

4.33 IMPLEMENTATION (IM)

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COMPREHENSIVE MANAGEMENT PROGRAM (CMP)

IM-1. *CMP to Satisfy Trust Act Requirement*

The NRDC asks the Trust to reconsider and clarify its obligations with regard to the comprehensive management program requirement in Section 104(c) of the Presidio Trust Act. They suggest that only a single comprehensive document can meet the program requirement and that the PTIP should be made more specific in order to serve as the CMP. The NRDC's letter states that the Trust has already developed much of the information needed to identify buildings to be upgraded, demolished and constructed and the size and location of each. We would expect this information, used in developing the plan and EIS and made available to commentors who requested it, to be part of the CMP. The NPS asserts that the "crucial" requirement of the CMP is the full evaluation of all possible demolition, particularly of historic

structures, and new construction in the park. They also ask that this evaluation be completed as part of the PTMP.

Response IM-1 – Section 104(c) of the Presidio Trust Act requires the Trust to develop a comprehensive "program" for management of Area B. The management program would consist of the demolition of structures identified for demolition in the GMPA that in the opinion of the Trust cannot be rehabilitated cost-effectively, the evaluation of buildings in categories 2 through 5 of the 1985 Historic American Building Survey (HABS) Report for possible demolition, the consideration of opportunities for new construction within existing areas of development, and an examination of options for administrative and facility management functions.

Although some commentors assert otherwise, nothing in the Trust Act requires that the management program referred to in Section 104(c) be set forth in a single plan or document. Indeed, Congress' choice of the word "program" rather than plan carries the connotation of an ongoing endeavor rather than a one-time snapshot. PTMP is the foundation of the program and establishes the framework within which the more specific evaluations and decisions mentioned in Section 104(c) will proceed. It is not and need not be the complete Section 104(c) management program. The program consists of the Trust's administrative management procedures and policies, options for which have been considered in the PTMP planning process. The ongoing evaluations and future decisions related to specific building reuse, rehabilitation, demolition, and new construction that will follow from PTMP's land use and square footage framework, area-wide planning principles, and character-defining features of each planning district will build upon the foundation established by PTMP to round out the program.

Congress' intent in imposing the requirement of Section 104(c) was to cause the Trust to develop a cost-effective and realistic program for administering and protecting the Presidio: "Subsection [104(c)] directs the Trust to develop a program to reduce costs associated with the Presidio. The Committee finds that the cost of the plan for the Presidio as completed by the NPS is unrealistic. While the Committee does endorse the general objectives of that plan, the Committee recognizes that development of a reasonable program is

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essential to ensure the success of the Presidio Trust and the long-term preservation of the historical and other resources of the Presidio.”¹

As the commentors have recognized, Section 104(c) contemplates that the Trust will evaluate whether to rehabilitate and reuse or to demolish some 600 structures in Area B. They also recognize that Section 104(c) allows the Trust to consider sites for new replacement construction as a management program option. If the Trust were to make all decisions enumerated in Section 104(c) through a single document or plan, it would have to do so in the absence of actual viable proposals capable of implementation. That and the mere lapse of time between adoption and implementation of such an expansive range of decisions would render such decisions abstract, unrealistic and impractical. Evaluating in the abstract the cost-effectiveness of retaining and reusing specific structures or the financial implications or suitability of new construction without reference to current market forces and economic conditions is impractical. In each instance of possible rehabilitation, reuse or new construction, the Trust must be able to consider the options for attracting an actual, viable proposal in the context of the existing market realities and the overall objectives of the project. Furthermore, decisions about the cost-effectiveness of retaining, reusing, demolishing and replacing buildings are likely to be affected by lessons learned as the Trust undertakes more such activities in furtherance of its dual objectives of preservation and economic self-sufficiency.

Some commentors have asserted that the Trust has already developed “information needed to identify buildings to be upgraded, demolished and constructed and the size and location of each.” These commentors also suggest that the Trust in fact used building-specific information to prepare the EIS and therefore should convert these assumptions into final decisions about building-specific uses and treatments. This suggestion demonstrates a misunderstanding about the purpose for which such information was derived. In the course of developing the PTMP’s general land use framework, Trust staff looked at the number, size, layout and other characteristics of buildings within each planning area. This information concerning the buildings that are

currently located in Area B was used in the EIS and is and has been publicly available. That public information was then used to develop hypothetical alternative assumptions about the overall land use possibilities within an area and the square footage framework. This type of information had to be taken into account because the Trust is constrained under the terms of the Trust Act to a Presidio-wide square footage cap and each planning alternative itself was also constrained by its own square footage cap. These assumptions, representing a range of alternative scenarios to be considered under NEPA, are hypothetical reasonable possibilities. Therefore no single set of underlying assumptions, even if made for purposes of the EIS analysis, represents or should be construed as actual building-specific or site-specific land-use decisions that will be implemented by the Trust.

The PTMP has been developed as a programmatic plan. See generally responses to Type of Plan comments. With few exceptions, the PTMP establishes general land use categories and square footage limits within broad district and Presidio-wide boundaries. In a few limited instances, it states preferences for use of certain identified buildings, but otherwise makes no building-specific use decisions. Decisions about future specific building treatments will be made on the basis of actual market data consistent with the overall land use plan and policy objectives established in the PTMP rather than hypothetical assumptions developed to formulate a range of alternatives under NEPA. This approach is a direct reflection of the reality that it is impractical to make decisions about the financial cost-effectiveness of specific building uses and treatments in the absence of specific, real-world, market-based proposals.

IM-2. Include CMP in PTIP to Assess Cumulative Effect on the NHLD

The NPS asserts that the Trust must complete as part of PTMP all of the building- and site-specific evaluations called for as part of the Section 104(c) management program in order to provide an adequate assessment of “the cumulative potential impact on the status of the Presidio as a NHLD.” (“[T]he lack of information provided in the PTIP and DEIS have not allowed a complete assessment of potential effect on the NHLD.... If NHLD status were lost, this could threaten the continuation of the Presidio as part of the national park system.”) The NPS continues: “Although the 1985 HABS report is

¹ H.R. Rep. No. 234, 104th Cong., 1st Session (1995)

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required by the Trust Act to evaluate whether historic structures are economically viable for rehabilitation, the 1993 update...is the base document for ... comprehensive assessment of impacts to park resources....”

Response IM-2 – The Trust disagrees with NPS that the evaluations under Section 104(c) are needed to assess environmental impacts on the NHL. The evaluations called for under Section 104(c) serve an entirely different purpose – to evaluate the economic viability of building retention versus demolition – which cannot be done except in the context of a specific and real proposal for reuse. The Section 104(c) evaluation is not, as the NPS correctly points out, the basis for impacts assessment, and therefore these evaluations need not be the predicate for assessment of impacts on the integrity of the NHL. For the reasons discussed in Response IM-1, it would be speculative to complete all building- and site-specific building treatment evaluations called for in Section 104(c) as part of this current programmatic plan. These evaluations will be undertaken in the future as discussed in Response IM-1.

The PTMP EIS provides an appropriate and fully adequate program-level assessment of potential direct, indirect and cumulative effects on historic and cultural resources for each of the six programmatic planning options. It looks at potential levels of demolition and new construction within planning districts and across the Presidio as a whole, and evaluates the potential for significant effects given the integration and application of the Planning Principles and district Planning Guidelines for all alternatives. Mitigations are defined and provide protections needed to ensure protection against or minimize adverse effects to individual historic resources and to ensure protection of the integrity of the District.

IM-3. Repeal CMP Provision

The Fort Point and Presidio Historical Association requests the Trust to seek a legislative repeal of the CMP provision requiring the Trust to consider certain structures for demolition based upon the HABS Report. They ask that the CMP include a specific commitment that the Trust will maintain all historically significant buildings in an adequate state of preservation until they can be reused.

Response IM-3 – The Trust notes the commentor’s suggestion. In the context of the PTMP planning process, the Trust cannot assume a change in the statutory provisions of its enabling legislation. That said, the Trust Act Section 104(c)(2) does not require building demolition, only that the Trust “evaluate for possible demolition or replacement” those buildings identified in certain categories in the 1985 HABS Report. The Trust Act does not suggest that buildings be prioritized for demolition based solely on their ranking in the HABS Report or that any building actually be demolished – simply that an evaluation occur. The Final Plan makes a firm commitment to protect the historic character and integrity of the NHL, and commits to using all reasonable efforts to adapt historic properties to new uses. Furthermore, the Trust would be subject to Section 106 of the NHPA as well as NEPA regarding the proposed removal of an historic building. Please refer to Chapter Four of the Plan for a discussion of the compliance process, including public involvement, associated with future actions.

IMPLEMENTATION PRIORITIES

IM-4. Considerations for Future Projects

The National Trust for Historic Preservation requests that the Final Plan and EIS be revised to state that, in considering proposed projects, avoiding adverse effects on historic resources would take precedence over financial considerations. (“The implementation strategy lists four considerations, in no particular order, for prioritizing future projects... In some cases, the Trust’s responsibility to maintain historic resources may conflict with efforts to maximize economic return. The preservation of historic resources should not always be subordinated to financial considerations.”)

Response IM-4 – Chapter One of the final plan sets forth the Planning Principles that will guide the protection and enhancement of the Presidio’s historic resources, the balance of the plan reiterates the Trust’s priority and commitment to the rehabilitation and reuse of historic properties at the Presidio. The Final Plan’s implementation strategy has been modified and elaborated to better explain the Trust’s approach to setting implementation priorities. Please refer to Chapter Four, “Resource Preservation and Enhancement: Priorities and Timing” of the Final Plan. As stated in the Final Plan, “the Presidio Trust’s success will be measured largely by the timely

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rehabilitation and reuse of the Presidio’s historic buildings and landscapes, the quality and quantity of open spaces that are created or enhanced, and the extent to which these accomplishments and the park resources they address are understood and enjoyed by park visitors.” The availability of funding will help determine when park resources can be rehabilitated and enhanced, therefore the Trust will continue to give priority to capital improvements that generate the revenue to fund subsequent capital improvements and operating expenses. However, the Trust also acknowledges that other near-term projects will be necessary to safeguard park resources, achieve resource preservation goals, and provide visitor programs and amenities.

Economics is one of the factors considered in the management of historic resources for any federal agency. Economic feasibility, or cost-effectiveness of rehabilitation and reuse will not be the primary factor in deciding the fate of a historic building or other historic resource; it will be just one of many criteria used in the decision-making process. The decision-making process for building treatments, including demolition, will be on a case-by-case basis and will be multi-faceted, not based solely on costs. Factors to be considered will include, in addition to others, historic and architectural significance, building integrity, economic feasibility of rehabilitation, and feasibility of reuse.

The draft plan’s four factors for prioritizing implementation projects have been modified to emphasize the importance in protecting and enhancing valuable park resources, including those that contribute to the Presidio’s NHLHD status. They now read as follows:

“Through its annual budget and work programming process, the Trust will set priorities for uses and projects that are needed to (1) safeguard significant park resources; (2) preserve historic buildings, generate revenue, or reduce costs; and (3) finance preservation of buildings and landscapes, or enhancement and expansion of open space. Other priorities will include uses and projects that achieve resource preservation goals and that are immediately accessible or noticeable to park visitors or contribute to an approved implementation strategy...” (pages 122-123, Final Plan).

Lastly, in setting priorities, the Trust will consider factors such as the adequacy and availability of infrastructure, site remediation status, building conditions, the marketability of preferred land uses, the proximity of the

project or use to existing activities and significant park resources, as well as public interest in the use or project.

IM-5. *Prioritization of Implementation Actions*

SPUR recommends that the Trust put all its evaluation criteria in one place to “facilitate the public’s ability to participate in the prioritization of the implementation actions that the Plan calls for.” They suggest using an overall evaluation matrix or list rather than containing them in various places where they are hard to keep track of. An individual adds: “The Trust should put all limits, restrictions, and prohibitions on development in one place.”

Response IM-5 – The Final Plan has been modified in response to comments to clarify and provide more detail about Plan implementation and public involvement. See the Final Plan, Chapter Four, Plan Implementation, Resource Preservation and Enhancement: Priorities and Timing. Included in this section is a general discussion about how the Trust will set priorities for projects and the critical relationship between project activities and funding. Under the backdrop of achieving self-sufficiency by 2013, the availability of funding will determine when park resources can be rehabilitated and enhanced; thus, the Trust will continue to give priority to those capital improvements that generate the revenue to then fund subsequent capital improvements and operating expenses. The Trust will set priorities for uses and projects that are needed to: (1) safeguard significant park resources; (2) preserve historic buildings, generate revenue, or reduce costs; and (3) finance preservation of buildings and landscapes, or enhancement and expansion of open spaces.

Chapter Four of the Final Plan also includes a discussion of ongoing implementation projects, as well as near-term and long-term activities. Figures 4.2A and 4.2B of the Final Plan illustrate these and a generalized timeline for implementation. Integral to near-term and long-term activities will be additional public involvement, as detailed in Final Plan Figure 4.3, Public Involvement in Planning and Implementation Decisions.

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OTHER IMPLEMENTATION ISSUES

IM-6. Modifications to the PTMP

The National Trust for Historic Preservation asks the Trust to define the criteria it will use, the process and any limits on future modifications, and the role for consulting parties and the public to comment on proposed modifications to the PTMP.

Response IM-6 – The Trust will monitor the Plan’s effectiveness by tracking progress in meeting quantitative goals, such as the overall reduction in square footage, as well as qualitative standards such as conformance with planning district guidelines. The Trust will also use conventional planning and budgeting tools such as its annual budget and long-term strategic planning to monitor its progress toward financial self-sufficiency and completing the capital program. If the Trust desires to consider a planning proposal that is not consistent with the Plan, such proposals will be fully reviewed under NEPA, including all applicable public processes. The final decision on such a proposal may constitute an amendment to the Plan and will be informed by the public review process required by NEPA for the proposal. Chapter Four and Figure 4.3 of the Plan provides a discussion of monitoring and amending the Plan and public participation in decision-making on future actions.

IM-7. Implementation Strategy

The Pacific Heights Residents Association (PHRA) provides multiple recommendations and opinions related to the roles and responsibilities of the Trust. The commentor proposes a new management structure with specific requests for the division of responsibilities between the NPS and Trust.

Response IM-7 – The United States Congress created the Trust, and its corresponding roles and responsibilities for the management of Area B, through enactment of the Presidio Trust Act in 1996. Changes to the management structure and redistribution of responsibilities, including but not limited to the suggestion that the NPS perform "overall management" at the Presidio and that the Trust report to the Secretary of the Interior, are contrary to the terms of the Trust Act, which is the Trust’s governing mandate. The administrative changes suggested by the commentor would require further congressional action. The Trust considers itself bound to implement the statutory directive that Congress has provided.