

Project Subject to:

- Inclusionary Housing
- Childcare Requirement
- Park Fund
- Art Fund
- Public Open Space Fund
- Jobs Housing Linkage Program
- Transit Impact Development Fee
- First Source Hiring
- Other: Historic Survey Adoption**

SAN FRANCISCO PLANNING COMMISSION

MOTION NO. 17831

ADOPTION OF THE MARKET AND OCTAVIA AREA PLAN CULTURAL RESOURCE SURVEY FINDINGS: MARKET AND OCTAVIA AREA PLAN HISTORIC CONTEXT STATEMENT, 2007; DPR 523A, DPR 523B, DPR 523L, & DPR 523D FORMS, UNDER PLANNING CODE SECTION 1002(B)(1), TO IDENTIFY AND EVALUATE STRUCTURES, SITES AND AREAS WORTHY OF PRESERVATION.

PREAMBLE

The Planning Department has determined that actions by regulatory agencies for protection of the environment (specifically here, cultural resource survey or draft context statement findings) are exempt from environmental review, pursuant to CEQA Guidelines Section 15306, Information Collection, which covers basic data collection and resource evaluation activities.

On February 5, 2009, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting and reviewed the Market and Octavia Historic Resource Survey consisting of the Market & Octavia Area Plan Historic Context Statement, DPR 523A, DPR 523B, DPR 523L, and DPR 523D forms, and the document entitled: Market & Octavia Area Plan Survey Report prepared by the firm, Page & Turnbull. The Landmarks Preservation Advisory Board (Landmarks Board) considered the survey forms and context statement to be final.

The Landmarks Preservation Advisory Board, at its regular meetings of December 3rd, 2008 and December 17th, 2008, reviewed the Market and Octavia Historic Resource Survey consisting of DPR 523A, DPR 523B, DPR 523L, and draft DPR 523D forms. The Market and Octavia Historic Context Statement was endorsed by the Landmarks Board on December 19th, 2007. The Landmarks Board considered the survey forms and context statement to be final.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

Findings

Having reviewed all the materials identified in the recitals above, and having heard oral testimony and arguments, this Commission finds, concludes and determines as follows:

- 1) The above recitals are accurate and also constitute findings of this Commission.

- 2) The Planning Commission has reviewed the Market and Octavia Historic Resource Survey boundaries for the survey are generally coterminous with that of the Area Plan, but are slightly larger due to a reduction in the adopted Area Plan from that first introduced in the community planning process. The boundaries encompass roughly eighty blocks spanning both sides of Market Street, from Noe and Scott streets on the west to Ninth and Larkin streets to the east. The southernmost boundary of the Neighborhood Plan Area is Sixteenth Street in Eureka Valley and the northernmost street is Turk Street in the Western Addition.
- 3) The Planning Commission concurs with the Landmarks Board and finds that the Context Statement titled: *Market & Octavia Area Plan Historic Resource Survey Context Statement (December 20, 2007)* describes the boundaries of the survey area, describes the characteristics, context, and historical significance of the survey area, which justify its adoption, and therefore meets the requirements of the Certified Local Government Program of the National Historic Preservation Act of 1966, as amended; and
- 4) The Planning Commission has reviewed the Market and Octavia Historic Resource Survey inventory (documentation and evaluation of individual buildings) as found on the DPR 523A, DPR 523B, and DPR 523L forms that provide a description and statement of significance for each surveyed property, including the period of significance, the history, context, assessment, integrity, and character-defining features of the property; and reviewed the California Historic Resource Status Codes (CHRSC) assigned to individual properties on the DPR 523B forms, and concurs with the Landmarks Preservation Advisory Board; and
- 5) The Planning Commission has reviewed the draft DPR 523D, District Record forms, and concurs with the Landmarks Board, and finds the draft forms provide a description, boundary, theme, period of significance, National Register criteria, and historical context to determine the potential eligibility of:
 - a. The **Duboce Park** - National Register eligible district.
- 6) The Planning Commission has reviewed the draft DPR 523D, District Record forms, and concurs with the Landmarks Board, and finds the draft forms provide a description, boundary, theme, period of significance, California Register criteria, and historical context to determine the potential eligibility of:
 - a. The **Duboce Triangle** - California Register eligible district;
 - b. The **Hayes Valley Residential** - California Register district expansion.
 - c. **Upper Market Street** - California Register eligible district
 - d. **Elgin Park-Pearl Street Reconstruction** - California Register eligible district
 - e. **Jessie-McCoppin-Stevenson Streets Reconstruction** - California Register eligible district
- 7) The Planning Commission has reviewed the draft DPR 523D, District Record forms, and concurs with the Landmarks Board, and finds the draft forms provide a description, boundary, theme, period of significance, National Register criteria (as the criteria adopted by the Landmarks Board in 2000 to assess significance for San Francisco), and historical context to determine the context to review the local significance of:
 - a. **Hayes Valley Commercial** - locally significant district.
 - b. **San Francisco State Teacher's College Vicinity Apartments** - locally significant district
- 8) The Planning Commission has reviewed the draft DPR 523D, District Record forms, and concurs with the Landmarks Board, and finds that the following districts do not warrant

adoption, and withholds the District Records for:

- a. **Civic Center Auto Repair** - locally significant area
- b. **Mission Reconstruction** - locally significant theme
- c. **South Van Ness Deco Moderne** - California Register eligible district

9) **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

N/A.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

Historic buildings often contribute to the human-scale and pedestrian-orientation of the neighborhood and provide a solid basis for a positive community interaction between public and private space. These buildings can be indicators of the community's cultural diversity, and make San Francisco attractive to residents, visitors, and new businesses. Important historic resources should be protected to prevent their loss to The City, and to assure that they remain as resources for future generations.

- (3) That the City's supply of affordable housing be preserved and enhanced.

N/A.

- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

N/A.

- (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

N/A.

- (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

N/A.

- (7) That landmarks and historic buildings be preserved.

Survey results will fulfill the need for base-line of information to integrate with the Department's active long-range planning efforts & rezoning study in the area.

- (8) That our parks and open space and their access to sunlight and vistas be protected from development.

N/A.

10) The Project will affirmatively promote, be consistent with, and will not adversely affect the General Plan, including, among others, the following objectives and policies: The San

Francisco General Plan supports a Survey Program. Urban Design Element, Objective 2 encourages continuity with the past. "If San Francisco is to retain its charm and human proportion, certain irreplaceable resources must not be lost or diminished. Past development, as represented both by distinctive buildings and by areas of established character, must be preserved." Policy 1.2 of the draft Preservation Element: "Undertake a comprehensive survey and evaluation of privately and publicly owned structures and sites fifty years old or older and conduct periodic updates of the survey."

DECISION

That based upon the Record, the submissions by the staff of the Department, and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, including the recommendations of the Landmarks Board, the Commission hereby ADOPTS the Market and Octavia Historic Resource Survey findings: Context Statement; DPR 523A, DPR 523B, DPR 523L, & DPR 523D forms FOR Market and Octavia Historic Resource Survey subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

The Commission further encourages the Department to secure funding in their budget to fund the work plan item to present for initiation any districts adopted by the Planning Commission as a result of this survey, being a requirement within Ordinance 0072-08, and

That, upon completion of ongoing and future phases of survey including, but not limited to: context statements; individual property and historic district evaluations (adjacent and overlapping to areas within the area plan) presently known to be within the Mission Dolores and Duboce Triangle areas, that share themes and overlapping boundaries, that every effort shall be made to incorporate those findings into a comprehensive whole as appropriate in keeping with the context statement(s).

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on February 19th, 2009.

Linda D. Avery
Commission Secretary

AYES: .Muigel, Olague, Antonini, Borden, Lee, Moore, Sugaya

NOES: none

ABSENT: none

ADOPTED: February 19, 2009

Exhibit A

Conditions of Approval

The New Market and Octavia Area Plan Interim Permit Review Procedures for Historic Resources, as recommended by the Landmarks Preservation Advisory Board, with technical corrections by Department staff, including the Planning Department's processes for implementing the procedures.

A. Purpose.

At the December 17, 2008 Landmarks Preservation Advisory Board hearing, the Market and Octavia Area Plan Survey was endorsed on the condition that protection be provided for roughly 732 properties within the Area Plan Survey that had not been assessed in this phase of survey. The procedures, as a precautionary measure securing against the loss of potential historic resources, shall ensure extra scrutiny in the period between adoption of the Market and Octavia Area Plan Survey by Page & Turnbull and the completion and adoption of the Market and Octavia Survey Augmentation by Kelley & VerPlanck (amended contract work) findings by the Historic Preservation Commission.

B. Definitions.

The following definitions shall apply.

1. "Historic Resource Survey", or "Survey" means the area-wide survey of buildings to assess whether they can be considered historic resources, individually or as districts. The survey will have been performed by the consultant firm of Kelley and VerPlanck, in its amended contract form, with review and oversight by Department staff, and will be submitted to the Historic Preservation Commission for adoption.
2. "Environmental Evaluation Application", "Environmental Exemption Application", or "EE" mean applications filed with the Planning Department by a project sponsor to assess the potential environmental impacts of a proposed project under the California Environmental Quality Act ("CEQA").
3. "Historic Context Statement" means a geographically or thematically specific document focusing on a well-defined area's built history. The document is prepared to aid in identifying historic resources, as well as in reviewing permit applications for buildings without individual ratings.

4. "Minor Alteration" means work that does not meet the definition of "ordinary maintenance and repairs" set forth in Section 1005(e)(3) and that does not meet the definition of Major Alteration set forth in this Section.
5. "Major Alteration" means any project for which the Department requires the filing of an EE.
6. "Market and Octavia Planning Area" means the geographic area contained in the Market and Octavia Area Plans, elements of the San Francisco General Plan.
7. "DPR 523A," "DPR 523B" or "DPR 523D" are forms used by the State of California, Department of Parks and Recreation to record historic information related to details on either a building (DPR 523 B) or a district (DPR 523 D), whereas DPR 523 A records general information on a property.
8. "Significant Tree" means a tree within the definition of Article 16 of the Public Works Code Section 810A.

C. Application.

1. The permit review procedures set forth in this Section shall be applied throughout the Market and Octavia Area. Properties subject to these procedures are limited to those built in or before 1961.
2. Expiration. This section shall be in effect until Historic Preservation Commission adoption of the Survey.

D. Review Standards for historic resources as defined by CEQA.

When the Planning Department's historic Technical Specialists review a building permit for a historic resource as defined by CEQA, the standard to be used shall be "The Secretary of the Interior's Standards for the Treatment of Historic Properties".

E. Permit Review Procedures.

Note: underlined indicates additional added text, and ~~strikethrough~~ indicates deleted text

1. All proposed new construction within the entire areas covered by the Plans that is equal to or over 55 feet or 10 feet taller than adjacent buildings, built before ~~1963~~1961, shall be forwarded to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission for Review and Comment during a regularly scheduled hearing. The ~~Landmarks Board's~~ Historic Preservation Commission's comments will be forwarded to the Planning Department for incorporation into the project's final submittal and in advance of any required final hearing before the Planning Commission. .
 - Prior to the Planning Department's approval , the applicant will submit 17 copies of the building permit application and 11"x17"sized copies of the drawings to the Planning Department for distribution to the ~~LBAB~~ Historic Preservation Commission. Staff will prepare a brief Review and Comment memo that will be attached to each submittal.

- All Review and Comment items will be placed on the LBAB Historic Preservation Commission Consent Calendar. If an item is taken off the Consent Calendar by a Member of the LBAB Historic Preservation Commission, Department Staff or member of the public it will be heard at that hearing or continued to another hearing at the discretion of the LBAB Historic Preservation Commission.
2. All projects that required California Environmental Quality Act (CEQA) review for properties constructed prior to ~~1963~~1961 that propose demolition or major alteration within the Plan Areas shall be forwarded to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission for comment. When a proposed building permit application may affect a potential or identified historic resource, the applicant must file an EE. When an EE is filed and the supporting Historic Resource Evaluation (HRE) is forwarded to a Preservation Technical Specialist within the Neighborhood Planning Unit for review, copies of the application and HRE shall be forwarded to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission for comment. The ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission members may forward comments and recommendations to the Planning Department for incorporation into the project's final environmental evaluation document.
- Applicant will submit 12 extra copies of the application and supporting HRE documents to the Planning Department for distribution to the LBAB Historic Preservation Commission by the ~~Landmarks Board~~ Historic Preservation Commission Secretary.
 - Within 30 days after receiving the above documents the LBAB Historic Preservation Commission Members may forward comments directly to the Environmental Review Officer and the Preservation Coordinator. This action does not require a public hearing.
3. A report regarding all permit applications that propose exterior modifications to the street façade(s) of historic resources (as defined in Preservation Bulletin #16, ~~on file with the Clerk of the Board of Supervisors in File No. _____~~) within the Plan Areas will be presented to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission on a regular basis. All building permit applications for exterior modifications visible from a public right of way and within the Plan Area (exclusive of "ordinary maintenance and repairs" permits as defined in Planning Code Section 1005(e)(3), including but not limited to in-kind re-roofing, or replacement of front stairs,) including commercial storefront alterations, shall be reviewed by a Preservation Technical Specialist, or will be reviewed and approved under their supervision. A list of these permit applications shall be compiled and presented to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission at their regularly scheduled hearings. The list will provide the following information: Address, APN, Assessor's Date of Construction, any Historic Ratings or Designations, and Brief Description of Work. At the time of the hearing, the ~~Landmarks Board~~ Historic Preservation Commission may request a formal presentation or request additional information on any of the listed projects for a future hearing. The ~~Landmarks Board~~ Historic Preservation Commission shall have 30 days from receipt of the information to respond. • Staff will be assigned to record project information for the report from Historic Resource Review Forms completed at the Public Information Counter and from permit applications routed to the Southeast quadrant. Staff will update the report prior to each ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission hearing and will prepare a cover memo to transmit the report to the Board in their hearing packets. In cases when an addition will be visible* from the public

right-of-way and one or more of the following conditions are met, then a Preservation Technical Specialist may review and approve the project after including it on the spreadsheet for ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission review. These include:

- The addition can only be viewed at oblique angles so that the structure cannot be seen over the front façade when standing on the opposite side of the street.
- The addition is only visible over secondary or tertiary facades.
- The visible portion of the addition is limited to a ½ story or approximately 5’.

* PLEASE NOTE: The definition of “visible” shall mean that an addition can be viewed from the adjacent public right-of-way within 150’ from the property lines in each direction. For corner properties, the adjacent public right-of-way will include both streets adjacent to the property. At minimum, it will be necessary for the applicant to supply a section drawing indicating the line of sight from the far side of the street over the building. In some cases, story poles or 3-D renderings will be necessary to determine the visibility of the addition.

- No additional review is required when the application is for a permit to do ordinary maintenance and repairs only. “Ordinary maintenance and repairs” shall mean 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.
4. All proposed alterations to buildings constructed before ~~1963-1961~~ within the Plan Areas shall be reviewed by a Preservation Technical Specialist. Review will take into consideration policies of the ~~East SoMa, Showplace Square/Potrero, and Mission~~ Market and Octavia Area Plans, as well as preservation of neighborhood character, the impact of the proposal on the settings of the building(s), significant architectural features, consistent with the Zoning Administrator Bulletin (2006.1A and 2006.1B) on Procedures and Criteria for Adding Garages to Existing Residential Structures, significant trees, as well as other code-mandated regulations.
 5. Neighborhood Association Block Book Notations (BBN) for all building permit activities reviewed by Planning Department. The Planning Department will offer to register all of the neighborhood associations affected by the Area Plan for Block Book Notations (BBN) by phone number or email. Each association may select the block(s) of their interest within the Plan Area, and the Department will notify them when a permit application is submitted to the Department for review. This procedure will be subject to the Planning Department’s Fee Schedule. The Department shall not approve a building or demolition permit application for a period of 10 days during which any interested parties may review the permit application.