

LEGISLATIVE DIGEST

[Planning Code - Landmark and Historic District Designation]

Ordinance amending the Planning Code to streamline and clarify the landmark and historic district designation process; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

Under Section 4.135 of the City's Charter, the Board of Supervisors may, by ordinance, designate an individual structure that has special character or special historical, architectural or aesthetic interest or value as a City landmark. The Board may also designate a distinct area of the City containing a number of structures that have special character or value as a historic district. (Charter of the City and County of San Francisco, § 4.135.) Planning Code Articles 10 and 11 set forth the City's process for landmark and historic district designation. (See, e.g., Planning Code § 1004.)

Unless prohibited by state law, once a structure has been named a landmark, any construction, alteration, removal or demolition for which a City permit is required necessitates a Certificate of Appropriateness from the Historic Preservation Commission. (Planning Code § 1006.) Thus, landmark designation generally affords a high degree of protection to historic and architectural structures of merit in the City. There are currently more than 300 individual landmarks in the City under Planning Code Article 10. (See App. A to Article 10.) Article 11 of the Planning Code sets forth a similar process for landmark designation of structures and districts in the downtown area.

Amendments to Current Law

This Ordinance amends Articles 10 and 11 of the Planning Code to streamline and clarify the landmark and historic district designation process. Specifically, the Ordinance:

- Authorizes the Historic Preservation Commission to initiate and recommend approval of a proposed landmark or historic district designation to the Board of Supervisors at the same hearing, as long as the notice required for both actions is provided before the hearing.
- Clarifies that landmark and historic district designations under Article 10 shall be governed by the procedures set forth in Article 10 in lieu of the general procedures for all Planning Code amendments set forth in Planning Code Section 302.

- Clarifies that any organization or group that has historic preservation stated as one of its goals in its bylaws or articles of incorporation may request that the HPC initiate designation of a landmark site or historic district.
- Requires the Historic Preservation Commission to refer to a proposed ordinance approved as to form by the City Attorney when recommending a landmark or historic district designation to the Board of Supervisors.
- Retains the requirement that the Planning Department conduct thorough outreach to affected property owners and occupants during the designation process, but removes the provisions that specify the content of that outreach in detail.
- Removes the provisions that specify the contents of the Planning Commission's comments on a proposed historic district designation that shall be transmitted to the Board of Supervisors.