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May 3rd, 2012

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Supervisors,

Thank you for the opportunity to offer our perspective on Articles 10 and 11 of the Planning Code. SPUR has been following with interest the evolution of the amendments to Articles 10 and 11 for several years. We have provided written comment and testimony at the numerous Historic Preservation Commission and Planning Commission hearings on this issue and would like to commend both Commissions for the diligence they have brought to the review of this important topic.

We wish to offer our support for the version of Articles 10 and 11 introduced by Supervisor Wiener and Supervisor Olague and recommended by the Land Use Committee. This version includes all the amendments to Articles 10 and 11 that have been recommended by the Planning Commission –the vast majority of which have also been recommended by the Historic Preservation Commission -- as well as new language that allows for an economic hardship provision. There is a very high degree of concurrence between the Commissions.¹

There are several sections of Articles 10 and 11 that have undergone significant review, debate and deliberation. **We support these sections in their current form.**

1. Sections 1006.6 and 1111.6 - Standards for Review of Applications

The introduced version of Section 1006.6 (b) states that proposed work on individual landmarks and contributors within historic districts shall comply with the Secretary of Interior Standards and that local interpretations and guidelines based on the Secretary of Interior's Standards should be developed.

The Secretary of the Interior's Standards are quite strict – these are the standards that must be met for federal tax credits to be awarded for a particular project. While these standards are appropriate for landmark buildings and may also be appropriate for contributors within historic districts, they are too strict for non-contributory projects and vacant parcels within historic districts. In the case of non-contributory projects and vacant parcels, the Standards should be considered, but not required to apply.

¹ The Planning Commission and the Historic Preservation Commission disagree on roughly 58 words in Article 10 and 111 words in Articles 11, out of a total of 90 pages of legislative text. Calculation based on Planning Staff's highlighted version of HPC resolutions 672 and 673, distributed to the public at the February 2nd, 2012 Planning Commission Hearing.

We are also supportive of the development of local interpretations and guidelines based on the Secretary of Interior's Standards to help clarify how the Standards will be interpreted in San Francisco and create more consistency in review.

Finally, we believe that it is very important that both the Planning Commission and the Historic Preservation Commission adopt the local interpretation of the Standards. The Planning Commission is responsible for balancing all the planning priorities of the City and has an important role to play in reviewing and providing input into the local interpretation of the Standards.

2. 1004.3 and 1107(e) Outreach to owners within potential historic districts

The introduced version of Articles 10 and 11 states that property owners and occupants within a proposed district should be invited to express their opinion in writing on the proposed designation. The Planning Department's goal shall be to obtain the participation of at least half the owners within the proposed district and their input shall be considered by the Board of Supervisors when taking action on the proposed district.

This version of 1004.3 has been modified substantially based on feedback from the HPC, the Planning Commission and members of the public.

The introduced version proposes a reasonable check to ensure that the majority of property owners within a district are aware that the designation process is taking place. It does not require that a majority of those property owners support the district designation, but rather that a majority has expressed their awareness enough to vote one way or the other. Their vote is presented as information for the Board of Supervisors to consider when taking action on the proposed district.

3. Sections 1111.7(c) Timeline for the Reclassification of Category V Buildings

Category V Buildings are those within the C-3 district that are unrated. If a Category V Building is determined, based on new documentation, to be eligible for reclassification as a Category I, II or IV Building, the introduced version lays out a reasonable timeline for the classification to occur (180 days). The introduced version also includes language that would require a finding that the demolition of a Category V building substantially diminishes the integrity of the Conservation District in order to deny a demolition permit. SPUR supports both of these reasonable measures.

4. Economic Hardship Provision

We support the inclusion of an economic hardship provision in Articles 10 and 11. This is a sensible way to encourage economic diversity within our city. Both the HPC and the Planning Commission recommended that the previous version of the economic hardship provision be redrafted. Supervisor Wiener and Supervisor Olague have worked with Planning Staff to clarify the definition of the economic hardship provision.

Thank you for your consideration of our position. Should you have any questions, please do not hesitate to contact me at 415-644-4292.

Sincerely,

A handwritten signature in black ink, appearing to read 'SK' or similar initials, written in a cursive style.

Sarah Karlinsky
Deputy Director

Cc: SPUR Board of Directors
Supervisor Scott Wiener
Supervisor Christina Olague
John Rahaim, Director, San Francisco Planning Department
Tim Frye, Preservation Coordinator, San Francisco Planning Department
Jason Elliott, Mayor's Office
Mike Buhler, Executive Director, Architectural Heritage