



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 4, 2016
TO: Historic Preservation Commission
FROM: Shelley Caltagirone, Preservation Staff, (415) 558-6625
REVIEWED BY: Tim Frye, Historic Preservation Officer, (415) 575-6822
RE: **May 18, 2016 Review and Comment Hearing
Academy of Art, Draft Existing Sites Technical Memorandum**

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PROJECT SUMMARY

The Draft Existing Sites Technical Memo (ESTM), published on May 4, 2016, examines the environmental impacts of past non-permitted work at 34 Academy of Art (AAU) properties and recommends conditions of approval to remedy those impacts. The Historic Resource Appendix of the Draft ESTM specifically addresses impacts of past work to historic resources. The 30-day public comment period for the Draft ESTM document begins May 4, 2016 and extends through June 3, 2016. Review and Comment hearings for the document are scheduled for May 18, 2016 at the Historic Preservation Commission and May 19, 2016 at the Planning Commission. After the close of the public review period on the ESTM the Planning Department will consider all comments received on the ESTM, incorporate changes as necessary, and finalize the ESTM. The Final ESTM will be used by the Commission for information in all AAU approvals in regards to understanding the environmental impacts of the past unauthorized changes and AAU's ongoing operations.

The Draft ESTM, including a detailed project description, is available for public review and comment on the Planning Department's website at <http://www.sf-planning.org/sfceqadocs>.

BACKGROUND

The Academy of Art University (AAU) was established in San Francisco in 1929 and, since that time, the school has expanded to 40 locations throughout the City. In occupying its sites, the school has typically changed the building's use and made tenant improvements without the benefit of building permits or entitlements such as Conditional Use Authorizations or Certificates of Appropriateness.

In 2008, AAU began working with the Planning Department to bring its then 34 existing sites into compliance with the Planning Code and to plan for proposed expansion. Since then, the Department has devoted a great deal of time and staff resources on AAU enforcement and has made significant progress with the inspection of all properties, correction of life safety issues, and removal of unpermitted signs.

The Draft EIR (Case No. 2008.0586E) reviewing the AAU's proposed expansion was published on February 25, 2015 for a 60-day public review period, which ended on April 27, 2015. The Public Hearing on the Draft EIR was held on April 16, 2015 at the Planning Commission. During the Draft EIR public review period, the Planning Department received 109 comments orally and in writing from several public agencies, non-governmental organizations and individuals. Planning Department Staff continues to work on the Responses to Comments (RTC) document and it is anticipated that the RTC will be

published for public review in June 2016. The Final Environmental Impact Report will be before the Planning Commission for consideration of certification in July 2016.

Due to the fact that projects are evaluated under CEQA from the existing conditions at the time of publication of a Notice of Preparation (NOP) to the future conditions, past actions, even if they occurred without attaining the necessary permits, are considered existing conditions. Therefore, the legalization approvals of the 34 locations occupied prior to the AAU NOP publication are part of the baseline conditions for the AAU EIR. Since AAU had already changed uses at these sites prior to the NOP, for CEQA purposes there is little or no physical change to analyze. Thus the primary analysis of the prior unauthorized changes of use for purposes of the EIR will be of the actions to legalize these uses through the permitting process. The City will rely on the EIR when considering AAU legalization approvals. Due to the need to analyze the impacts, cumulative and otherwise, of the entire AAU Project, the City has not acted on any parts of the Project pending the completion of the EIR.

To provide information to the Commission about the environmental effects from the previous physical changes from AAU's unpermitted changes of use and AAU's ongoing operations at these 34 locations, the Planning Department has prepared a separate information document, called the Existing Sites Technical Memorandum (ESTM). This memo evaluates the environmental effects from the time of occupation of the building by AAU in order to provide the Commission and the public with additional information to consider when deciding whether to authorize these uses after-the-fact. The Final ESTM will be used by the Commission for information in all AAU approvals in regards to understanding the environmental impacts of the past unauthorized changes and AAU's ongoing operations.

Unlike the EIR, the ESTM is not required to go through a certification process by the Planning Commission, and its recommendations to decision-makers are not binding. When projects to legalize work at the AAU sites come to the Historic Preservation Commission in the future, the Commission is free to modify the recommended Conditions of Approval as they see fit.

ESTM: HISTORIC RESOURCE APPENDIX

A historic resource evaluation was prepared by SWCA for the ESTM. At the start of the evaluation process, 26 sites that were either known historical resources, referred to as "Category A" properties in the Department's environmental review policies, or properties over 45 years of age that had not previously been evaluated for historical significance, referred to as "Category B" properties. The remaining sites were either not age eligible for listing on historic registries or had previously been determined not to be historically significant or required no discretionary action by the City.

SWCA reviewed these 26 sites to confirm and supplement former historic resource evaluation findings for Category A properties and to evaluate for the first time the eligibility of Category B properties. Twenty-one (21) sites were found to qualify as historic resources. Evaluation scopes of research were "focused" for Category A properties, meaning that the consultant summarized previously developed historic contexts and findings and supplemented with lists of character-defining features or integrity analysis as needed. Evaluation scopes of research for Category B properties were more comprehensive and included original research, development of new context statements and significance evaluations. These expanded evaluations are collected at the back of the Historic Resource Appendix of the Draft ESTM.

Once the consultant identified the 21 historic resources, they conducted Secretary of the Interior Rehabilitation Standards analysis for all work performed by AAU. This analysis was reviewed by staff with the consultants during site visits of all 26 properties in December 2015, including walk-throughs for buildings that have character-defining interior spaces.

Of the 21 historic resources, 11 are listed in Planning Code Article 10 or 11, 19 require legalization of alterations, of which 10 require Certificates of Appropriateness (COA) or Permits to Alter (PTA). The remaining 9 properties require Preservation Design Review as part of Building Permit Application review by Planning Department Preservation Staff.

REQUESTED ACTION

At the May 18, 2016 hearing, the Department seeks general comments from the Historic Preservation Commission on the completeness and accuracy of the analysis and data presented in the Draft ESTM and specifically in the Historic Resource Appendix, both available for review at:

<http://www.sf-planning.org/sfceqadocs>

Topics for comment by the Historic Preservation Commission could include:

- Consistency and accuracy in individual studies.
- Appropriate application of the Secretary Standards.
- Appropriate Conditions of Approval.
- Legalization Process
- Properties in Appendix HR-C that changed status from Category B to Category A or C
- Impact analysis for work at the 10 historic properties that do not require COA or PTA
- Recommended improvements for previously permitted work
- Entitlement strategy for future COA or PTA hearings

Historic Preservation Commission comments will be reported to the Planning Commission by Planning Department staff at the May 19, 2016 Planning Commission hearing.

NEXT STEPS

May 18, 2016:	Review and Comment at Historic Preservation Commission
May 19, 2016:	Review and Comment at Planning Commission
June 3, 2016:	Comment Period Ends
June 29, 2016:	Response to Comments Published
July 1, 2016:	Enforcement Penalties Begin to Accrue
July 2016:	EIR Certification Hearing