

Exhibit V-1 Eastern Neighborhoods Historic Resource Interim Procedures

CASE REPORT

For Hearing on April 17, 2008
Action Proposed for May 15, 2008 or later

Case No: 2004.0160EMTZU
Intent to Establish Interim Procedures for historic resource preservation in the Eastern Neighborhoods, until such time as the Eastern Neighborhoods Historic Resources Surveys are completed and appropriate amendments to the Eastern Neighborhoods Area Plans and associated controls are made.

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Date: April 10, 2008

Reviewed By: John Rahaim, Amit Ghosh

Applicant: San Francisco Planning Department

The San Francisco Planning Department is proposing to establish interim procedures for additional review of proposed changes to or demolition of historic or potentially historic resources in the Eastern Neighborhoods, pending completion of the ongoing historic resource surveys. This would consist of a Planning Commission resolution establishing specific procedures to integrate the Eastern Neighborhoods Resources Surveys into each of the four Eastern Neighborhoods Area Plans, comprised of the East South of Market (East SoMa), Showplace Square/Potrero Hill, Mission and Central Waterfront Area Plans, as well as establishing interim elevated scrutiny of permit review.

For background on the Eastern Neighborhoods Area Plans and project location, see the accompanying General Plan Amendments staff report.

Preliminary Staff Recommendation:

Staff recommends adoption of the draft resolution of intention to establish Interim Procedures and Integration of Surveys in the Eastern Neighborhoods Area Plans.

This Staff Report includes information under the following headings:

- Interim Procedures Background
- Interim Procedures Description
- Environmental Review
- Attachments to this Case Report
- Related Actions

Interim Procedures Background:

The Area Plans envision new development that is compatible with and respectful of the fabric of the rich and diverse areas that are the Eastern Neighborhoods. The Plans, which include an section on historic preservation, take this subject seriously. They contain a number of policies and provisions addressing this topic, including General Plan and Planning Code language protecting existing housing stock, and encouraging the establishment of historic districts. The chapters on design guidelines call for context-dependent development. Overall, the Plans add a strong program for the identification and preservation of historic and cultural resources in each of the four areas, and the surveys' findings are but one expression of this strong historic preservation value.

The Planning Department has received funding and hired consultants who are currently performing area-wide historic resource surveys. The surveys will enrich the available information on historic and cultural resources in the area. The surveys are expected to be completed by the latter part of 2008, after which their findings will be incorporated into planning policy and controls as necessary.

Staff is proposing that the Commission adopt interim policies to address historic preservation concerns during the period between plan adoption and integration of the completed survey findings. These interim policies are intended to formalize agreements the Department has discussed with interested community members and are pursuant to the spirit of the Plans. Accordingly, the attached resolution calls for extra scrutiny with respect to permit review as well as for the incorporation of survey results into the Plans policies and controls as needed. The Department supports the integration of the surveys results into the Plans and intends to demonstrate caution during this interim period.

The findings of the Draft Environmental Impact Report concluded that parcels with historic or potentially historic resources subject to both development of new residential uses and increased height limits would be particularly vulnerable to change. Altogether, approximately 32 percent of known or potential historic resources in the Eastern Neighborhoods could potentially be affected by the proposed rezoning (under option C scenario, which allows the most development; the actual proposal is modeled after Option B, which allows moderate development). Over the life of the Area Plans, this cumulative impact would be significant and unavoidable. Therefore, the interim policies and procedures are intended to provide additional

review and policy direction while the historic surveys are completed.

Under the No-Project Alternative, identified and potential historic resources would, however, continue to be subject to risk as a result of ad hoc development in the project area. The No-Project Alternative would not incorporate the additional policy direction of the Area Plans and the interim policies. Therefore, the proposed interim procedures would help ameliorate the effects of the rezoning as well as of the No-Project Scenario.

Staff believes that the interim procedures provide a strong framework for the additional scrutiny and oversight required to protect the City's historic resources within the Area Plans until the surveys are endorsed and integrated into Planning controls.

These interim policies are intended to ensure that:

- Adoption of the Plans not be unduly delayed;
- A clear mechanism be established and put in place to consider revisions to the Plans, if necessary, following completion of the surveys;
- Interim procedures be put in place until such time as the surveys are complete and their results integrated into the Plans; and
- If any eligible historic districts are identified through the surveys, that they be recognized and such historic districts be officially established.

The proposed resolution calls for the Department to:

- Scrutinize permit applications for demolition, exterior alterations, and expansion for buildings 50 years of age and older for adverse impacts to potential historic resources;
- Require additional review by the Landmarks Preservation Advisory Board for all proposed new construction within the entire Plan Area over 50 feet or 10 feet taller than adjacent buildings built before 1963;
- Allow the Landmarks Preservation Advisory Board greater oversight of Planning Department CEQA determinations of significance and potential impacts.
- Require regular reports to the Landmarks Preservation Advisory Board regarding exterior alterations to determined historic resources.
- Broaden Neighborhood Notification, by request of a BBN, for permit activity of interest to any neighborhood association at no charge.
- Commit to a procedure and timeline for the integration of the Survey findings into the Plan and related planning instruments.

Interim Procedures Description:

Attached to this case report is a set of proposed interim procedures for protection of historic resources in the Eastern Neighborhoods Plan Areas. These can be summarized as follows:

- A. All proposed new construction within the entire Plan Area over 50', or 10' taller than adjacent buildings, built before 1963 shall be forwarded to the Landmarks Preservation Advisory Board for review and comment.
- B. All cases that require CEQA review for properties constructed prior to 1963 that propose demolition or major alteration within the Plan Area shall be forwarded to the Landmarks Board.
- C. A report regarding all permit applications that propose exterior modifications to the street facade(s) of historic resources (as defined in Preservation Bulletin #16) within the Plan Area shall be presented to the Landmarks Preservation Advisory Board.
- D. A Preservation Technical Specialist shall review or be consulted on all applications for proposed alterations to buildings constructed before 1963 within the Plan Area.
- E. Neighborhood Association Block Book Notations (BBN) for all building permit activities reviewed by Planning Department.

Environmental Review Status:

The Planning Commission will consider certification of the Eastern Neighborhoods Environmental Impact Report and consider adopting CEQA Findings prior to taking action to adopt the proposed amendments.

Attachments:

- **Exhibit V-2 Draft Resolution** of Intent to Establish Interim Controls
- **Exhibit V-3** Interim Procedures for Permit Review of Potential Historic Resources

Related Actions:

In conjunction with these Interim Historic Preservation Procedures, the Department is proposing amendments to the General Plan, Planning Code and Zoning Map to implement the Eastern Neighborhoods Area Plans. These proposed actions are covered in separate Staff Reports.

**Exhibit V-2 Draft Planning Commission Resolution on Interim Procedures and
Integration of Surveys for the Eastern Neighborhoods Area Plans**

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. _____

WHEREAS, The Planning Commission (Commission) may consider adopting the four Eastern Neighborhoods Area Plans (Plans) on or after May 15, 2008, which will include amending the General Plan, adding four new Area Plans - the Mission, Central Waterfront, East SoMa and Showplace Square / Potrero Hill Area Plans- amending the Planning Code, and amending the Zoning Map; and

At that time, the Planning Department will not yet have completed all of its ongoing historic resource surveys for these areas. During the interim period, the Commission may adopt interim procedures for scrutiny of any development proposal which may affect potential historic and cultural resources until such time as the surveys are completed.

The Plans contain policies promoting the identification of historic districts, their subsequent preservation, and require that proposed new development be designed to be contextually consistent with existing buildings. The Plans also call for the application of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* for proposed projects that could affect individual or groupings of historic or cultural properties in the four planning areas to assure compatibility with the character of the districts. To further support the identification of historic resources, the Plans call for the preparation of comprehensive historic surveys of these areas.

The Planning Department has engaged the services of a consultant to assist in performing comprehensive historic resource surveys that cover each of the planning areas to increase the knowledge of historic and cultural resources in the areas, known as the Cultural and Historic Resource Surveys (Surveys). The Surveys are expected to be completed during (or shortly after) the summer of 2008, after the expected adoption of the Plans by the Board of Supervisors. Prior to their conclusion, the Department expects the surveying effort to yield some preliminary information, including the possible identification of particularly sensitive areas to be investigated as potential historic districts.

The Plans call for the integration of the Surveys' results and revisions into the Plans as needed once the surveys are completed. The Plans also encourage the establishment of new historic districts in the area, should any eligible new district areas be identified in the Surveys or subsequent to completion of the Surveys.

The Plans state that until the Surveys are completed, the Department should apply a high degree of scrutiny in its review of any project proposals in the planning areas, and that particularly sensitive areas identified in the Plans should be treated as potential historic districts while the comprehensive Surveys are underway.

The adoption of interim procedures and policies related to historic preservation at the time of Plan Adoption will ensure that:

- (1) adoption of the Plans not be unduly delayed;
- (2) a clear mechanism be established and put in place to consider revisions to the Plans, if necessary, following completion of the Surveys;
- (3) interim procedures be put in place until such time as the Surveys are complete and their results integrated into the Plans; and
- (4) if any eligible historic districts are identified through the Surveys, that they be recognized and such historic districts be officially established.

It is the expressed desire of this Commission and the Department to provide heightened protection for historic resources citywide and in the Eastern Neighborhoods, and reasonable clarity and certainty of process during the transition period when the Surveys are being completed and results incorporated into the Plans permanently.

The Planning Commission will consider certification of the Eastern Neighborhoods Environmental Impact Report on or after May 15, 2008 prior to considering relevant amendments to the General Plan, Planning Code and the Zoning Map. It will also consider adopting California Environmental Quality Act Findings at that hearing.

The Planning Commission will consider finding that the Eastern Neighborhoods Zoning Map Amendments are, on balance, in conformity with the General Plan and the eight Priority Policies of Planning Code Section 101.1 and with the General Plan as proposed to be amended for the reasons set forth in Planning Commission Resolution No. _____ which accompanies this Resolution, and incorporates said findings herein by reference.

NOW, THEREFORE BE IT RESOLVED, that upon adoption by this Commission of the Eastern Neighborhoods Area Plans and related General Plan amendments, including this Resolution, the Department shall implement interim procedures as described in **Exhibit V-3**, in order to review any project applications that might affect potential historic resources in the Planning Areas prior to conclusion of the Surveys;

AND BE IT FURTHER RESOLVED, that until the Commission endorses the results of the Surveys and adopts the associated amendments to the Plans and their implementing controls, if any, and the Board of Supervisors approves them, and the Commission subsequently incorporates them into the General Plan, the Eastern Neighborhoods Area Plans, and the Planning Code, any project in the Eastern

Neighborhoods areas that is above 50 feet or 10 feet taller than adjacent buildings, as described in **Exhibit V-3**, will be forwarded to the Landmarks Preservation Advisory Board for review and comment.

AND BE IT FURTHER RESOLVED, that the Planning Department shall propose to the Planning Commission and the Board of Supervisors integration of the results of the Surveys, when endorsed by the Planning Commission, into the each of the four Eastern Neighborhoods Area Plans, the General Plan and related Planning Code provisions, according to the process described in **Exhibit V-3** and further described below,

AND BE IT FURTHER RESOLVED, That within 90 days of receipt of the consultant's final work products from the Surveys, the Department shall present any proposed, identified, eligible districts DPR 523D, District Records, and 523A, individual building inventory forms, to the Landmarks Preservation Advisory Board (Landmarks Board) for its consideration to: (1) initiate formal listing as outlined in Planning Code Section 1004 et seq. and (2) nominate all California or National Register-eligible districts with the California Office of Historic Preservation (OHP), as outlined in: Office of Historic Preservation Technical Assistance Series #7;

AND BE IT FURTHER RESOLVED, that once the results of the Surveys have been endorsed by this Commission, the Department shall within 90 days make a recommendation, called the "Post-Survey Report" as to appropriate changes to the Plans and their implementing controls, if any, and 120 days from endorsement of the Surveys' results hold a public hearing on changes to the Plans or lack thereof before the Commission. These recommendations may include amendments to General Plan policies, design principles and/or design guidelines as well as related Planning Code provisions such as land use controls and height districts.

AND BE IT FURTHER RESOLVED, that the Planning Commission will act to amend the four Eastern Neighborhoods Area Plans, comprised of the Mission, Central Waterfront, East South of Market and Showplace Square / Potrero Hill Area Plans, and associated controls by January 1, 2010 or the authority confirmed by this resolution and the associated exhibits enacting interim procedures for review and integration of surveys shall expire.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on _____.

Linda Avery
Commission Secretary

INTERIM PROCEDURES FOR PERMIT REVIEW WITHIN THE PLANNING AREAS

Below is a set of proposed interim building permit review policies developed to provide additional protection for potential historic resources within the Eastern Neighborhoods Planning Areas while the historic resources surveys are being completed. Once the historic resources surveys are endorsed and the Plans amended to incorporate the results these policies described below will expire and the Preservation Policies in the Area Plans will take effect.

The policies below are intended to outline how the Neighborhood Planning Unit of the Planning Department will review building permit applications and other permit applications reviewed by the Planning Department and/or Commission for projects within the Planning Areas during this interim period.

- A. All proposed new construction within the entire areas covered by the Plans over 50 feet, or 10 feet taller than adjacent buildings, built before 1963 shall be forwarded to the Landmarks Preservation Advisory Board for review and comment.**

This applies to all construction that will result in an increased building envelope with a height that is equal to or exceeds 50 feet or an increased building envelope with a height 10 feet taller than adjacent age-eligible buildings as measured by the Planning Code. The Landmarks Board will review proposals at their regularly scheduled public hearings occurring on the first and third Wednesday of every month. The Board's comments will be forwarded to Planning Department for incorporation into the project's final submittal and in advance of any required final hearing before the Planning Commission.

- B. All cases that require CEQA review for properties constructed prior to 1963 that propose demolition or major alteration within the Areas covered by the Plans shall be forwarded to the Landmarks Board.**

When a proposed building permit application may affect a potential or known historic resource, the Department requires the applicant to file an Environmental Evaluation Application or an Environmental Exemption Evaluation. The purpose of said evaluation is to comply with the California Environmental Quality Act (CEQA). For the purpose of implementing this provision, a "major alteration" is defined as one for which the Department requires the applicant to file either an Environmental Exemption Evaluation or an Environmental Evaluation Application. A summary of the process is found in the Planning Department's Preservation Bulletin 16.

When an application is filed with the Major Environmental Analysis Unit of the Planning Department (MEA), the supporting Historic Resource Evaluation (HRE) prepared by a qualified professional consultant is forwarded to a Preservation Technical Specialist within the Neighborhood Planning Unit for review. At that time copies of the application and HRE will be forwarded to the members of the

Landmarks Board for comment. The Board's comments will be forwarded to Planning Department for incorporation into the project's final environmental evaluation document.

C. A report regarding all permit applications that propose exterior modifications to the street facade(s) of historic resources (as defined in Preservation Bulletin #16) within the Areas covered by the Plans will be presented to the Landmarks Preservation Advisory Board.

All building permit applications for exterior modifications to historic resources (exclusive of maintenance or repair permits as defined in Planning Code Section 1005(e)(3), meaning: "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"), such as re-roofing, or replacement front stairs) within the Plan Area will be reviewed by a Preservation Technical Specialist, or will be reviewed and approved under their supervision. Depending on the amount of the proposed change some permits might be able to be approved at the Planning Information Center (PIC) by a Preservation Technical Specialist. Commercial storefront alterations are included in this requirement.

A list of these permit applications shall be compiled and presented to the Landmarks Board at their regularly scheduled hearing. The report will provide the following information: Address, APN, Assessor's Date of Construction, Any Historic Ratings or Designations, and Short Description of the Work. At the time of the hearing the Landmarks Board may schedule a formal presentation or ask for more information regarding any of the listed projects for a future hearing.

D. A Preservation Technical Specialist shall review or be consulted on all applications for proposed alterations to buildings constructed before 1963 within the Areas covered by the Plans.

In cases where major alterations are proposed for age-eligible structures within the Planning Areas, review by a Preservation Technical Specialist will be required. Review will take into consideration policies of the Area Plans, as well as the preservation of significant architectural features, significant trees, as well as other code-mandated regulations.

E. Neighborhood Association Block Book Notations (BBN) for all building permit activities reviewed by Planning Department.

The Planning Department will register all of the neighborhood associations affected by the Area Plan for Block Book Notations (BBN). Each association will be asked to select the block(s) of their interest within the plan area, and the Department will notify them by mail or phone when a permit application is submitted to the Department for review. The Department will hold the building permit application for a period of 10 days for review by all interested parties.