

Member, Board of Supervisors  
District 8



City and County of San Francisco

Scott Wiener

# memorandum

**to:** President Charles Chase, Historic Preservation Commission and Members

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**from:** Supervisor Scott Wiener

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**date:** October 13, 2011

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**re:** Amendments to Articles 10 and 11 of the Planning Code

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Dear President Chase and Commissioners:

Please consider this response to the Planning Department's 10/05/11 memo to your Commission concerning Planning Code Amendments to Article 10 and 11, including my proposed further amendments to Articles 10 and 11. I welcome any comments you may have.

## Article 10:

**Section 1002:** Regarding surveys, I believe the Planning Department's recommendations are going in the right direction. My preference is to see community engagement policies and procedures set out in one or more administrative bulletins, available online and at the counter. These policies and procedures should clearly delineate the outreach process for survey work, and establish clear performance metrics for outreach that are to be reported semi-annually to both your Commission and the Planning Commission. These published policies and procedures should apply to outreach generally and not be placed in the Preservation Element, but should be more accessible to the public and amended as necessary. Notices regarding survey work should clearly state the expected implications and potential costs to affected property owners, of, for example, identification as a contributor to a potential historic district. Outreach targets must include renters and commercial tenants, who often carry the costs of maintaining and operating property.

**Section 1004.3:** Regarding designation, my preference is to require an informational vote from a majority of property owners prior to a simple majority vote of the Board of Supervisors. I would also like to require the Department to obtain the vote of a majority of property owners in a proposed district before designation can be brought before the Board of Supervisors.

Regarding the Economic Hardship Exemption/Opt-Out, it is my understanding that the Planning Department is researching best practices in this area. I look forward to the results of this research. My intention is to include Affordable Housing projects, regardless of income level, and mixed-use and commercial properties as part of this Exemption/Opt-Out.

**Section 1006.3:** Regarding scheduling and noticing of hearing, the HPC has recommended that all occupants within 300 feet of a property seeking a C of A be noticed 20 days prior to the hearing. This change is very expensive and lacks a data source for "occupants".

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**Section 1006.7:** Regarding the San Francisco Standards, my preference is to bring the proposed Standards, including any Guidelines, Interpretations, Bulletins or other materials to the Planning Commission for recommendation as well as to the HPC for adoption. These standards should also be considered and ultimately adopted by the City to inform and improve review of historic projects under CEQA.

Pending the development of the San Francisco Standards, compliance with the Secretary of Interior's Standards for the Treatment of Historic Properties should only be required of landmarks.

**Section 1014:** My preference is that an additional hold be routed to the BOS on behalf of the Historic Preservation Commission. This allows for further public comment and check-in.

Additionally, for districts and private landmarks subject to Article 10, there should be a uniform standard establishing that only character-defining features visible or accessible from the public right of way or public space can be protected by a designating ordinance.

### Article 11:

**Section 1107:** Regarding designation, my preference is to require an informational vote from a majority of property owners prior to a simple majority vote of the Board of Supervisors. I would also like to require the Department to obtain the vote of a majority of property owners in a proposed district before designation can be brought before the Board of Supervisors.

**Section 1111(b), 1111.6, 111.7(a) and (b):** I believe that owners of Contributory Buildings for which TDR has not been transferred should, at a minimum, receive notice of the proposed changes regarding demolition controls.

**Section 1111.7(d).** If the "materially impair" standard does not work for the Department, I would be interested to hear recommendations on another standard that would convey what constitutes an impact on the integrity of a Conservation District.

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