

Amendment of the Whole
January 10, 2007

FILE NO. 061068

ORDINANCE NO.

1 [Time limits for Landmarks Board and Planning Commission review of proposed landmarks
2 and historic districts.]

3 **Ordinance amending Planning Code Sections 1004.2 and 1004.3 to provide for specific**
4 **time limits for Landmarks Board and Planning Commission review of proposed**
5 **landmark and historic district designations; and making General Plan and Planning**
6 **Code Section 101(b) findings.**

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8 Note: Additions are single-underline italics Times New Roman;
9 deletions are ~~strikethrough italics Times New Roman~~.
10 Board amendment additions are double underlined.
11 Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings.

14 The Board of Supervisors of the City and County of San Francisco hereby finds and
15 determines that:

16 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
17 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
18 Planning Commission Resolution No. 17329 recommending approval of this Planning Code
19 Amendment, and incorporates such reasons by this reference thereto. A copy of said
20 resolution is on file with the Clerk of the Board of Supervisors in File No. 061068.

21 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
22 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
23 with the General Plan and hereby adopts the findings of the Planning Commission, as set
24 forth in Planning Commission Resolution No. 17329, and incorporates said findings by this
25 reference thereto.

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 1004.2 to read as follows:

3 SEC. 1004.2. REFERRAL TO LANDMARKS PRESERVATION ADVISORY BOARD.

4 The proposed designation, resolution or application shall be promptly referred to
5 the Advisory Board for review and report to the Planning Commission as to conformance with
6 the purposes and standards of this Article 10. The Advisory Board shall recommend approval,
7 disapproval or modification of the proposal, or shall report its failure to reach a decision
8 thereon, within ~~30~~ 45-60 days after such referral. If no recommendation is rendered within ~~30~~
9 45-60 days, the Planning Commission may *consider the proposed designation as provided in*
10 *Section 1004.3 below* ~~and~~ notwithstanding the lack of such a recommendation.

11 Section 3. The San Francisco Planning Code is hereby amended by amending Section
12 1004.3 to read as follows:

13 SEC. 1004.3. HEARING BY CITY PLANNING COMMISSION.

14 After receiving a report from the Advisory Board or after the expiration of ~~30~~ 45
15 60 days from the date of referral *to the Advisory Board*, whichever is sooner, the Planning
16 Commission shall hold a public hearing on the proposal; the Department shall set a time and
17 place for such hearing. A record of pertinent information presented at the hearing shall be
18 made and maintained as a permanent record.

19 (a) Notice of Hearing. Notice of the time, place and purpose of such hearing
20 shall be given by at least one publication in a newspaper of general circulation in the City not
21 less than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10
22 days prior to the date of hearing to the owners of all property included in the proposed
23 designation, using for this purpose the names and addresses of the last known owners as
24 shown on the records of the Assessor. Failure to send notice by mail to any such property
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1 owner where the address of such owner is not a matter of public record shall not invalidate
2 any proceedings in connection with the proposed designation. The Department may also give
3 such other notice as it may deem desirable and practicable.

4 (b) Time Limitation. The Planning Commission shall consider the report and
5 recommendation of the Advisory Board, if any, and shall consider the conformance or lack of
6 conformance of the proposed designation with the purposes and standards of this Article 10.
7 The Planning Commission shall hold a public hearing and shall approve, disapprove or modify
8 the proposal within 90 days from the date of referral of the proposed designation to the Advisory
9 Board after the conclusion of the public hearing; ~~f~~ Failure to act within said time shall constitute
10 approval. The Board of Supervisors may, by resolution, extend the time within which the Planning
11 Commission is to render its decision.

12 (c) Notice of Action Taken. The Planning Commission shall promptly notify
13 the applicant of action taken. If the Planning Commission approves or modifies the proposed
14 designation in whole or in part, it shall transmit the proposal together with a copy of the
15 resolution of approval, to the Clerk of the Board of Supervisors.

16 (d) In the event that a proposed designation has been initiated prior to July 18,
17 2006, and the Planning Commission has failed to act upon such proposed designation as of the
18 effective date of this ordinance, the Board of Supervisors may act on the proposed designation
19 notwithstanding the Planning Commission's failure to act on the proposed designation.

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 Marlena G. Byrne
25 Deputy City Attorney