have jurisdiction over the park maintenance and funding, it is not feasible to require this work as part of the proposed district.

→ District & Park Boundary.

Some have questioned why the park was not included in the designation, given the historic connection and shared history between the park and adjacent buildings. The primary reason is that the park no longer retains integrity; it would be largely unrecognizable to residents from the 1900s. Unlike buildings in the proposed district, which retain notably high levels of physical integrity, the park has undergone significant changes which include removal of the original garden rockeries, landscaping, circulation, and slope, and introduction of various buildings and sites including a Muni tunnel portal, large community center, playgrounds, basketball courts, and new pathways. The primary material link to the historic park is found at the historic steps and rock retaining walls. It is this historic physical connection to the neighboring streets that is included in the proposed landmark district designation.

² <http://dubocepark.planning.org>

³ The Historic Resource Evaluation, Part II, which has a \$3,384 fee, is not required.

⁴ <http://dubocepark.planning.org>

→ Properties Adjacent to the Park.

Because of their visibility from the park, a public right-of-way, some alterations to the first three properties adjacent to the park require a different level of review than properties that are not visible or minimally visible from the park. The different level of review is primarily required for rear additions, new rear window or door openings, fences adjacent to the park, and decks or stairways to ensure that these alterations are designed to maintain the character of the district along the public right-of-way. With the exception of additions, most proposed work can be approved by Department staff. While the HPC would be required to review proposed additions, the HPC commonly approves additions that feature modern designs that relate to the surrounding context.

→ Property Values.

Available studies indicate that properties in landmark districts appreciate at a slightly higher rate than similar properties located outside of districts. The Department has never changed its position in regards to designation and property values. Academic studies demonstrating the link between property values and landmark district designation are posted on the project website.⁵

→ Online Poll.

At the request of property owners and Supervisor Wiener, the Department created an online poll to solicit feedback from owners and residents regarding the proposed district. The poll was available for three weeks in November 2012. An option to submit poll response on paper was also available. Participation was encouraged through several channels, including: a postcard containing a link to the poll was mailed to tenants and property owners; the poll was announced at the Department's November 1st community meeting; the poll was the topic of a website update; the Department emailed an announcement to the 65 people on its project mailing list on November 7th and an emailed follow-up reminder on November 21st; and Supervisor Scott Wiener sent an email alert to everyone who had previously contacted his office regarding the proposed designation. The Department maintains proof of all mailings, which includes a copy of the mailing labels, and has confirmed that all property owners and tenants were mailed a notification postcard. There are 87 buildings within the proposed District with 103 property owner households (some buildings have multiple owners). Approximately 35% of owner households participated. It should be noted that participation in the poll is just one of the many channels for conveying support or opposition to the proposed designation. Property owners and other stakeholders had the opportunity to provide feedback in the form of an email, letter, or public testimony at hearings before the Historic Preservation Commission, and Planning Commission, and at the upcoming Board of Supervisors' Land Use hearing.

→ Tours.

Of the City's 11 landmark districts, only Alamo Square is regularly visited by tour buses. Tourists are drawn to the Alamo Square Landmark District for its iconic view of the seven painted ladies—made famous by the opening credits of the television show, *Full House*—contrasted with downtown San Francisco skyline. It is highly unlikely that a Duboce Park Landmark District would attract tour buses, particularly given its small-size and the dead-end interior block streets.

⁵ <http://dubocepark.planning.org>

Real World Examples

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The following section highlights the review process for common types of alterations within the proposed Duboce Park Landmark District. The review process is documented in the Designation Ordinance posted on the project website.⁶ Photographs are included to illustrate the types of alteration that would qualify for a specific level of review.

Replacing a Garage Door



Page 17 of the Designation Ordinance states:

“A Certificate of Appropriateness shall not be required for the replacement of an existing garage door provided that the new garage door is compatible in terms of material, pattern, and fenestration and minimizes its visual impacts on the character-defining features of the existing building and front yard setting.”

The current review process is unchanged and there is no additional fee.

Left: Example of a compatible replacement garage door within the proposed Duboce Park Landmark District.

Replacing Windows: Primary Façade



Page 24 of the Designation Ordinance states:

“A Certificate of Appropriateness shall not be required for window replacement on primary facades provided that the proposed windows match the historic (extant or not) windows in terms of opening size, configuration, material, and all exterior profiles and dimensions.”

The current review process is unchanged and there is no additional fee.

Left: Example of compatible window replacement on a primary façade within the proposed Duboce Park Landmark District.

⁶ <http://dubocepark.planning.org>

Replacing Windows: Non-Visible Rear Facade



Page 25 of the Designation Ordinance states:

“A Certificate of Appropriateness shall not be required for window replacement on non-visible rear facades within existing openings.” “A Certificate of Appropriateness shall not be required for the alteration of existing window openings, or the insertion of new window openings, at rear façades that are not visible from public rights of way.”

The current review process is unchanged and there is no additional fee.

The Designation Ordinance provides greater flexibility for window replacement and enlargement at the non-visible⁷ rear of the building. Contemporary or traditional windows in any materials, size and configuration can be approved provided that the windows are not visible from the park or public rights-of-way.

Left: Example of contemporary windows installed on a non-visible rear elevation.

Installation of Solar Panels & Related Structures



Page 24 of the Designation Ordinance states:

“A Certificate of Appropriateness shall not be required for the installation of structures that support solar panels, regardless of visibility, provided that the installation would not require alterations to the building greater than normally required to install a solar energy system, such as: (a) Set with a low profile, and (b) Mounted parallel with the slope of the roof (if the roof is sloped greater than 1/12, and (c) Not visible from adjacent street sightlines if on a flat roof, and (d) Set in from the perimeter walls of the building, including the building’s primary façade.”

The current review process is unchanged and there is no additional fee.

Left: Example of a recently installed solar panel system within the proposed Duboce Park Landmark District that meets the Designation Ordinance requirements.

⁷ See definition of “visibility” as defined in the Designation Ordinance. <http://dubocepark.planning.org>

Roof Replacement



Page 25 of the Designation Ordinance states:

“A Certificate of Appropriateness shall not be required for roof replacement provided that the proposed work does not change the roof character, form or structure.”

The current review process is unchanged and there is no additional fee.

Left: Example of a compatible asphalt shingle roof within the proposed Duboce Park Landmark District.

Dormers & Additions: Not Visible

Page 18 of the Designation Ordinance states:

“An Administrative Certificate of Appropriateness shall be required for the construction or enlargement of existing dormers, penthouses or horizontal or vertical additions provided that the new construction is not visible from a public right-of-way.”

The current review process will be amended to require an administrative review by Department Staff and a fee will be assessed based on staff time and materials. The administrative review fee will be approximately \$100-250.

Based on feedback at community meetings the review of this scope of work was scaled back to allow for administrative review rather than a hearing before the Historic Preservation Commission. As the alterations are not visible from a public-right-of-way, there are no additional requirements regarding materials, fenestration, form, or cladding. The intent of administrative review is to ensure compatibility and the lack of visibility.

Dormers & Additions: Visible

Pages 18-19 of the Designation Ordinance state:

“New construction shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. The enlargement or construction of [visible] dormers, penthouses and horizontal or vertical additions shall be designed in a matter that requires minimal change to the character-defining features of the subject building and the district in terms of materials, fenestration, cladding, massing, and ornamentation.”

The current review process will be amended to require hearing before the Historic Preservation Commission and a fee will be assessed based on staff time and materials. The Certificates of Appropriateness fees—for all scopes of work, from minor alterations to visible additions—range from \$86 to \$5,947.

As this scope of work has the potential to be highly visible within the district, review by the Historic Preservation Commission will help ensure that these visually prominent additions are designed with sensitivity to the building and neighborhood as a whole. The assessed Certificate of Appropriateness fee is based on construction costs and in some circumstances will result in a more expensive review process.

Front Stairs Replacement



Page 16 of the Designation Ordinance states:

“An Administrative Certificate of Appropriateness shall be required for the replacement of historic or non-historic stairways and/or railings with compatible stairways and/or railings provided that the proposal is based on physical or documented evidence and is found to be compatible in terms of location, configuration, materials, and details with the character-defining features of the building and/or district. New railings, if needed, shall match the historic rail system in design.”

The current review process will be amended to require an administrative review by Department Staff and a fee will be assessed based on staff time and materials. The administrative review fee will be approximately \$100-250.

Based on feedback at community meetings the review of this scope of work was scaled back to allow for administrative review rather than a hearing before the Historic Preservation Commission. The intent of administrative review is to ensure that the design of these highly visible building elements are compatible to the building and the neighborhood as a whole. Compatibility does not mandate restoration or custom contractors to match missing historic features. Compatibility can be met with many “off-the-shelf” materials, such as turned wood balusters and wood treads and risers.

Left: Examples of compatible stair replacement within the Duboce Park Landmark District.

The proposed landmark designation can result in a faster, less expensive review process.

In some circumstances, the proposed landmark designation would result in a less expensive and faster review process than the current process. For example, without landmark district designation, the construction of a large, visible dormer could require the Department to conduct more extensive environmental review (called a Part II Historic Resource Evaluation (HRE)). This State-mandated environmental review would evaluate the impact of the new dormer on the historic building and the district. The fee with this environmental review is \$3,384 and has a processing time of four to five months.

In contrast, the Designation Ordinance would instead require approval of a Certificate of Appropriateness at an HPC hearing for a fee of \$1,305 instead of the HRE review and fee. This Certificate of Appropriateness fee is based on an estimated construction cost of less than \$20,000—resulting in a savings of over \$2,000. Even with the HPC hearing and appeals period, the review period for this alteration within the proposed district would be shorter than the current review period for HREs.

If you have additional general questions regarding the proposed District or specific questions about the levels of review for future alterations to your building, please contact Mary Brown, Preservation Planner, at 575-9074 or mary.brown@sfgov.org.

<http://dubocepark.planning.org>