

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 time**
4 **limits for Landmarks Board and Planning Commission review of proposed landmark**
5 **and historic district designations.**

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

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

11 Section 1. Findings. The Board of Supervisors of the City and County of San
12 Francisco hereby finds and determines that:

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

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

23 Section 2. The San Francisco Planning Code is hereby amended by amending Section
24 1004.2 to read as follows:
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1 SEC. 1004.2. REFERRAL TO LANDMARKS PRESERVATION ADVISORY BOARD.

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

8 Section 3. The San Francisco Planning Code is hereby amended by amending Section
9 1004.3 to read as follows:

10 SEC. 1004.3. HEARING BY CITY PLANNING COMMISSION.

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

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

1 (b) Time Limitation. The Planning Commission shall consider the report of the
2 Advisory Board and shall consider the conformance or lack of conformance of the proposed
3 designation with the purposes and standards of this Article 10. For proposed designations
4 initiated by the Advisory Board, the Art Commission or property owner, ~~T~~the Planning Commission
5 shall approve, disapprove or modify the proposal within 90 days after the conclusion of the
6 public hearing; failure to act within said time shall constitute approval. For proposed
7 designations initiated by the Board of Supervisors, the Planning Commission shall approve, disapprove
8 or modify the proposal within 90 days from the date of referral of the proposed designation by the
9 Board of Supervisors to the Planning Department. The Board of Supervisors may, by resolution,
10 extend the prescribed time within which the Planning Commission is to render its decision. Failure of
11 the Planning Commission to act within said time shall constitute approval of the proposed designation.

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 the Board of Supervisors has initiated a proposed designation
17 prior to July 18, 2006, and the Planning Commission has failed to act upon such proposed designation
18 as of the 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: KATE HERRMANN STACY
24 Deputy City Attorney

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