

1 [Adopting a new Planning Code Article 10.]

2

3 **Ordinance rescinding Planning Code Article 10 in its entirety and adopting a new**
4 **Article 10 to implement the provisions of new San Francisco Charter Section 4.135.**

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

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

9 Section 1. Findings.

10 This Board of Supervisors finds that this Ordinance is consistent with the General Plan
11 and Priority Policies of Section 101.1(b) of the Planning Code for the reasons set forth in the
12 Planning Commission Resolution No. _____ and incorporates said Resolution
13 herein by reference. A copy of said resolution is on file with the Clerk of the Board of
14 Supervisors in File No. _____. Pursuant to Planning Code Section 302, this Board
15 of Supervisors finds that this Ordinance will serve the public necessity, convenience and
16 welfare for the reasons set forth in Planning Commission Resolution No. _____ and
17 incorporates said Resolution herein by reference. A copy of said resolution is on file with the
18 Clerk of the Board of Supervisors in File No. _____.

19 Section 2. The San Francisco Planning Code is hereby amended by rescinding Article
20 10 in its entirety.

21 Section 3. The San Francisco Planning Code is hereby amended to add new Article
22 10, to read as follows:

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24 ARTICLE 10 - HISTORIC PRESERVATION
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10 SEC. 1001.1. Findings.

11 It is hereby found that:

12 (a) Historic resources are important to the City's aesthetic and visual character;

13 (b) Historic buildings make up a major part of the City's existing housing stock, including
14 some of the most affordable housing in the City and preserving historic resources is therefore
15 important to maintaining and protecting against the loss of affordable housing;

16 (c) Maintaining the City's historic resources is critical to preserving and protecting
17 neighborhood character;

18 (d) Preserving and maintaining historic buildings and neighborhoods instead of
19 demolishing them reduces consumption of scarce resources and is an important part of the City's efforts
20 to promote sustainable development and combat climate change;

21 (e) Following the 100-year anniversary of 1906 Earthquake and Fire, it is important to
22 celebrate and preserve the physical reminders of this event of unique historic significance to San
23 Francisco;

24 (f) Preservation of San Francisco's historic resources enhances the City's economic,
25 cultural and aesthetic standing, and its identity, livability, marketability and urban character;

1 (g) Well-preserved and retained historic resources are essential to maintain and revitalize
2 the City and stimulate economic activity;

3 (h) The preservation and continued use of historic resources are effective tools to sustain
4 and revitalize neighborhoods and business districts within the City, and to promote tourist trade and
5 interest;

6 (i) A number of historic resources in the City have been and continue to be unnecessarily
7 destroyed or impaired, despite the feasibility and desirability of preserving them;

8 (j) Historic structures, sites and other resources are irreplaceable and must be protected
9 from deterioration, inappropriate alterations, demolition and damage; and

10 (k) The prevention of such needless destruction and impairment is essential to the health,
11 safety and welfare of the general public.

12 SEC. 1001.2. Purposes.

13 It is hereby declared that the purpose of this Article is to promote the health, safety and welfare
14 of the general public by establishing procedures and providing regulations necessary to:

15 (a) Protect, enhance, perpetuate and use historic resources that are reminders of past eras,
16 events or persons important in local, state or national history, or which are important elements of
17 social, economic, political or architectural history, or which are unique and irreplaceable assets to the
18 City and its neighborhoods, or which provide for this and future generations examples of the physical
19 and cultural surroundings in which past generations lived, or which may yield archeological
20 information important to understanding our past;

21 (b) Preserve a city of varied architectural styles, reflecting the distinct phases of its history:
22 cultural, social, economic, political and architectural;

23 (c) Preserve and celebrate the physical reminders of the 1906 Earthquake and Fire and the
24 City's rebuilding, which are of unique historic significance to San Francisco;

- 1 (d) Develop and maintain appropriate settings and environments for historic resources;
2 (e) Protect and enhance the visual and aesthetic character and environmental amenities of
3 the City's historic areas;
4 (f) Recognize the City's historic resources as economic assets necessary to preserve
5 existing housing stock and promote the City's tourist trade and interest;
6 (g) Promote sustainable development, conserving building materials and energy resources
7 and combat climate change by reusing and rehabilitating the City's historic buildings;
8 (h) Foster civic pride in the beauty and accomplishments of the past;
9 (i) Promote the City as a destination for tourists and a place to do business;
10 (j) Enrich human life in its educational and cultural dimensions to serve spiritual as well as
11 material needs, by fostering knowledge of the living heritage of the past; and
12 (k) Implement the provisions of the voter approved Charter Amendment creating a Historic
13 Preservation Commission, and to carry out the historic preservation objectives and policies of the
14 General Plan and Section 101.1 of the Planning Code.

15 SEC. 1002. HISTORIC PRESERVATION COMMISSION.

16 SEC. 1002.1. Powers and Duties.

17 The Historic Preservation Commission, created by Section 4.135 of the Charter, shall have and
18 exercise the powers and shall perform the duties set forth in this Section as more fully set forth in this
19 Article 10 and Planning Code Article 11 to preserve the City's historic resources. The Historic
20 Preservation Commission shall:

- 21 (a) Prepare, recommend, adopt, periodically revise, administer and implement a
22 comprehensive historic preservation program for the City;
23 (b) Recommend approval, disapproval, or modification of landmark designations and
24 historic district designations to the Board of Supervisors under this Article;
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1 (c) Approve, disapprove or modify certificates of appropriateness for work to landmarks
2 and all work within historic districts, provided that the Historic Preservation Commission may delegate
3 to the Historic Preservation Officer certain activities as set forth in this Article 10;

4 (d) Recommend approval, disapproval, or modification of Significant and Contributory
5 building designations and Conservation District designations to the Board of Supervisors as provided
6 by Article 11 of this Code;

7 (e) Determine if a proposed alteration to a Significant or Contributory building or to a
8 building in any Conservation District is a Major or Minor Alteration under Article 11 of this Code;

9 (f) Approve, disapprove or modify applications for permits to alter or demolish Significant
10 and Contributory buildings or buildings in any Conservation Districts under Article 11 of this Code,
11 provided that the Historic Preservation Commission may delegate to the Historic Preservation Officer
12 certain activities as may be set forth in Article 11;

13 (g) Recommend to the Planning Commission a Preservation Element of the General Plan,
14 and periodically recommend to the Planning Commission such amendments, revisions or additions to
15 the Preservation Element that it deems necessary or appropriate to carrying out the purposes of this
16 Article;

17 (h) Provide comments and recommendations to the Planning Commission on other
18 objectives, policies, and provisions of the General Plan and special area, neighborhood, and other
19 plans designed to carry out the General Plan, and proposed amendments thereto, which are not
20 contained within the Preservation Element but concern historic preservation, and recommend to the
21 Planning Commission from time to time such amendments, revisions or additions to the General Plan
22 that it deems necessary or appropriate to carrying out the purposes of this Article. The Planning
23 Commission shall be required to refer these matters to the Historic Preservation Commission for

1 comment and recommendations prior to action by the Planning Commission, which comments and
2 recommendations shall be forwarded to the Board of Supervisors and included in its file on the matter;

3 (i) Provide written reports to the Board of Supervisors, and to the Planning Commission if
4 the Planning Commission is required to take any action on the matter, regarding the effects on historic
5 or cultural resources of the following matters, which shall be required to be referred to the Historic
6 Preservation Commission for its written report prior to any action by the Board of Supervisors or
7 Planning Commission: (1) ordinances and resolutions concerning historic preservation issues and
8 historic resources; (2) redevelopment project plans; and (3) waterfront land use and project plans;

9 (j) Recommend to the Planning Commission and Board of Supervisors from time to time
10 such amendments, revisions or additions to Articles 10 and 11 of this Code and to other articles and
11 provisions of the Municipal Code to further the goals of historic preservation;

12 (k) Review and comment on upon environmental review documents prepared by or on
13 behalf of the City pursuant to the California Environmental Quality Act (CEQA) and the National
14 Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or
15 cultural resources, including without limitation, those documents pertaining to (1) the identification of
16 historic resources to which CEQA and NEPA may apply, (2) historic resource reports and surveys
17 prepared in connection with environmental review of projects, (3) the potential impacts of a project
18 upon historic resources, (4) the appropriate level of environmental review to be conducted, and (5)
19 project alternatives or mitigation measures to be considered;

20 (l) Act as the City's local preservation review commission for the purposes of the Certified
21 Local Government Program pursuant to the National Historic Preservation Act (NHPA) and carry out
22 the following duties for the City including, without limitation: (1) recommend properties for inclusion
23 in the National Register of Historic Places and review and comment on all National Register
24 nominations; (2) review and comment on federal undertakings and other projects where authorized

1 under the NHPA; (3) review and comment on historic preservation certification applications for federal
2 tax incentives; (4) review and comment on agreements proposed under Section 106 of the NHPA where
3 the City is a signatory prior to any City approval action on such agreement; and (5) prepare the annual
4 report of the activities of the City's Historic Preservation Commission;

5 (m) Oversee and direct the survey and inventory of historic resources in the City, and to
6 publicize and periodically update survey results;

7 (n) Review and adopt historic context statements for the City's historic resources to be used
8 for establishing priorities for surveys of the City's historic resources, for evaluating proposed
9 landmarks and historic districts, and to aid in evaluating environmental impacts to historic resources
10 from proposed projects;

11 (o) Establish and maintain the San Francisco Register of Historic Places pursuant to
12 Section 1004 of this Article;

13 (p) Establish and maintain the San Francisco Inventory of Historic Resources pursuant to
14 Section 1015 of this Article;

15 (q) Develop and implement a program of incentives for preservation of historic resources,
16 including, but not by limitation, those incentives set forth in Section 1017 of this Article;

17 (r) Recommend approval, disapproval, or modification of historical property contracts
18 under the Mills Act property-tax relief program (California Government Code Section 50280 et seq.) to
19 the Board of Supervisors, without referral to or recommendation of the Planning Commission, and
20 develop and implement criteria for selecting eligible properties;

21 (s) Develop and implement procedures for rendering advice and guidance to project
22 sponsors and property owners on appropriate restoration, rehabilitation, landscaping, repair and
23 maintenance of historic resources, and on the availability of the State Historic Building Code and other
24 historic preservation incentives, and maintain an "Architectural Review Committee" of the Historic
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1 Preservation Commission to review projects and provide such advice and guidance to project sponsors
2 and owners as early as possible in project design;

3 (t) Develop design guidelines for the preservation, alteration, construction, demolition or
4 relocation of historic resources, including new construction, located within historic districts,
5 Conservation Districts, National Register Districts, areas identified by surveys as eligible historic
6 districts, residential character districts or any other identified areas of the City containing historic
7 resources;

8 (u) Establish and recommend to the Board of Supervisors such additional controls and
9 standards, as it may deem necessary or desirable to protect and maintain the integrity of historic
10 districts, including, but not by limitation, setback, height and bulk controls for proposed additions and
11 new construction within the boundaries of historic districts and Conservation Districts;

12 (v) Engage outside experts for technical advice when such expertise is unavailable from
13 members of the Historic Preservation Commission or Planning Department staff and, in order to cover
14 the City's cost to obtain this technical expertise, require project sponsors to provide the required funds
15 that may be necessary to review the project application;

16 (w) Assign, at in its discretion, duties for the administration of this Article to the Planning
17 Department or Historic Preservation Officer; and

18 (x) To the extent that any of the powers given to the Historic Preservation Commission by
19 the Charter or this Article may conflict with any plan or policy of the City or other provisions of
20 Municipal Code, the powers given to the Historic Preservation Commission shall govern and control as
21 to all matters affecting historic resources.

22 SEC. 1002.2. Policies, Rules and Procedures.

23 The Historic Preservation Commission shall:

1 (a) Elect a President, Vice President and such other Officers, as it may deem appropriate
2 from among its members annually during the first quarter of the calendar year;

3 (b) Establish such committees and maintain such policies, rules and procedures, consistent
4 with Section 4.135 of the Charter, this Article and with Article 11 of this Code, as it deems necessary
5 and appropriate to administer and its powers and duties; and

6 (c) Maintain written minutes and records of all meetings, including attendance, resolutions,
7 motions, findings, determinations and decisions, including all approved Certificates of Appropriateness
8 and findings under Article 11 of this Code, which shall be public records and shall be available to the
9 public on the Planning Department's web site.

10 SEC. 1003. PLANNING DEPARTMENT.

11 SEC. 1003.1. Planning Department Head and Staff.

12 The Director of the Department of City Planning (hereinafter referred to as the
13 "Planning Department") shall assume the powers and duties that would otherwise be executed by a
14 Historic Preservation Commission department head. The Planning Department shall provide
15 professionally trained preservation staff assistance to the Historic Preservation Commission.

16 SEC. 1003.2. Budget and Fees.

17 The Historic Preservation Commission shall have the authority to review and make
18 recommendations on the Planning Department budget and on any rates, fees, and similar charges with
19 respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the
20 Director of the Planning Department or the Planning Commission.

21 SEC. 1003.3. Historic Preservation Officer.

22 (a) The duties of the Planning Department to provide professionally trained preservation
23 staff assistance to the Historic Preservation Commission shall be administered by a Historic
24 Preservation Officer who shall report directly to the Director of the Planning Department.

1 **(b) The Historic Preservation Officer shall be selected on the basis of administrative and**
2 **technical qualifications with specific regard for professional experience, academic training, and**
3 **knowledge in historic preservation planning, preservation architecture and/or architectural history,**
4 **meeting, at a minimum, the Secretary of the Interior’s Professional Qualification Standards, including**
5 **the June 20, 1997, Proposed Renaming and Revisions to “The Secretary of the Interior’s Professional**
6 **Qualification Standards,” and/or land use and community planning, and shall in addition have a**
7 **minimum of three (3) years full time experience in the field in a supervisory position.**

8 **(c) The Historic Preservation Officer shall be chosen by the Director of the Planning**
9 **Department from a list of three (3) qualified candidates submitted to the Director by the Historic**
10 **Preservation Commission. The Historic Preservation Commission may solicit candidates from outside**
11 **of the City Planning Department, consistent with the City’s hiring requirements and procedures.**

12 **SEC. 1003.4. Powers and Duties of the Historic Preservation Officer.**

13 **The Historic Preservation Officer shall perform the duties set forth in this Section and**
14 **elsewhere in this Article:**

15 **(a) Oversee the preservation planning staff, and any interns, consultants or volunteers**
16 **affiliated with the City's historic preservation program;**

17 **(b) Review and/or prepare designation case reports, make preliminary determinations of**
18 **eligibility, and make recommendations to the Historic Preservation Commission regarding nominations**
19 **of landmarks, historic districts and contributing resources under this Article, and regarding**
20 **nominations of Significant and Contributory buildings and Conservation Districts under Article 11 of**
21 **this Code;**

22 **(c) Provide as early as possible to project applicants and property owners (i) preliminary**
23 **review of proposed projects that may affect historic resources, (ii) advice and guidance on appropriate**
24 **restoration, rehabilitation, alteration, landscaping, repair and maintenance of historic resources, and**
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- 1 (iii) information on the availability of the State Historic Building Code and other historic preservation
2 incentives; and schedule proposed projects for review by the Historic Preservation Commission's
3 Architectural Review Committee as may be necessary and appropriate;
- 4 (d) Review and evaluate permit applications to determine whether an application for a
5 Certificate of Appropriateness is required under the provisions of this Article;
- 6 (e) Review and evaluate Certificate of Appropriateness applications for compliance with
7 this Article and prepare written evaluations and recommendations to the Historic Preservation
8 Commission as required under the provisions of this Article;
- 9 (f) Review and evaluate permit applications under Article 11 of this Code to determine
10 whether a proposed alteration to a Significant or Contributory building, or to a building in any
11 Conservation District is a Major or Minor Alteration and prepare written evaluations and
12 recommendations to the Historic Preservation Commission;
- 13 (g) Review and evaluate applications for permits to alter, or demolish, Significant and
14 Contributory buildings or buildings in any Conservation Districts under Article 11 of this Code and
15 prepare written evaluations and recommendations to the Historic Preservation Commission;
- 16 (h) Oversee and manage the City's ongoing comprehensive survey of the historic resources;
- 17 (i) Insure that the San Francisco Register of Historic Resources is maintained and updated
18 pursuant to Section 1004 of this Article and that the San Francisco Inventory of Historic Resources is
19 maintained and updated pursuant to Section 1016 of this Article, and make available to the public and
20 to all City departments for use in reviewing project applications and activities;
- 21 (j) Review and make recommendations to the Historic Preservation Commission on the
22 Preservation Element of the General Plan, and on other proposed objectives, policies and provisions of
23 the General Plan, special area and neighborhood plans, redevelopment plans, waterfront land use

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1 plans, project plans, and other plans, ordinances and resolutions, policies, issues and activities that
2 may affect historic resources;

3 (k) Represent the Historic Preservation Commission in communications of its testimony,
4 comments, recommendations and policies to officials, departments, agencies, boards and commissions
5 of the City, state and federal governments;

6 (l) Periodically review the effectiveness and workability of the provisions of Articles 10 and
7 11 of this Code and make recommendations to the Historic Preservation Commission as to any
8 refinements or changes that may be appropriate to improve such provisions and compliance therewith;

9 (m) Assist the Historic Preservation Commission in carrying out the City's duties and
10 responsibilities as a Certified Local Government;

11 (n) Monitor and oversee compliance with the provisions and conditions of all Certificates of
12 Appropriateness and provisions of this Article, and to promptly report any violations to the Historic
13 Preservation Commission and to the Director of Planning, Director of Building Inspection and other
14 appropriate City officials, commissions, boards, departments or agencies; and recommend and prepare
15 appeals that may be filed by the Historic Preservation Commission to any appropriate City officials,
16 commissions, boards, departments or agencies, and represent the Historic Preservation Commission at
17 hearings on such appeals; and

18 (o) To perform any other duties assigned to the Historic Preservation Officer by the
19 Historic Preservation Commission or as otherwise provided for in this Article 10.

20 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES

21 (a) The ordinances designating landmarks, historic districts and contributing
22 resources within historic districts under this Article, and the ordinances designating Significant and
23 Contributory buildings and Conservation Districts under Article 11 of this Code shall be known,
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1 collectively, as the San Francisco Register of Historic Resources (hereinafter referred to as the “San
2 Francisco Register”).

3 (b) Pursuant to the criteria and procedures set forth in this Section, the Board of
4 Supervisors may, by ordinance, designate landmarks, historic districts and contributing resources, and
5 significant interiors.

6 (c) Pursuant to the criteria and procedures set forth in Article 11 of this Code, the Board of
7 Supervisors may, by ordinance, designate Significant and Contributory buildings and Conservation
8 Districts.

9 (d) The San Francisco Register, as it is amended from time to time, shall be published in the
10 Planning Code as appendices to Article 10 and 11, and shall be incorporated into the records and
11 electronic database of the Planning Department and the Building Department.

12 (e) The original San Francisco Register and all subsequent amendments, inclusions, or
13 deletions thereto shall be on file with the Clerk of the Board of Supervisors and the Historic
14 Preservation Officer.

15 (f) The Clerk of the Board of Supervisors shall deliver a copy of the San Francisco
16 Register, and all subsequent amendments, inclusions, or deletions thereto, to the City Attorney, the
17 Director of City Planning, the Central Permit Bureau, the Director of the Department of Building
18 Inspection, the Environmental Review Officer, the Zoning Administrator, the Director of the
19 Redevelopment Agency, the Director of the Port of San Francisco, the Director of the Department of
20 Real Estate for inclusion in the City’s Geographic Information Systems (GIS), and the Manager of the
21 San Francisco Main Library History Room. All City agencies and departments shall be charged with
22 notice of the San Francisco Register whether or not the Clerk delivers a copy to them.

23 (g) The Historic Preservation Officer shall insure that the San Francisco Register is
24 maintained and updated by the Clerk of the Board of Supervisors, and that, upon each subsequent
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1 amendment, inclusion or deletion: (i) the Planning Code is promptly updated; (ii) the change is
2 incorporated into the records and electronic database of the Planning and Building Departments; (iii)
3 the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or deletions to
4 all of the City officials and departments listed in subsection 1004(f), above; and (iv) notices of all
5 listings on the San Francisco Register are properly and promptly recorded in the official property
6 records of the City. The Historic Preservation Officer shall make the San Francisco Register available
7 for public review in the Planning Department and for use by all City agencies and departments in
8 reviewing project applications and activities.

9 (h) All landmarks, historic districts, Significant and Contributory buildings and
10 Conservation Districts designated as of the date of enactment of this Article, including all designating
11 ordinances and case reports, are hereby included on the San Francisco Register and shall be subject to
12 the restrictions and conditions applicable to such designated resources. All compatible, potentially
13 compatible, contributory or contributory altered resources within historic districts designated as of the
14 date of enactment of this Article are hereby designated as “contributing resources” on the San
15 Francisco Register, and shall be subject to the restrictions and conditions applicable to contributing
16 resources contained in this Article.

17 SEC. 1005. DESIGNATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

18 SEC. 1005.1. Criteria and Requirements. The criteria and requirements for placement on, or
19 deletion from, the San Francisco Register as a landmark, historic district, contributing resource or
20 significant interior are as follows:

21 (a) Landmarks. A nominated individual historic resource or an integrated group of historic
22 resources on a single lot or site, including appurtenances and environmental setting, shall be added to
23 the San Francisco Register as a landmark if the Board of Supervisors finds, after holding the hearing(s)
24 required by this Article, that the requirements set forth below are satisfied:

- 1 (1) The nominated historic resource meets one or more of the following criteria:
- 2 (i) It is associated with events that have made a significant contribution to the broad
- 3 patterns of San Francisco, regional, state or national history, or the cultural heritage of San Francisco,
- 4 the state or the nation; or
- 5 (ii) It is associated with the lives of persons important to the history of San
- 6 Francisco, the region, the state or the nation; or
- 7 (iii) It embodies the distinctive characteristics of a property type, architectural style,
- 8 period or method of construction important to San Francisco, the region, the state or the nation; or
- 9 (iv) It represents the work of an architect, designer, engineer or builder whose work
- 10 is important to San Francisco, the region, the state or the nation; or
- 11 (v) It possesses a special character or special historical, architectural or aesthetic
- 12 value significant to San Francisco; or
- 13 (vi) It has yielded, or may be likely to yield, information important locally in
- 14 prehistory or history or important in prehistory or history of the region, state or nation.
- 15 (2) The nominated historic resource has integrity of location, design, setting, materials,
- 16 workmanship, feeling and/or association. Integrity shall be evaluated with reference to the particular
- 17 criterion or criteria specified in (1) above under which the nominated historic resource is proposed for
- 18 designation.
- 19 (3) The designation of the nominated historic resource as a landmark is reasonable,
- 20 appropriate and necessary to protect, promote, and further the goals and purposes of this Article.
- 21 (4) Factors to be Considered: In determining whether to place a nominated historic
- 22 resource on the San Francisco Register as a landmark, the following factors shall be considered:
- 23 (i) The nominated resource must retain enough of its historic character or appearance to
- 24 be recognizable as historic resource and to convey the reasons for its significance.
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1 (ii) Resources that have been rehabilitated or restored may be evaluated for listing.

2 (iii) A moved building, structure or object that is otherwise eligible may be listed on the San
3 Francisco Register if it was moved to prevent its demolition at its former location and if the new
4 location is compatible with the original character and use of the historic resource. An historic
5 resource should retain its historic features and compatibility in orientation, setting, and general
6 environment.

7 (iv) A birthplace or grave is eligible if it is that of a historical figure of outstanding
8 importance and there is no other appropriate site or structure directly associated with his or her
9 productive life.

10 (v) A reconstructed building is eligible if the reconstruction is historically accurate, if the
11 structure is presented in a dignified manner as a part of a restoration plan, and if no other original
12 structure survives that has the same association.

13 (vi) Properties that are primarily commemorative in intent are eligible if design, age,
14 tradition, or symbolic value invest such properties with their own historical significance.

15 (vii) A structure may be eligible as a landmark based on its visual conspicuousness or
16 familiarity.

17 (viii) A structure may eligible as a landmark if it embodies characteristics of an architectural
18 style or theme distinctive to San Francisco, such as, for example, Victorian, Classical Revival or Art
19 Deco styles, Earthquake Shacks or Earthquake survivors, even if it may not be eligible for listing on the
20 California Register or the National Register.

21 (ix) A resource achieving significance within the past fifty (50) years is eligible if it can be
22 demonstrated that sufficient time has passed to understand its importance under the criteria under this
23 Article for placing a resource on the San Francisco Register as a landmark.

1 (x) Appurtenances and environmental setting. Scenic and aesthetic conditions, landscapes
2 and landscape features, including without limitation, gardens, squares, walkways, walls, stairs,
3 gateways, trees and other vegetation, rocks, cliffs and other open space features should be included in
4 the landmark designation as a protected feature of the landmark if they relate historically and
5 physically and/or visually to its setting.

6 (b) Historic Districts. A nominated geographic area which contains a number of historic
7 resources, including contributing resources, appurtenances and environmental setting, shall be added
8 to the San Francisco Register as a historic district if the Board of Supervisors finds, after holding the
9 hearing(s) required by this Article, that the requirements set forth below are satisfied:

10 (1) The area is a geographically definable area.

11 (2) The area possesses one or more of the following:

12 (i) A concentration or continuity of historic resources unified aesthetically by plan,
13 physical development or architectural style, having a special character, historical interest or aesthetic
14 value; or

15 (ii) A concentration or continuity of historic resources unified by archeological
16 significance; or

17 (iii) A concentration or continuity of historic resources which represents one or more
18 architectural periods or styles typical of the history of San Francisco; or

19 (iv) An association with an event, person, or period significant or important to San
20 Francisco history.

21 (3) The designation of the geographic area as a historic district is reasonable, appropriate
22 and necessary to protect, promote, and further the goals and purposes of this Article.

23 (4) Factors to be Considered: In determining whether to place a geographic area on the
24 San Francisco Register as a historic district, the following factors shall be considered:

1 (i) A historic district should have integrity of design, setting, materials,
2 workmanship, feeling, location, and/or association.

3 (ii) The collective historic value of the buildings and structures and other historic
4 resources in a historic district taken together may be greater than the historic value of each individual
5 building, structure, or other historic resource.

6 (iii) A historic district may be eligible if the historic resources within the geographic
7 area embody an architectural style, or theme distinctive to San Francisco such as, for example, an area
8 with a concentration of Victorian, Classical Revival or Art Deco styles, even if the district may not be
9 eligible for listing as a district on the California Register or National Register.

10 (5) A group, or multiple number of historic resources that are not located in a
11 geographically definable area, but are unified by common theme and time period, and otherwise meet
12 the criteria described in this Section 1005.1(b), may be designated by the Board of Supervisors as a
13 historic district. Examples include, without limitation, a group of Earthquake shacks, Earthquake
14 survivors, or multiple locations associated with gay history or the Beat Period of San Francisco.

15 (c) Contributing Resources. Each nomination for a historic district shall include a
16 description of the individual resources contributing to the historic district, including scenic and
17 aesthetic features, landscapes and landscape features, which shall be added to the San Francisco
18 Register as contributing resources if the Board of Supervisors finds, after holding the hearing(s)
19 required by this Article, that the requirements set forth below are reasonably satisfied:

20 (1) The contributing resource is located within a historic district;

21 (2) The contributing resource either embodies the significant features and characteristics of
22 the historic district or adds to the historical associations, architectural style, special character or
23 aesthetic qualities of the historic district, or to the archaeological values identified for the historic
24 district;

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1 (3) The contributing resource was present during the period of historical significance of the
2 historic district and relates to the significance of the historic district;

3 (4) The contributing resource either possesses integrity of location, design, setting,
4 materials, workmanship, feeling and/or association or is capable of yielding important information
5 about the period of historical significance of the historic district. Integrity shall be evaluated with
6 reference to the particular criterion or criteria under which the nominated historic district is proposed
7 for designation; and

8 (5) The designation of the resource as a contributing resource to the historic district is
9 reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this
10 Article.

11 (6) Factors to be Considered: In determining whether an individual resources contributes
12 to the historic district, the following factors shall be considered:

13 (i) The contextual value of individual buildings and structures as contributors to the scale
14 and continuity of their streetscape within the nominated historic district.

15 (ii) Individual buildings may be eligible as a contributing resource even if alterations have
16 occurred over time, so long as they retain enough of their historic character or appearance to be
17 recognizable as historic resources and convey the reason for their value to the district. As to such
18 resources, the designating ordinance shall require that any changes would make the resource more
19 compatible with the historic district.

20 (iii) Appurtenances and environmental setting. Scenic and aesthetic conditions, landscapes
21 and landscape features, including without limitation, gardens, squares, walkways, walls, stairs,
22 gateways, trees and other vegetation, rocks, cliffs and other open space features may be eligible as
23 contributing resources and shall be designated as such, if they relate historically and physically and/or
24 visually to the district's environmental setting.

1 (d) Significant Interiors. The interior of a landmark or contributing resource within a
2 historic district may be designated as a significant interior and listed in the designating ordinance as a
3 protected feature of the landmark or contributing resource if:

4 (1) The Board of Supervisors finds that the interior is a unique or exceptional
5 representation of the qualities that give the landmark or historic district cultural, historic or
6 architectural significance as embodied in the criteria for designating the landmark or historic district,
7 and the interior has a high degree of integrity in interior architectural design; and

8 (2) The landmark or contributing resource is either publicly owned or generally accessible
9 to the public, or historically has been accessible to members of the public.

10 The interiors of all publicly owned landmarks and contributing resources that are subject to
11 review as of the date of enactment of this Article are hereby designated as “significant interiors” and
12 shall be subject to the restrictions and conditions applicable to significant interiors under this Article.

13 (e) Designation Case Report. The Historic Preservation Commission shall prescribe the
14 form and information required to be included in a designation case report consistent with the criteria
15 and requirements for placement on the San Francisco Register as set forth in this Section 1005.1.

16 SEC. 1005.2. INITIATION OF DESIGNATION.

17 The Board of Supervisors and the Historic Preservation Commission shall each have the
18 authority to initiate designation of historic resources for placement on the San Francisco Register as
19 landmarks, historic districts and contributing resources, or expansion or modification of the
20 boundaries of a historic district, by adoption of a resolution of intent. The procedures and requirements
21 for the initiation of designations shall be as follows:

22 (a) Board of Supervisors. The Board of Supervisors may initiate a designation by adopting
23 a resolution of intent, which shall identify the nominated historic resource and shall direct the Historic
24 Preservation Commission to hold a public hearing to consider the proposed designation. The initiating
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1 resolution will be transmitted by the Clerk of the Board of Supervisors to the Historic Preservation
2 Commission together with a designation case report if one has been prepared in support of the
3 proposed designation. Upon receipt of the resolution from the Clerk of the Board of Supervisors, the
4 Historic Preservation Officer shall immediately transmit a copy of the Board of Supervisor's initiating
5 resolution to the Central Permit Bureau and a public hearing shall be held by the Historic Preservation
6 Commission to consider the proposed designation within sixty (60) days following the adoption by the
7 Board of Supervisors of the initiating resolution; provided that if no designation case report was
8 prepared in support of the proposed designation, or if the designation case report is determined by the
9 Historic Preservation Officer to be inadequate or incomplete, the Historic Preservation Officer may
10 request that the hearing be delayed by up to sixty (60) days, as necessary to prepare or cause to be
11 prepared a complete and adequate designation case report. If the Historic Preservation Commission
12 fails to approve, disapprove or modify the proposed designation within one hundred twenty (120) days
13 of the adoption by the Board of Supervisors of the initiating resolution, the Board of Supervisors may,
14 in its discretion, schedule a Board of Supervisor's hearing on the proposed designation, in which event,
15 the failure of the Historic Preservation Commission to act within one hundred twenty (120) days of the
16 adoption of the initiating resolution shall not prevent the Board of Supervisors from approving the
17 nomination.

18 (b) Historic Preservation Commission. The Historic Preservation Commission may, upon
19 its own initiative or in response to a nomination made pursuant to Section 1005.3, initiate a
20 designation by adopting a resolution of intent, which shall identify the nominated historic resource and
21 set the time and place for a public hearing to consider the proposed designation, which hearing shall
22 be held by the Historic Preservation Commission within sixty (60) days of the adoption of its resolution
23 of intent. The Historic Preservation Officer shall immediately transmit a copy of the Historic
24 Preservation Commission's initiating resolution to the Central Permit Bureau and to the Clerk of the
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1 Board of Supervisors. If, for any reason, no designation case report was prepared in support of such
2 nomination prior to the Historic Preservation Commission's adoption of the resolution of intent, or if
3 the designation case report is determined by the Historic Preservation Officer to be inadequate or
4 incomplete, the Historic Preservation Officer may request that the hearing be delayed by up to sixty
5 (60) days, as necessary to prepare or cause to be prepared a complete and adequate designation case
6 report. If the Historic Preservation Commission fails to approve, disapprove or modify the proposed
7 designation within one hundred twenty (120) days of its adoption of the initiating resolution, the Board
8 of Supervisors may, in its discretion, schedule a Board of Supervisor's hearing on the proposed
9 designation, in which event, the failure of the Historic Preservation Commission to act within one
10 hundred twenty (120) days of the adoption of the initiating resolution shall not prevent the Board of
11 Supervisors from approving the nomination.

12 SEC. 1005.3. NOMINATIONS.

13 Nominations for placement of historic resources on the San Francisco Register as landmarks,
14 historic districts and contributing resources may be made by any commission or agency of the City, or
15 by property owners, residents and preservation organizations pursuant to the procedures set forth in
16 this Section 1005.3; provided, however, that the Planning Department may establish a nomination fee
17 in an amount necessary to recover the cost of processing such nominations, and provided, further, that
18 the Historic Preservation Commission may establish such additional procedures, or requirements as it
19 may determine necessary or appropriate.

20 (a) City Commissions and Agencies.

21 (1) Any commission or agency of the City, including without limitation, the Arts
22 Commission, Planning Commission, Recreation and Parks Commission, Port Commission, Public
23 Utilities Commission, Redevelopment Agency Commission or Building Inspection Commission, may
24 nominate historic resources for placement on the San Francisco Register as landmarks, historic
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1 districts and contributing resources by adopting a resolution, which shall identify the nominated
2 historic resource, and transmitting the resolution to the Historic Preservation Commission, together
3 with a designation case report prepared in support of such nomination.

4 (2) The commission or agency nominating the historic resource shall be responsible for
5 causing the preparation of the required designation case report, which can be prepared (i) by its staff
6 or volunteers, (ii) by obtaining the services of an outside consultant, or (iii) by the Planning
7 Department staff, subject to reimbursement of the Planning Department for the cost of preparing the
8 report on its behalf.

9 (3) Upon receipt of the resolution nominating the historic resource for placement on the San
10 Francisco Register, the Historic Preservation Officer shall immediately transmit a copy of the
11 resolution to the Central Permit Bureau and to the Clerk of the Board of Supervisors.

12 (4) The Historic Preservation Officer shall promptly review the designation case report for
13 adequacy and completeness and shall, within thirty (30) days of receipt, notify the nominating
14 commission or agency of his or her determination, including the specific reasons for any determination
15 of inadequacy or incompleteness.

16 (5) If the Historic Preservation Officer has determined and notified the nominating
17 commission or agency that the supporting designation case report is inadequate or incomplete, the
18 Historic Preservation Officer shall assist the commission or agency to revise the designation case
19 report within (60) days of said notification to addresses the inadequacy or incompleteness of the case
20 report.

21 (6) Once the Historic Preservation Officer has determined that the supporting designation
22 case report is adequate and complete, the Historic Preservation Officer shall present the proposed
23 nomination to the Historic Preservation Commission at its next regularly scheduled meeting, together
24 with a preliminary determination prepared by the Historic Preservation Officer regarding the potential
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1 eligibility of the nominated historic resource for designation pursuant to the criteria and requirements
2 of this Article, at which time the Historic Preservation Commission shall consider the nomination and,
3 if it determines that the resource may be eligible for designation under the criteria and requirements of
4 this Article, the Historic Preservation Commission shall initiate the designation pursuant to the
5 provisions of Section 1005.2(b) of this Article by adopting a resolution of intent setting the time and
6 date for a public hearing on the nomination.

7 (b) Property Owners, Residents and Preservation Organizations.

8 (1) Nominations to the Historic Preservation Commission for placing historic resources on
9 the San Francisco Register may be made by property owners, residents and preservation organizations
10 as follows:

11 (i) Landmark. In the case of a proposal for the nomination of a landmark, either the
12 owner(s), an organization which has historic preservation as a stated goal in its by-laws or articles of
13 incorporation, or fifty (50) residents of the City may request the designation of a historic resource as a
14 landmark by submitting an application, on a form prescribed by the Historic Preservation Commission,
15 to the Historic Preservation Officer, together with an adequate and complete designation case report.

16 (ii) Historic District and Contributing Resources. In the case of a proposal for the
17 nomination of a historic district, either one-third (1/3) of the owners within the proposed district or an
18 organization which has historic preservation as a stated goal in its by-laws or articles of incorporation
19 may request the designation of an area as a historic district by submitting an application, on a form
20 prescribed by the Historic Preservation Commission, to the Historic Preservation Officer, together
21 with an adequate and complete designation case report.

22 (2) The Historic Preservation Officer shall promptly review the application and supporting
23 designation case report for adequacy and completeness and shall, within thirty (30) days of receipt,

1 notify the nominating party or parties of his or her determination, including the specific reasons for any
2 determination of inadequacy or incompleteness.

3 (3) If the Historic Preservation Officer has determined that an application and supporting
4 designation case report are adequate and complete, the Historic Preservation Officer shall present the
5 proposed nomination to the Historic Preservation Commission at its next regularly scheduled meeting,
6 together with a preliminary determination prepared by the Historic Preservation Officer regarding the
7 potential eligibility of the nominated historic resource for designation pursuant to the criteria and
8 requirements of this Article, at which time the Historic Preservation Commission shall consider the
9 nomination and, if it determines that the resource may be eligible for designation under the criteria and
10 requirements of this Article, the Historic Preservation Commission shall initiate the designation
11 pursuant to the provisions of Section 1005.2(b) of this Article, by adopting a resolution of intent setting
12 the time and date for a public hearing on the nomination.

13 (4) If the Historic Preservation Officer has determined and notified the nominating party or
14 parties that an application and supporting designation case report are inadequate or incomplete, and
15 the nominating party or parties submits, within sixty (60) days of notification, a revised application and
16 designation case report that reasonably addresses the inadequacy or incompleteness of the original
17 application and case report, the proposed nomination shall be placed on the agenda of the next
18 regularly scheduled meeting of the Historic Preservation Commission as provided in Section
19 1005.3(b)(3) above. If the nominating party or parties fail to submit a revised application and
20 designation case report that reasonably addresses the inadequacy or incompleteness of which they
21 were notified within the said time period, the Historic Preservation Officer will not be required to
22 present the nomination to the Historic Preservation Commission. The foregoing notwithstanding, the
23 Historic Preservation Officer may, in his or her discretion, or at the direction of the Historic
24 Preservation Commission, complete or cause to be completed the designation case report.

1 SEC. 1005.4. PROTECTION FOR NOMINATED RESOURCES PENDING FINAL

2 DECISION.

3 (a) Subject to the time limits set forth in Section 1005.4(c) below, any historic resource that
4 has been nominated pursuant to the provisions of this Article for listing on the San Francisco Register
5 as a landmark or historic district, or is located within the geographic area of a nominated historic
6 district, shall be considered to be a landmark, historic district or contributing resource for the purposes
7 of this Article, and shall be subject to the restrictions and protections of this Article, as well as any
8 additional design guidelines that may be specified in the proposed designating ordinance, as if it were
9 a landmark, historic district or contributing resource for the period of time specified below. These
10 provisions shall apply as to any permit application filed prior to the date of any such nomination, so
11 long as the City has not issued the permit on the date the nomination was made.

12 (b) For the purposes of this section, a resource shall be considered to have been nominated
13 for designation as a landmark or historic district upon the adoption of a resolution of intent by either
14 the Board of Supervisors pursuant to Section 1005.2(a) or the Historic Preservation Commission
15 pursuant to Section 1005.2(b), or by the adoption of a resolution nominating the resource by any
16 commission or agency pursuant to Section 1005.3(a), or by the filing of an adequate and complete
17 nomination application by a property owner, resident or preservation organization pursuant to Section
18 1005.3(b).

19 (c) These restrictions and protections shall apply for a period of one hundred eighty days
20 (180) days from the date the resource was nominated. After one hundred eighty days (180) days have
21 elapsed from the date of the nomination, if the Board of Supervisors has not adopted an ordinance
22 designating the nominated historical resource, the restrictions and protections established by
23 subsection (a) above shall no longer apply unless a majority of the Board of Supervisors adopts a

1 resolution to extend the time period to consider the proposed designation. The Board of Supervisors
2 may extend the time period for an additional 180 days.

3 (d) Listed historic resources proposed for deletion from the San Francisco Register shall be
4 subject to the restrictions and protections of this Article unless and until a final decision is made by the
5 Board of Supervisors to delete the listed resource from the San Francisco Register.

6 SEC. 1005.5. HISTORIC PRESERVATION COMMISSION HEARING.

7 (a) Notice of Hearing. Notice of the hearing before the Historic Preservation Commission
8 shall be provided as follows:

9 (1) Notice of Hearing:

10 (i) Mail. Written notice shall be given by first class mail not less than twenty (20)
11 days prior to the hearing to the owner(s) of the historic resource(s) proposed for listing on the San
12 Francisco Register, as shown on the latest equalized assessment roll, and in the case of a historic
13 district, the notice shall be provided to all property owners within the proposed district, as shown on
14 the latest equalized assessment roll; the individual(s) or organization(s) who nominated the historic
15 resource(s); and other interested parties who have in writing or by email to the Historic Preservation
16 Officer requested such notices. Failure to send notice by mail to any such property owner where the
17 address of such owner is not shown on such assessment roll shall not invalidate any proceedings in
18 connection with the proposed designation.

19 (ii) Publication. Notice shall be published once in a newspaper of general
20 circulation not less than twenty (20) days prior to the hearing date.

21 (iii) Posting. In the case of a nomination of a historic resource other than a historic
22 district, notice shall also be posted not less than twenty (20) days prior to the hearing date on the
23 nominated resource, or in a location adjacent to the resource.

1 (iv) Planning Commission Comments on Historic Districts. In the case of a
2 nomination regarding a historic district, the Historic Preservation Commission shall also send a copy
3 of the notice of hearing to the Secretary of the Planning Commission. The Planning Commission may
4 review the proposed designation and boundaries of the historic district, and may forward its comments
5 to the Historic Preservation Commission for consideration during the public hearing. Failure of the
6 Planning Commission to provide comments prior to the hearing shall not prevent the Historic
7 Preservation Commission from acting on the nomination, provided that any comments received from
8 the Planning Commission within 45 days of the hearing notice shall be forwarded to the Board of
9 Supervisors together with the Historic Preservation Commission's recommendation. The Planning
10 Commission may waive its right to comment on the proposed nomination of the historic district, and its
11 failure to do so within said 45-day period shall constitute a waiver.

12 (v) Other. The Historic Preservation Commission may give such other notice as it
13 may deem desirable.

14 (2) Form and Contents of Notice.

15 The notice shall contain the following information:

16 (i) Common address(es) and Assessors Parcel Number(s), if any, of the historic resource(s)
17 proposed for listing on, or deletion from, the San Francisco Register, including, in the case of the
18 nomination of a historic district, all properties within boundaries of the proposed district.

19 (ii) A general explanation of the proposed designation or proposed deletion, and the
20 requirements and/or benefits thereof.

21 (iii) The reasons for the proposed designation, in terms of the historic, architectural,
22 and cultural significance of the nominated resource(s), including a description of the proposed
23 significant features and characteristics of the proposed historic resource. The identification of
24 significant features and characteristics in the notice shall not be considered binding on the Historic
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1 Preservation Commission or Board of Supervisors, and nothing shall prevent or preclude the Historic
2 Preservation Commission or Board of Supervisors from identifying different, additional, or fewer
3 significant features and characteristics.

4 (b) Public Record. A record shall be kept of all pertinent information received by the
5 Historic Preservation Commission pertaining to a nomination and such record shall be maintained as
6 a part of the permanent public records of the Historic Preservation Commission in the Planning
7 Department. Any comments or recommendations timely submitted by the Planning Commission to the
8 Historic Preservation Commission regarding historic district designations shall also be made a part of
9 the public record and shall be forwarded to the Board of Supervisors.

10 (c) Recommendation by the Historic Preservation Commission. Upon the conclusion of its
11 public hearing or hearings, the Historic Preservation Commission shall forward its findings and
12 recommendations to the Clerk of the Board of Supervisors consistent with the following:

13 (1) If the Historic Preservation Commission determines that the historic resource under
14 consideration is eligible for inclusion on the San Francisco Register based upon the criteria,
15 considerations, and assessment of integrity and significance outlined in Section 1005.1 of this Article,
16 the Historic Preservation Commission shall make a recommendation to the Board of Supervisors to
17 include the historic resource on the San Francisco Register as a landmark, historic district or
18 contributing resource. In its recommendation to the Board of Supervisors, the Historic Preservation
19 Commission shall specify the criteria justifying designation of the historic resource pursuant to Section
20 1005.1 of this Article.

21 (2) In the case of historic district recommendations, the Historic Preservation Commission
22 shall, as a part of its recommendation: (i) identify and describe the individual resources that contribute
23 to the district's designation as a historic district pursuant to Section 1005.1(c) of this Article, including,
24 without limitation, scenic and aesthetic conditions, gardens, landscapes and landscape features; (ii)
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1 identify as non-contributing resources any properties, structures, features or other resources located
2 within the boundaries of the proposed historic district that have no relevance to the area's identified
3 significance, significant physical features or identifying characteristics; and (iii) include such further
4 controls and standards as the Historic Preservation Commission deems necessary or desirable to
5 protect and maintain the integrity of the historic district and to ensure compatibility of alterations,
6 additions and new construction within the historic district, including without limitation: (A) specific
7 design guidelines for the preservation, alteration, addition or modification of contributing and
8 noncontributing resources, and for new construction within the historic district (hereinafter referred to
9 as "design guidelines"); and (B) setback, height and bulk controls to insure that any additions to
10 contributing and noncontributing resources, and any new construction in the historic district will be
11 compatible with the prevailing height and bulk of the historic district and contribute to the scale and
12 continuity of the streetscape (hereinafter referred to as "height and bulk controls").

13 (3) In the case of a recommendation that the interior of a landmark or contributing resource
14 be designated as a significant interior, the Historic Preservation Commission shall, as a part of its
15 recommendation, include any controls and standards that may be necessary or desirable to protect and
16 maintain the designated significant interior, and to review alterations thereto.

17 (4) In the case of a recommendation that a park, square, plaza, garden, landscape or
18 landscape features be designated as a landmark, or where such resources contribute to and relate
19 historically and physically and/or visually to the environmental setting of a landmark site or historic
20 district, the Historic Preservation Commission shall, as a part of its recommendation, include any
21 further controls and standards for the review of alterations to such resources, whether or not a permit
22 is or may be required.

23 SEC. 1005.6. ACTION BY BOARD OF SUPERVISORS.

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1 (a) Hearing. The Board of Supervisors shall hear and decide on all nominations for
2 placement on the San Francisco Register in accordance with the following:

3 (1) The Historic Preservation Officer shall transmit to the Clerk of the Board of Supervisors
4 for review by the Board of Supervisors the Historic Preservation Commission's recommendations to
5 approve, disapprove or modify the proposal for inclusion on the San Francisco Register, together with
6 any comments and recommendations received from the Planning Commission.

7 (2) Upon receipt of the recommendations of the Historic Preservation Commission, the
8 Board of Supervisors shall schedule a public hearing on the proposal for inclusion on the San
9 Francisco Register pursuant to its rules and procedures, provided that if the Historic Preservation
10 Commission has failed to act within one-hundred twenty (120) days from the date of adoption of the
11 initiating resolution by the Board of Supervisors or Historic Preservation Commission, the Board of
12 Supervisors may schedule a public hearing on the proposal at any time after said one-hundred twenty
13 (120) day period. Notwithstanding the foregoing, upon the request of the Historic Preservation
14 Commission, the Board of Supervisors may, by resolution, extend the time within which the Historic
15 Preservation Commission may transmit its recommendations to the Board of Supervisors.

16 (3) The Board of Supervisors shall either approve, or modify and approve, by ordinance,
17 the action(s) recommended by the Historic Preservation Commission, or disapprove it in its entirety by
18 resolution. In the alternative, the Board of Supervisors may return the proposed nomination to the
19 Historic Preservation Commission for further information, hearings, consideration or study.

20 (4) In reviewing the findings and action(s) recommended by the Historic Preservation
21 Commission, the Board of Supervisors shall consider the criteria and requirements for designation set
22 forth in Section 1005.1 of this Article.

23 (5) In acting upon any proposed inclusion(s) on the San Francisco Register, the Board of
24 Supervisors may modify said designation proposal, provided that the Board of Supervisors shall not
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1 take final action upon the proposal if it contains any material modification that has not been
2 considered by the Historic Preservation Commission. Should the Board of Supervisors adopt a
3 resolution proposing to materially modify the proposed designation as recommended by the Historic
4 Preservation Commission while it is before said Board, the designation and the resolution proposing
5 modification shall be referred back to the Historic Preservation Commission for its consideration. In
6 all cases of referral back, the designation and the proposed modification shall be heard by the Historic
7 Preservation Commission according to the requirements set forth in this Article for a new proposal,
8 except that newspaper notice need only be given ten (10) days prior to the date of the hearing.

9 (b) Content of Designating Ordinance. Each designating ordinance adopted by the Board
10 of Supervisors shall include, or shall incorporate by reference as though fully set forth in such
11 designating ordinance:

12 (1) The pertinent resolutions of the Historic Preservation Commission then on file with the
13 Clerk of the Board of Supervisors, if any;

14 (2) The location and boundaries of the landmark site or historic district;

15 (3) A description of the criteria, which justify the designation of the landmark or historic
16 district;

17 (4) The designation case report;

18 (5) For historic districts: (i) a list and description of all contributing resources and
19 features, including, without limitation, scenic and aesthetic conditions, gardens, landscapes and
20 landscape features; (ii) a list and description of noncontributing resources; and (iii) any controls and
21 standards that may be necessary or desirable to protect and maintain the integrity of the historic
22 district and ensure compatibility of alterations, additions and new construction within the historic
23 district, including any design guidelines and height and bulk controls recommended by the Historic
24 Preservation Commission pursuant to Section 1005.5 of this Article;

1 (6) A description of the interior of a landmark or contributing resource designated as a
2 significant interior, if any, and any controls that may be necessary or desirable to protect and maintain
3 the designated significant interior; and

4 (8) For a park, square, plaza or garden, or for a landscape or landscape features that relate
5 historically and physically and/or visually to the environmental setting of the landmark site or historic
6 district, any further controls and standards for the review of alterations, whether or not a permit is or
7 may be required.

8 (c) Inclusion on the San Francisco Register. The landmark, historic district and/or
9 contributing resources so designated shall, upon designation, be included on the San Francisco
10 Register and be subject to the controls and standards set forth in this Article, and to all such further
11 controls and standards as set forth in the designating ordinance.

12 SEC. 1005.7. Notice of Designation and Recordation. When a landmark, historic district
13 and/or contributing resource has been designated by the Board of Supervisors, the Historic
14 Preservation Officer shall notify the owners of the property(ies) so designated within thirty (30) days
15 following the Mayor's signature on the ordinance and ensure that a notice of its designation is properly
16 and promptly recorded in the official property records of the City. In addition, as provided in Section
17 1004 of this Article, the Historic Preservation Officer shall insure that: (i) the Planning Code is
18 promptly updated; (ii) the change is incorporated into the records and electronic database of the
19 Planning and Building Departments; and (iii) the Clerk of the Board of Supervisors has delivered a
20 copy of the amendment, inclusions or deletions to all of the City officials and departments.

21 SEC. 1005.8. Frequency of Nominations. When a nomination for placement of a historic
22 resource on the San Francisco Register as a landmark, historic district or contributing resource has
23 been denied by the Board of Supervisors, no new nomination for placement of the same or substantially
24 the same historic resource may be filed or submitted within one year following the date of final
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1 disapproval of the nomination by the Board of Supervisors. However, a nomination may be reinitiated
2 upon presentation of significant new evidence not previously submitted showing that the nominated
3 historic resource meets the criteria for designation in Section 1005.1, or, in the case of a nominated
4 historic district, that the boundaries of the proposed historic district are substantially different from the
5 previously disapproved nomination.

6 SEC. 1005.9. Amendment or Recession of a Designation. The Board of Supervisors may amend
7 or rescind a landmark or historic district designation by following all of the procedures set forth in this
8 Article 10 for a designating ordinance, provided that:

9 (1) Prior to rescinding any designation, the Board of Supervisors shall find, after holding
10 the hearings required by this Article, that the historic resource no longer meets any of the criteria
11 described in Section 1005.1 which originally led to such designation or that the historic resource has
12 lost its integrity as a historic resource since its designation; provided that where a landmark or
13 contributing resource is proposed for de-designation due to a loss of integrity, the loss of integrity was
14 not the result of any alteration, willful neglect or failure to maintain the historic resource by the owner
15 or agent of the owner, or of any violation of the terms and conditions of any Certificate of
16 Appropriateness; and

17 (2) De-designation may be initiated only by a vote of the Historic Preservation Commission
18 or by the Board of Supervisors.

19 (3) When a landmark or historic district designation has been amended or rescinded, the
20 Historic Preservation Officer shall promptly notify the owners of the property included therein, and
21 shall cause a copy of the appropriate ordinance or notice thereof to be recorded in the official property
22 records of the City. In addition, the Historic Preservation Officer shall insure that the Planning Code
23 is promptly updated and that the change is incorporated into the records and electronic database of the
24 Planning and Building Departments.

1 SEC. 1006. CONFORMITY AND PERMITS.

2 The following requirements are intended to ensure conformity between existing City permit
3 processes and the provisions of this Article:

4 (a) No person shall carry out or cause to be carried out on any historic resource that is
5 listed on or has been nominated for listing on the San Francisco Register, including without limitation,
6 on any landmark site, on any site within a historic district, on a contributing resource within a historic
7 district, or on a designated significant interior, any alteration, construction, relocation, removal or
8 demolition of any structure, appurtenance, object or feature, except in conformity with the provisions of
9 this Article. Except where explicitly so stated, nothing in this Article shall be construed as relieving
10 any person from other applicable permit requirements. In addition, no such work shall take place
11 unless all other applicable laws and regulations have been complied with, and any required permits
12 have been issued for said work.

13 (b) Upon receipt of any application for a building permit, demolition permit, site permit,
14 alteration permit, or any other permit that may affect any historic resource that is listed on or has been
15 nominated for listing on the San Francisco Register as a landmark, historic district or contributing
16 resource, the Central Permit Bureau shall promptly forward the application to the Historic
17 Preservation Officer and shall not issue any permit unless the Historic Preservation Officer has
18 determined, in accordance with this Article and any rules and regulations issued by the Historic
19 Preservation Commission, that such application is exempt from the provisions of this Article or that a
20 Certificate of Appropriateness has been issued and the permit application conforms with the Certificate
21 of Appropriateness that has been issued. If a Certificate of Appropriateness is required and has not
22 been issued, or if, in the judgment of the Historic Preservation Officer, the permit application is not in
23 strict conformance with a Certificate of Appropriateness that has been issued, no action shall be taken
24 to grant or deny the permit application until such time as conformity does exist. The Historic
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1 Preservation Commission shall resolve any question as to conformity of a permit application with a
2 Certificate of Appropriateness. The approval of any project or the issuance or amendment of any
3 permit by the Central Permit Bureau that is inconsistent with any provision of this Article, or with any
4 provision or condition of a Certificate of Appropriateness that has been issued pursuant to this Article,
5 is invalid and shall be revoked or rescinded by the Zoning Administrator or the Director of the
6 Department of Building Inspection.

7 (c) All landmarks, historic districts, individual contributing resources located in historic
8 districts, and significant interiors, which are listed on or have been nominated for listing on the San
9 Francisco Register, shall be considered historic resources for purposes of the California
10 Environmental Quality Act.

11 (d) The installation of a new general advertising sign is prohibited in any historic district,
12 or on the site of any landmark, which is listed on or has been nominated for listing on the San
13 Francisco Register.

14 (e) No abatement proceedings shall be undertaken by any department, agency, board or
15 commission of the City for any historic resource that is listed on the San Francisco Register or has
16 been nominated for listing on the San Francisco Register without prior consultation with the Historic
17 Preservation Commission.

18 SEC. 1007. CERTIFICATES OF APPROPRIATENESS.

19 SEC. 1007.1. Certificate of Appropriateness Required.

20 A Certificate of Appropriateness shall be required and shall govern review of permit
21 applications for any construction, addition, alteration, relocation, removal or demolition of a structure,
22 object or feature on a designated landmark site, in a designated historic district, on a contributing
23 resource within a designated historic district or in a designated interior, regardless of whether or not
24 the proposed change is visible from a public street or other public place, except in the specific cases set
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1 forth in Section 1007.1(e). Certificates of Appropriateness shall be required for any construction,
2 addition, alteration, relocation, removal or demolition of a structure, object or feature on a City-owned
3 property listed on the San Francisco Register, regardless of whether or not a City permit is required,
4 provided that this requirement shall not supercede, impair or modify provisions of the City Charter or
5 laws governing the State of California and the United States of America. All governmental bodies shall
6 work cooperatively with the Historic Preservation Commission to assure the appropriate treatment of
7 historic resources. The definitions, procedures, requirements, controls and standards contained in
8 Sections 1007.1 through 1007.5 shall apply to all Certificate of Appropriateness applications;
9 provided, however, that the designation ordinance for a landmark, historic district or significant
10 interior, or for a park, square, plaza or garden on a landmark site, may add to these procedures,
11 requirements, controls and standards.

12 (a) Demolition. For purposes of this Article, demolition of a structure shall be defined as
13 any one or more of the following:

14 (1) Removal of more than 25 percent of the surface material of all external walls facing a
15 public street(s); or

16 (2) Removal of more than 50 percent of all external walls from their function as all external
17 walls; or

18 (3) Removal of more than 50 percent of the surface material of all external walls; or

19 (4) Removal of more than 50 percent of the building's existing internal structural
20 framework or floor plates unless the Historic Preservation Commission determines that such removal is
21 the only feasible means to meet the standards for seismic load and forces of the latest adopted version
22 of the San Francisco Building Code and the State Historical Building Code.

23 (b) Alterations. For purposes of this Article, alterations shall include the following:
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1 (1) Major Alteration. An alteration shall be considered a “major alteration” if any one or
2 more of the following apply:

3 (i) The alteration would remove, cover or modify any portion of the exterior materials, or
4 the exterior architectural appearance, or a portion of a significant interior, or replace them with
5 substitutes inappropriate in material, scale, color or architectural style; or

6 (ii) The alteration would relocate, add or remove windows or doors or replace them
7 substitutes inappropriate in material, scale or architectural style, or would add a garage; or

8 (iii) The alteration would affect all or any part of a structure's interior structural framework,
9 its floors or floor plates, interior or exterior columns or load-bearing walls; or

10 (iv) The alteration would result in any increase in height or bulk above the existing height
11 and bulk of the structure either by a vertical or horizontal addition, any addition to or alteration of the
12 roofline, or by raising the structure above the level of its existing foundation; or

13 (v) The alteration would require temporarily lifting and supporting the structure above its
14 existing foundation; or

15 (vi) Any work involving a sign, awning, marquee, canopy, mural or other appendage; or
16 (vii) Addition of a roof deck, penthouse, or any other roof top features; or

17 (viii) Any exterior changes or changes to designated significant interiors addressed in the
18 design guidelines or height and bulk controls in the landmark or historic district designating
19 ordinance, or changes to features identified as significant or contributing in the designating ordinance,
20 which changes may include, but shall not be limited to signage, landscaping, fencing, installation of
21 lighting fixtures, awnings and any other building appendages; or

22 (ix) Alterations to parks, squares, plazas, gardens and other landscape features on a
23 landmark site, within a historic district or on a contributing resource within a designated historic
24 district, where the designating ordinance identifies the significance or contribution of such features, or
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1 requires the approval of such changes pursuant to this Article, whether on City-owned or privately-
2 owned property; or

3 (x) Where the cumulative impacts of any and all prior alterations would fit the description
4 for any alteration set forth in subsections (i) through (ix) herein above.

5 (2) Minor Alteration. Unless the designating ordinance provides otherwise, an alteration
6 may be considered a “minor alteration” if the criteria set forth for a demolition pursuant to Section
7 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do not apply and
8 the work consists only of ordinary maintenance and repairs. “Ordinary maintenance and repairs”
9 shall mean work that does not include any change in the design, materials or outer appearance of a
10 structure, the sole purpose and effect of which is to correct minor deterioration, decay or damage. An
11 alteration shall not be considered a minor alteration if the proposed alteration, in combination with all
12 other alterations that have occurred to the resource over time, whether or not approved by the City,
13 would constitute a major alteration as defined above. For this purpose, the cumulative impacts of any
14 and all prior minor alterations shall be considered.

15 (i) Other factors to determine whether an alteration is major or minor may be
16 specified in the design guidelines in the landmark or historic district ordinance.

17 (ii) The Historic Preservation Commission may promulgate rules and regulations to
18 further define minor alterations consistent with the definitions and limitations set forth above.

19 (iii) The authority to approve, disapprove or modify a Certificate of Appropriateness
20 for any proposed activity determined to be a minor alteration may be delegated by the Historic
21 Preservation Commission to the Historic Preservation Officer pursuant to the procedures set forth in
22 Section 1007.4 for Administrative Certificates of Appropriateness.

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1 (c) Seismic Retrofit. A Certificate of Appropriateness shall be required for any proposed
2 work to comply with the UMB Seismic Retrofit Ordinances if such work constitutes a demolition
3 pursuant to Section 1007.1(a) hereof or an alteration pursuant to Section 1007.1(b) hereof.

4 (d) Exemptions. Permit applications for the following activities are exempt from this Article
5 and shall be returned by the Historic Preservation Officer, with that determination noted, to the
6 Central Permit Bureau for further processing; provided, however, that the Zoning Administrator may
7 then take any other authorized action with respect to the application.

8 (1) An application for a permit to construct on a landmark site where the landmark has
9 been lawfully demolished and the site is not within a designated historic district; or

10 (2) An application for a permit to make interior alterations only on a privately owned structure
11 unless the interior has been designated a significant interior or the alterations constitute a demolition
12 pursuant to Section 1007.1(a) hereof; or

13 (3) A serious and imminent public safety hazard has been declared to exist pursuant to Section
14 1010(b) of this Article, and the alteration or demolition of the structure or feature concerned is the only
15 feasible means to secure the public safety.

16 The determination of the Historic Preservation Officer that an application is exempt from the
17 provisions of this Article shall be subject to appeal to the Historic Preservation Commission.

18 SEC. 1007.2. Applications for Certificates of Appropriateness.

19 (a) Required Filing. For all permit applications requiring a Certificate of Appropriateness,
20 an application for a Certificate of Appropriateness shall be filed with the Historic Preservation Officer
21 by the owners of the property or their authorized agents, together with the required fee.

22 (b) Content of Applications. The content of applications shall be in accordance with the
23 policies, rules and regulations adopted by the Historic Preservation Commission. All applications
24 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all
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1 information required to assure the presentation of pertinent facts for proper consideration of the
2 application and for the permanent record. In general, the application shall be accompanied by plans
3 and specifications showing (1) the existing exterior architectural appearance and features, including
4 but not limited to texture of materials, architectural design and detail drawings and photographs
5 showing the structure or site in the context of its surroundings; (2) the exterior architectural features
6 which are proposed to be preserved, repaired, restored, altered, relocated or demolished, and the
7 proposed changes or modifications thereto, including but not limited to texture of materials,
8 architectural design and detail drawings; (3) detail drawings showing any interior changes, including
9 but not by limitation any changes to internal structural framework or floor plates, removal of interior
10 walls, or changes to the foundation. The applicant will also be required to file with his/her application
11 the information needed for the preparation and mailing of notices as required in Section 1007.3(a) of
12 this Article.

13 (c) Additional Requirements for Demolition Applications. Applications for a Certificate of
14 Appropriateness proposing demolition of landmarks or contributory or contributory altered structures
15 within historic districts shall be required to provide the following information:

16 (1) For all property: (i) the amount paid for the property; (ii) the date of purchase and the
17 party from whom purchased; (iii) the cost of any improvements since purchase by the applicant and
18 date incurred; (iv) the assessed value of the land, and the assessed value of the improvements thereon,
19 according to the most recent assessments; (v) real estate taxes for the previous two years; (vi) annual
20 debt service, if any, for the previous two years; (vii) all appraisals obtained within the previous five
21 years by the owner or applicant in connection with his or her purchase, financing or ownership of the
22 property; (viii) any listing of the property for sale or rent, price asked and offers received, if any; and
23 (ix) any consideration by the owner for profitable and adaptive uses for the property, including
24 renovation studies, plans, and bids, if any; and

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1 (2) For income producing property: (i) annual gross income from the property for the
2 previous four years; (ii) itemized operating and maintenance expenses for the previous four years; and
3 (iii) annual cash flow for the previous four years; and

4 (3) For property for which the transfer of development rights has been authorized or for
5 which transfer of development rights are available for transfer: (i) a description of any transferable
6 development rights authorized or available to be transferred from the property; (ii) a statement of the
7 quantity of such rights; (iii) the amount received for rights transferred or the current value of such
8 rights; and (iv) a copy of the document affecting a transfer of such rights.

9 (4) For all proposed demolitions or new construction within historic districts, detailed plans
10 for the proposed new construction shall be required.

11 (d) Verification. Each application filed by or on behalf of one or more property owners
12 shall be verified by signature of at least one such owner or his/her authorized agent attesting to the
13 truth and correctness, under penalty of perjury, of all facts, statements and information presented.

14 (e) Review of Applications.

15 (1) An application for a Certificate of Appropriateness shall first be reviewed by the
16 Historic Preservation Officer who shall determine whether or not the application is complete and
17 accurate. Incomplete or inaccurate applications shall be returned to the applicant.

18 (2) Once the application has been determined to be complete and accurate, the Historic
19 Preservation Officer shall review and evaluate the project for consistency with the standards for review
20 of applications set forth in Section 1007.5, and shall determine whether the proposed project
21 constitutes a minor alteration pursuant to Section 1007.1(b)(2).

22 (3) If the Historic Preservation Officer has determined that a proposed project constitutes a
23 minor alteration, the Historic Preservation Officer may issue an Administrative Certificate of
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1 Appropriateness pursuant to Section 1007.4. Otherwise, the Historic Preservation Commission shall
2 hold a public hearing on the Certificate of Appropriateness pursuant to Section 1007.3.

3 SEC. 1007.3. Hearing and Decision.

4 (a) Scheduling and Notice of Hearing. Unless the Historic Preservation Officer has
5 determined that a proposed project constitutes a minor alteration and proceeds to issue an
6 Administrative Certificate of Appropriateness pursuant to Section 1007.4, the Historic Preservation
7 Commission shall hold a public hearing on the Certificate of Appropriateness within forty-five days
8 (45) after the application has been determined complete. Notice of the time, place and purpose of the
9 hearing shall be given not less than ten (10) days prior to the date of the hearing as follows:

10 (1) By mail to the applicant.

11 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries of
12 any landmark site that is the subject of the application and, in the case of a application for a project in
13 a historic district to all property owners within the boundaries of the district and within 300 feet of the
14 exterior boundaries of the district, using for this purpose the names and addresses of the owners as
15 shown on the latest equalized assessment roll in the office of the Tax Collector. Failure to send notice
16 by mail to any such property owner where the address of such owner is not shown on such assessment
17 roll shall not invalidate any proceedings in connection with such action.

18 (3) By mail to all other interested parties who have in writing to the Historic Preservation
19 Officer requested such notices.

20 (4) By posting notice on the project site that is the subject of the application, or in a
21 location adjacent to the project site.

22 (5) Such other notice as the Historic Preservation Commission shall deem appropriate.

23 (6) The notice shall include a photo of the existing resource, a description of its historic
24 significance, detailed plans of any proposed alterations or additions to the existing resource, and all

1 other items required under Section 311(c)(5) of this Code. In the case of a proposed demolition or new
2 construction within a historic district, detail plans for the new construction shall be included.

3 (b) Report and Recommendations. The Historic Preservation Officer shall make all
4 necessary investigations and studies prior to the hearing of the Historic Preservation Commission and
5 shall prepare a written report containing the results of the review and evaluation with written
6 recommendations, including proposed findings and a motion. The report, together with the complete
7 Certificate of Appropriateness application, shall be submitted to the Historic Preservation Commission
8 at least five (5) days prior to the date set for hearing.

9 (c) Record. A record shall be kept of the pertinent information presented at the hearing, and
10 such record shall be maintained as a part of the permanent public records of the Historic Preservation
11 Commission in the Planning Department.

12 (d) Continuations. The Historic Preservation Commission shall determine the instances in
13 which applications for a Certificate of Appropriateness scheduled for hearing may be continued or
14 taken under advisement. In such cases, new notice need not be given of the further hearing date,
15 provided such date is announced at the scheduled hearing.

16 (e) Decision.

17 (1) The Historic Preservation Commission's decision to approve, disapprove or modify an
18 application shall be in writing and shall state the findings of fact relied upon in reaching the decision,
19 which findings of fact shall become a material part of the final Certificate of Appropriateness.

20 (2) In all cases where the Historic Preservation Commission has made a decision to modify
21 the application, the applicant shall be required to submit, within ten (10) business days of the decision
22 by the Historic Preservation Commission, a revised application containing all modifications prior to a
23 final action of the Historic Preservation Commission. In such cases the hearing may be continued until
24 the revised application has been submitted. A new notice need not be given of the further hearing date,
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1 provided such date is announced at the scheduled hearing; provided, however, that if the revised
2 application has not been received within said 10-day period or if it is determined to be inconsistent
3 with the Historic Preservation Commission's decision, notice of a new hearing date shall be required;
4 and provided further that the failure to submit a revised application containing all modifications
5 required by the Historic Preservation Commission within thirty (30) calendar days of the decision shall
6 be deemed to constitute disapproval of the application.

7 (3) The decision of the Historic Preservation Commission, in approving, disapproving or
8 modifying an application, shall be final except upon the filing of a valid appeal to the Board of Appeals
9 or Board of Supervisors as provided in Section 1009 of this Article, or upon the valid modification of
10 the Certificate of Appropriateness decision by the Planning Commission as provided in Section 1008 of
11 this Article.

12 (f) Time Limit for Exercise. The Certificate of Appropriateness shall be valid for a period
13 of three (3) years from the date it becomes final, after which time it shall be null and void if all permits
14 have not been issued by the City to allow the project to proceed to completion in compliance with the
15 Certificate of Appropriateness.

16 (g) Reconsideration. When an application for a Certificate of Appropriateness has been
17 disapproved by the Historic Preservation Commission, no application, the same or substantially the
18 same as that which was disapproved, shall be resubmitted to or reconsidered by the Historic
19 Preservation Commission for a period of one year from the final action upon the earlier application.

20 SEC. 1007.4. Administrative Certificate of Appropriateness.

21 (a) If the Historic Preservation Officer has determined that a proposed activity is a minor
22 alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the Historic
23 Preservation Officer may issue a preliminary "Administrative Certificate of Appropriateness" which

1 shall be subject to approval by the Historic Preservation Commission pursuant to the following
2 procedures:

3 (i) Within ten (10) days after the date the Historic Preservation Officer issues a preliminary
4 Administrative Certificate of Appropriateness, the applicant and any individuals or organizations that
5 have requested in writing to be notified of such determinations shall be notified in writing of the
6 determination.

7 (ii) The preliminary Administrative Certificate of Appropriateness shall be placed on the
8 consent calendar for the next meeting of the Historic Preservation Commission to be held at least ten
9 (10) days following the date of the written notification required by subsection (i) above.

10 (iii) At or prior to the scheduled meeting of the Historic Preservation Commission, any
11 member of the public may object in writing to the issuance of the Administrative Certificate of
12 Appropriateness and request that the Historic Preservation Commission schedule the proposed activity
13 for a public hearing.

14 (iv) Any member of the Historic Preservation Commission, or any member of the public, may
15 request that the proposed activity be removed from the consent calendar and scheduled for public
16 hearing at a future meeting, in which event, a Certificate of Appropriateness shall be required.

17 (v) If the proposed activity is not removed from the consent calendar and is approved by the
18 Historic Preservation Commission, the Administrative Certificate of Appropriateness shall become
19 final.

20 SEC. 1007.5. STANDARDS FOR REVIEW OF APPLICATIONS.

21 Review of all applications for Certificates of Appropriateness shall be governed by the
22 standards in this Section.

23 (a) General Standard. The proposed work shall be appropriate for the effectuation of, and
24 consistent with, the purposes of this Article.

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1 (b) Standards for Review of Work on Landmarks and Contributing Resources in Historic
2 Districts. For applications pertaining to work on landmark sites and on contributing resources within
3 historic districts, and on designated significant interiors, other than demolitions, the proposed work
4 shall meet all of the following standards:

5 (1) A property will be used as it was historically or be given a new use that requires
6 minimal change to its distinctive materials, features, spaces, and spatial relationships.

7 (2) The historic character and features of a property shall be retained and preserved. The
8 removal of distinctive materials or alteration of features, spaces, and spatial relationships that
9 characterize a property shall not be allowed.

10 (3) Each property will be recognized as a physical record of its time, place, and use.
11 Changes that create a false sense of historical development, such as adding conjectural features or
12 elements from other historic properties, will not be allowed.

13 (4) Changes or alterations to a property that have acquired historic significance in their
14 own right will be retained and preserved.

15 (5) Distinctive materials, features, finishes, and construction techniques or examples of
16 craftsmanship that characterize a property will be preserved.

17 (6) Deteriorated historic features will be repaired rather than replaced. Where the severity
18 of deterioration requires replacement of a distinctive feature, the new feature will match the old in
19 design, color, texture, and where possible, materials. Replacement of missing features will be
20 substantiated by documentary and physical evidence.

21 (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest
22 means possible. Treatments that cause damage to historic materials will not be used.

23 (8) New additions, exterior alterations, or related new construction will not destroy historic
24 materials, features, or spatial relationships that characterize the property. While the new work should
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1 be differentiated from the old, it shall be compatible with the historic materials, features, size, scale
2 and proportion, and massing to protect the integrity of the property and its environment.

3 (9) New exterior additions and adjacent or related new construction will be undertaken in
4 such a manner that can be removed in the future and in such a manner that if removed in the future, the
5 essential form and integrity of the historic property and environment would be unimpaired without
6 extensive restoration or reconstruction.

7 (10) Archaeological resources will be protected and preserved in place. If such resources
8 must be disturbed, mitigation measures will be undertaken.

9 (11) The proposed work shall also comply with any specific controls and standards embodied
10 in the designating ordinance, including design guidelines and height and bulk controls.

11 (c) Standards for Review of New Construction and Other Work in Historic Districts. For
12 applications pertaining to a site or feature in a historic district, other than on a landmark site or on a
13 site of a contributing resource, any new construction, addition, alteration or exterior change shall meet
14 the following requirements: (1) be compatible with respect to height, massing, fenestration, materials,
15 color, texture, detail, style, scale and proportion, signage, landscaping and other features, which define
16 the character of the historic district as described in the designating ordinance; and (2) comply with any
17 specific controls or standards that may be embodied in the designating ordinance, including, but not by
18 limitation, design guidelines and height and bulk controls; and (3) preserve, enhance or restore, and
19 not damage or destroy, the exterior architectural appearance of any site, structure or object which is
20 compatible with the character of the historic district. Notwithstanding the foregoing, any exterior
21 change to a property within a historic district that is not already compatible with the character of the
22 historic district shall bring the site, structure or object closer to compatibility, and in no event shall
23 there be a greater deviation from compatibility. Where the required compatibility exists, the
24 application for a Certificate of Appropriateness shall be approved.

1 (d) Standards for Review of Demolitions.

2 (1) Applications for demolition on landmark sites, of contributing resources within a
3 historic district, or of a designated significant interior shall not be approved unless one of the following
4 two determinations is made by the Historic Preservation Commission, based on substantial evidence in
5 the record:

6 (i) It is determined, taking into account the costs of rehabilitation to meet the
7 requirements of the Building Code, and taking into consideration the provisions of the State Historic
8 Building Code, the Mills Act, federal tax credits and any other available incentives, that the property
9 retains no substantial remaining market value or reasonable use. Costs of rehabilitation necessitated
10 by alterations made: (A) in violation of this Article, (B) by demolition in violation of this Article, (C) by
11 failure of the current or prior owners to maintain the property whether by intention or neglect, (D) to
12 accommodate the owner's specific personal needs or desires to expand the square footage or to make
13 alterations inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in
14 the calculation of rehabilitation costs; or

15 (ii) Pursuant to Section 1010(b) of this Article, the Director of the Department of
16 Building Inspection or Chief of the Fire Department has declared in writing that a serious and
17 imminent public safety hazard exists and that demolition of the structure is the only feasible means to
18 secure the public safety.

19 (2) If the application proposes removal or demolition on a landmark site, or of a
20 contributing resource within a historic district, or of a designated significant interior, the Historic
21 Preservation Commission may determine, in its sole discretion, that additional time is necessary to
22 make a determination with regard to the standards required by Section 1007.5(d)(1)(i), above, or to
23 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case, the
24 Historic Preservation Commission may suspend action on the application for a period not to exceed
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1 180 days; provided that the Historic Preservation Commission by resolution may, for good cause
2 shown, extend the suspension for an additional period not to exceed 180 days, if the said Commission
3 acts not more than 90 days and not less than 30 days prior to the expiration of the original 180-day
4 period.

5 (3) If the application proposes removal or demolition of a structure in a designated historic
6 district other than on a landmark site, or site of a contributing resource, or of a designated significant
7 interior, the Historic Preservation Commission may disapprove or approve the application, or may
8 suspend action on it for a period not to exceed 90 days, subject to extension by the Historic
9 Preservation Commission as provided in the preceding subsection; provided; however, that the
10 designating ordinance for the historic district may authorize the suspension of action for an alternate
11 period which may exceed 90 days and in such event the provision of the designating ordinance shall
12 govern, subject to extension by the Historic Preservation Commission as provided herein.

13 (e) Replacement Structures. Except where the Director of the Department of Building
14 Inspection or Chief of the Fire Department has declared that a serious and imminent public safety
15 hazard exists and that demolition of the structure is the only feasible means to secure the public safety
16 (as provided in Section 1007.5(d)(1)(ii), above), no application for a demolition permit in a historic
17 district, whether pertaining to a contributing resource or a noncontributing resource, shall be
18 approved until a Certificate of Appropriateness for the replacement structure has been approved by the
19 Historic Preservation Commission in accordance with the standards for new construction in a historic
20 district as provided in Section 1007.5(c) of this Article.

21 (f) Secretary's Standards. Additional treatment methods for the preservation,
22 reconstruction and restoration of cultural resources listed in the Secretary of Interior Standards for the
23 Treatment of Historic Properties will be used by the Historic Preservation Commission in its review of
24 Certificate of Appropriateness Applications; provided, however, that in the event of any conflict
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1 between the Secretary's Standards and the standards set forth above in this Section 1007.5 or the
2 standards and controls contained in the designating ordinance, the more protective standard shall
3 control.

4 (g) Independent Experts. The Historic Preservation Commission may call upon the services
5 of an independent expert to aid in evaluation of the economic, structural, engineering, construction or
6 other data when reasonably necessary for decisions regarding demolition or major alterations. The
7 applicant shall pay for the reasonable costs of the services of such independent expert(s) who shall be
8 selected and hired by, and report directly to the Historic Preservation Commission or Historic
9 Preservation Officer.

10 SEC. 1008. PLANNING COMMISSION RIGHT TO MODIFY A CERTIFICATE OF
11 APPROPRIATNESS.

12 SEC. 1008.1. Projects Requiring Multiple Approvals.

13 (a) For project applications that require multiple planning approvals, the Historic
14 Preservation Commission must review and act on any Certificate of Appropriateness pursuant to
15 Section 1007 of this Article before any other planning approval action.

16 (b) For projects that (1) require a Planning Commission hearing on either a conditional use
17 permit under this Code or permit review under Section 309 of this Code and (2) do not concern a
18 designated landmark site, the Planning Commission may modify a decision of the Historic Preservation
19 Commission on a Certificate of Appropriateness by a two-thirds vote of its members, pursuant to the
20 following:

21 (1) Any consideration by the Planning Commission of whether to modify a Certificate of
22 Appropriateness shall take place during the noticed hearing on the related conditional use permit or
23 Section 309 permit review.

1 (2) In its consideration as to whether to modify a Certificate of Appropriateness, the
2 Planning Commission may consider policies set forth in the General Plan and the Priority Policies of
3 Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall apply
4 all applicable historic resources provisions of this Code, including the applicable provisions of Section
5 1007 of this Article, including any specific controls and standards embodied in the designating
6 ordinance, including design guidelines and height and bulk controls. The Planning Commission's
7 resolution shall include a statement of reasons for the modification, including identification of policies
8 or objectives that would be promoted by a modification of the Certificate of Appropriateness, and shall
9 explain how the Planning Commission's decision complies with this Article 10.

10 (3) Any decision of the Planning Commission to modify the Historic Preservation
11 Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its
12 members.

13 SEC. 1008.2. Projects Located on Vacant Lots.

14 (a) For projects that are located on vacant lots, the Planning Commission may modify a
15 decision of the Historic Preservation Commission on a Certificate of Appropriateness by a two-thirds
16 vote of its members, pursuant to the following:

17 Within ten (10) days of the decision of the Historic Preservation Commission on a Certificate of
18 Appropriateness, the project sponsor may request in writing that the Planning Commission review and
19 modify the Certificate of Appropriateness. Said written request shall be addressed to the Director of
20 the Planning Department and shall state why modifications should be made notwithstanding its
21 compliance with the requirements of this Article and shall identify the policies or objectives that would
22 be promoted by a modification of the Certificate of Appropriateness, or shall state why this Article has
23 not been complied with.

1 **(b) The Planning Commission may hear any decision regarding a project on a vacant lot**
2 **even where the Project Sponsor does not so request.**

3 **(c) The Planning Commission shall consider at a public meeting modification of a**
4 **Certificate of Appropriateness and may, by a two-thirds vote, modify the decision of the Historic**
5 **Preservation Commission on the Certificate of Appropriateness. Notice of such meeting(s) shall be**
6 **given not less than ten (10) days prior to the meeting date in the same manner as required for a**
7 **Certificate of Appropriateness.**

8 **(d) In its consideration of the request for modification of a Certificate of Appropriateness,**
9 **the Planning Commission may consider policies set forth in the General Plan and the Priority Policies**
10 **of Section 101.1 of this Code, provided that the Planning Commission shall apply all applicable**
11 **historic resources provisions of this Code, including the applicable provisions of Section 1007 of this**
12 **Article, including any specific controls and standards embodied in the designating ordinance, including**
13 **design guidelines and height and bulk controls.**

14 **(e) Any decision of the Planning Commission to modify a Certificate of Appropriateness**
15 **shall require a two-thirds vote of its members.**

16 **SEC. 1009. APPEALS.**

17 **SEC. 1009.1. Right of Appeal. The Historic Preservation Commission's decision on a**
18 **Certificate of Appropriateness, or the Planning Commission's modification of a Historic Preservation**
19 **Commission's decision on a Certificate of Appropriateness pursuant to Section 1008 of this Article,**
20 **shall be final unless appealed to the Board of Appeals, which may modify the decision on a Certificate**
21 **of Appropriateness by a 4/5 vote; provided, however, that if the project requires Board of Supervisors**
22 **approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be**
23 **appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the**
24 **Historic Preservation Commission's decision on a Certificate of Appropriateness, or Planning**
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1 Commission's modification of a Certificate of Appropriateness, by a majority vote. A decision
2 appealed to the Board of Appeals shall not become effective unless and until the Board of Appeals'
3 decision on the Certificate of Appropriateness becomes final. Any decision appealed to the Board of
4 Supervisors shall not become effective until the Board of Supervisors' approval or action on the
5 appeal. Nothing in this Section shall be construed to authorize the appeal of any decision of the
6 Historic Preservation Commission under Section 1007.5(d) of this Article to suspend action on a
7 Certificate of Appropriateness application.

8 SEC. 1009.2. Appeals to the Board of Appeals.

9 (a) Any appeal under this Section to the Board of Appeals shall be taken by filing written
10 notice of appeal with the Board of Appeals within (15) days after the date of the decision by the
11 Historic Preservation Commission or the Planning Commission, where applicable, by the property
12 owner or any interested party in writing to the Board of Appeals.

13 (b) Notice of any appeal to the Board of Appeals of a Certificate of Appropriateness shall,
14 in addition to being given pursuant to the notice requirements of the Board of Appeals, be given to (1)
15 the owners of all real property within 300 feet of the exterior boundaries of any landmark site that is
16 the subject of the appeal, and (2) in the case of an appeal of a Certificate of Appropriateness for a
17 project in a historic district, to all property owners within the proposed boundaries of the district and,
18 (3) to all other interested parties who have in writing or email to the Historic Preservation Officer
19 requested such notices.

20 (c) Any decision of the Board of Appeals to modify a Certificate of Appropriateness shall
21 require a 4/5 vote of its members.

22 (d) Except as otherwise provided in this subsection, the procedures and requirements
23 governing hearings before the Board of Appeals shall apply.

24 SEC. 1009.3. Appeals to the Board of Supervisors.

1 (a) The Historic Preservation Commission's decision on a Certificate of Appropriateness, or
2 the Planning Commission's modification of a Historic Preservation Commission's decision on a
3 Certificate of Appropriateness pursuant to Section 1008 of this Article, are subject to appeal to the
4 Board of Supervisors only if the projects requires Board of Supervisors approval or is appealed to the
5 Board of Supervisors as a conditional use.

6 (b) Any appeal under this Section to the Board of Supervisors shall be taken by filing
7 written notice of appeal with the Board of Supervisors within (15) days after the date of the decision by
8 the Historic Preservation Commission or the Planning Commission, where applicable, by the property
9 owner or any interested party in writing to the Clerk of the Board of Supervisors.

10 (c) Upon filing of such written notice of appeal, the Board of Supervisors or the Clerk
11 thereof shall set a time and place for hearing such appeal, which hearing may be conducted at the same
12 meeting that the Board of Supervisors considers the project's required approvals or the conditional use
13 appeal, as applicable; provided that said hearing and decision must be made not more than 60 days
14 from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit
15 shall be deemed to constitute approval by the Board of Supervisors of the action of the Historic
16 Preservation Commission.

17 (d) Any decision of the Board of Supervisors to modify the Historic Preservation
18 Commission's decision on a Certificate of Appropriateness, or Planning Commission's modification of
19 a Certificate of Appropriateness, shall require a majority vote.

20 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

21 Where the Director of the Department of Building Inspection or Chief of the Fire Department
22 determines that a condition on or within a landmark site or a structure or object within a historic
23 district is unsafe or dangerous, whether caused by failure to properly maintain the structure or by a
24

1 major disaster such as fire, earthquake or other calamity, by Act of God, or by the public enemy, the
2 following provisions shall apply:

3 (a) If the unsafe or dangerous condition does not pose a serious and imminent public safety
4 hazard, the Director of the Department of Building Inspection or Chief of the Fire Department shall
5 attempt to determine the measures of repair or other work necessary to correct the unsafe condition in
6 a manner consistent with the purposes and standards set forth in this Article. To the extent possible,
7 such officials shall consult with the Historic Preservation Commission and shall consider relevant
8 provisions of the State Historical Building Code. Where possible, temporary measures which have
9 minimal intervention with the structure or object shall be implemented in order to allow sufficient time
10 for proper review by the Historic Preservation Commission. In the event of disagreement as to whether
11 alteration, repair or other work rather than demolition is the best available means to secure the public
12 safety, the opinion of an independent expert with experience in historic preservation shall be obtained
13 by the Historic Preservation Commission from a list of qualified consultants. The findings of this
14 expert shall be given due weight by the Director of the Department of Building Inspection and Chief of
15 the Fire Department when determining how to abate a hazardous condition.

16 (b) If the Director of the Department of Building Inspection or Chief of the Fire Department
17 declares in writing that the condition does pose a serious and imminent public safety hazard and that
18 alteration or demolition of the structure is the only feasible means to secure the public safety, none of
19 the provisions of this Article shall be construed to prevent any measures of construction, alteration, or
20 demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or
21 part thereof; provided, however, that only such work as is absolutely necessary to correct the unsafe or
22 dangerous condition may be performed pursuant to this Section

23 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

1 (a) Maintenance. The owner, lessee, or other person responsible for maintenance or
2 operation of a landmark or of structure or object in a historic district shall comply with all applicable
3 codes, laws and regulations governing the maintenance of property. It is the intent of this section:

4 (1) To preserve designated landmarks or contributory structures or objects within historic
5 districts, including the interior portions thereof when designated as significant interiors, from neglect
6 and/or the negative cumulative effects of successive alterations; and

7 (2) To preserve landmarks and contributory structures or objects within historic districts
8 including the interior portions thereof when designated as significant interiors, against decay and
9 deterioration and to keep them free from structural defects. Such defects may include but not be limited
10 to the following:

11 (A) Facades, which may fall and injure the public or property;

12 (B) Deteriorated or inadequate foundation, defective or deteriorated flooring or
13 floor supports, deteriorated walls or other vertical structural supports;

14 (C) Members of ceilings, roofs, ceiling and roof supports; parapets or other
15 horizontal members, which sag, split or buckle due to defective material or deterioration;

16 (D) Deteriorated ornamental features;

17 (E) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or
18 floors, including broken windows or doors;

19 (F) Defective or insufficient weather protection for exterior wall covering, including
20 lack of paint or weathering due to lack of paint or other protective covering;

21 (G) Any fault or defect in the resource, which renders it not properly watertight or
22 structurally unsafe.

23 (b) Enforcement Procedures. Failure to maintain property as provided herein shall be
24 unlawful and is hereby declared to be a public nuisance. Violations of this Section 1011 shall be
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1 subject to enforcement procedures as set forth in Sections 1013 and 1012 of this Article, and as set
2 forth in Sections 176 and 176.1 of this Code.

3 SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

4 (a) In addition to any other penalties provided in this Code or elsewhere, whenever the
5 Historic Preservation Commission, Zoning Administrator or Historic Preservation Officer determines
6 that there has been an alteration or demolition of a landmark or any building within a historic district
7 in violation of the provisions of this Article, the site may not be developed in excess of the floor area
8 ratio, dwelling unit density or building volume of the demolished building for a period of 20 years from
9 the unlawful demolition. The Zoning Administrator shall send written notice to the property owner of
10 such determination. No department shall approve or issue a permit that would authorize construction
11 of a structure contrary to the provisions of this Section.

12 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:

13 (1) As to an unlawful alteration or demolition, the owner can demonstrate to the satisfaction
14 of the Historic Preservation Commission and the Zoning Administrator that the work alleged to be a
15 violation did not require a Certificate of Appropriateness as provided in Section 1007 of this Article; or

16 (2) As to an unlawful alteration, the owner restores the original distinguishing qualities and
17 character of the building destroyed or altered, including exterior character-defining spaces, materials,
18 features, finishes, exterior walls and exterior ornamentation. A property owner who wishes to effect a
19 restoration pursuant to this Section 1012(b)(2) shall, in connection with the filing of a building or site
20 permit application, file an application for a Certificate of Appropriateness. The Historic Preservation
21 Commission may not approve the Certificate of Appropriateness unless it finds that the restoration can
22 be accomplished with a substantial degree of success in accordance with the standards for issuance of
23 a Certificate of Appropriateness set forth in this Article 10. Upon such approval, and the completion of

1 such work in a satisfactory manner, the limitation on floor area ratio set forth in Section 1012(a) above
2 shall not thereafter apply.

3 (c) In the event that the owner does not (1) respond to the Zoning Administrator's written
4 notice within 30 days of the date of such notice or (2) demonstrate that no violation has occurred or (3)
5 restore as described above, the Zoning Administrator shall cause to be filed with the Recorder of the
6 City and County of San Francisco a Notice of Special Restriction limiting the development of the site.

7 (d) In addition to the penalties described in this Section 1012, any building owner who
8 violates this Article 10 shall be subject to the enforcement procedures and penalties described in
9 Section 1013 of this Article and Sections 176 and 176.1 of this Code.

10 SEC. 1013. ENFORCEMENT AND PENALTIES.

11 The provisions of this Article and any provision or condition of any certificate of
12 appropriateness that has been obtained pursuant to this Article shall be enforced and penalties shall be
13 assessed as provided in Sections 176 and 176.1 of this Code.

14 (a) Authority of Historic Preservation Commission. The Historic Preservation Commission
15 shall have the power to (1) file appeals on its own behalf to any appropriate City officials,
16 commissions, boards, departments or agencies; and (2) initiate enforcement actions and imposition of
17 penalties pursuant to Sections 176 and 176.1 of this Code by providing notice of any violation to the
18 Director of the Planning Department, Director of Building Inspection, Zoning Administrator, City
19 Attorney, District Attorney or other appropriate City officials, commissions, boards, departments or
20 agencies who shall be required to immediately institute enforcement proceedings;

21 (b) Duty to Administer and Enforce. It shall be the duty of the Director of the Planning
22 Department, or the Director's delegate, to administer and enforce the provisions of this Article 10.
23 Upon request, the Department of Building Inspection shall assist the Director of the Planning
24 Department in the performance of this duty.

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1 (c) Inspection of Premises. In the performance of his duties, the Director of the Planning
2 Department and employees of the Department properly authorized to represent the Director of the
3 Planning Department shall have the right to enter any building or premises for the purposes of
4 investigation and inspection upon reasonable notice to the owner; and provided further, that such right
5 of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any
6 building without notice to the owner or tenant thereof without the written order of a court of competent
7 jurisdiction.

8 (d) Methods of Enforcement. In addition to the regulations of this Article 10, Article 11,
9 other Articles of this Code and provisions of the Charter which govern enforcement procedures and the
10 approval or disapproval of applications for building permits or other permits or licenses affecting the
11 use of land or buildings, the Director of the Planning Department shall have the additional authority to
12 implement the enforcement thereof by the following means:

13 (1) The Director of the Planning Department may serve notice requiring the removal of any
14 violation of this Article 10 or Article 11 upon the owner, agent or tenant of the building or land, or
15 upon the architect, builder, contractor or other person who commits or assists in any such violation;
16 and

17 (2) The Director of the Planning Department may call upon the District Attorney to institute
18 any necessary legal proceedings to enforce the provisions of this Article 10 or Article 11, and the
19 District Attorney is hereby authorized to institute appropriate actions to that end.

20 (e) Penalties. Any person, firm or corporation violating any of the provisions of this Article
21 10 or Article 11 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in
22 an amount not exceeding \$1,000.00 or be imprisoned for a period not exceeding six months or be both
23 so fined and imprisoned. Each day such a violation is committed or permitted to continue shall
24 constitute a separate offense and shall be punishable as such hereunder.

1 (f) Injunctive Relief. The City Attorney may maintain an action for injunctive relief to
2 cause, where possible, the complete or partial restoration or reconstruction of any building altered or
3 demolished in violation of this Article 10 or Article 11, or an abatement action to cause the correction
4 or removal of any violation of this Article 10 or Article 11.

5 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

6 SEC. 1014.1 City-Owned Historic Resources.

7 (a) All officials, boards, commissions, agencies and departments of the City shall cooperate
8 with the Historic Preservation Commission in carrying out the spirit and intent of this Article.

9 (b) Except as otherwise provided in this Article, Certificates of Appropriateness under the
10 provisions of Section 1007 of this Article are required for all projects affecting historic resources listed
11 on the San Francisco Register which are owned, leased, or otherwise under the jurisdiction or control
12 of any City board, commission, agency or department, the agency, even if the project is not subject to
13 the permit review procedures of the City, provided that this requirement shall not supercede, impair or
14 modify provisions of the City Charter or laws governing the State of California and the United States of
15 America. All governmental bodies shall work cooperatively with the Historic Preservation Commission
16 to assure the appropriate treatment of historic resources.

17 (c) City officials, boards, commissions, agencies and departments shall cooperate with the
18 Historic Preservation Commission in surveying and preparing architectural and historic inventories
19 and surveys of their properties.

20 SEC. 1014.2. Historic Resources Owned by Other Public Agencies.

21 The Historic Preservation Officer shall take appropriate steps to notify all other public agencies
22 which own, lease, may acquire, or have within their jurisdiction properties listed on the San Francisco
23 Register, about the existence and character of the historic resource and shall cause a current record of
24 such historic resources to be provided to each such public agency. In the case of a proposed project
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1 affecting any historic resource listed on the San Francisco Register which is not subject to the permit
2 review procedures of the City or to the requirements to obtain a Certificate of Appropriateness under
3 this Article, the Historic Preservation Commission shall provide such advice, consultation and
4 assistance to the public agency as it may deem necessary or appropriate based on the purposes and
5 standards of this Article.

6 SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES

7 SEC. 1015.1. Comprehensive Survey Program Established.

8 An ongoing program to comprehensively survey all historic resources within the boundaries of
9 the City, including, without limitation, all historic resources owned by the City and other local, state or
10 federal entities, is hereby established in the Planning Department under the direction of the Historic
11 Preservation Commission.

12 SEC. 1015.2. Implementation of Comprehensive Survey Program.

13 To implement and carry out the comprehensive survey program, the Historic Preservation
14 Officer shall have the following duties and responsibilities:

15 (a) The Historic Preservation Officer shall develop and implement a comprehensive plan
16 for conducting historic resource surveys on a citywide basis. The plan shall be subject to review and
17 approval by the Historic Preservation Commission.

18 (b) To further the implementation of the comprehensive survey program, the Historic
19 Preservation Officer will work with interns and volunteers, and with nonprofit organizations that have
20 access to private funding for the purpose of conducting historic resource surveys.

21 (c) All surveys shall be conducted in conformance with state survey standards and
22 procedures established by the State Office of Historic Preservation, incorporating the specific criteria
23 and requirements set forth in Section 1005.1 of this Article.

1 (d) The Historic Preservation Officer shall oversee and manage all historic resource
2 surveys required to be conducted by the City in connection with the environmental review of projects,
3 plans or studies, including historic resource surveys performed in conjunction with the environmental
4 review of projects pursuant to the California Environmental Quality Act, the National Environmental
5 Protection Act and Section 106 of the National Historic Preservation Act, as well as any surveys
6 performed in connection with general plan elements, area plans, community plans, rezoning plans or
7 proposals, Redevelopment Area plans and studies, and any other land use plans or studies within the
8 boundaries of the City. The Environmental Review Officer shall be required to conduct all historic
9 resource surveys and studies by and through the Historic Preservation Officer. All such survey
10 activities shall be an integral part of the comprehensive survey program established by this Section.

11 (e) The Historic Preservation Officer shall present the results of all surveys to the Historic
12 Preservation Commission for review at a public hearing pursuant to procedures adopted by the
13 Historic Preservation Commission for this purpose, at the conclusion of which the Historic
14 Preservation Commission shall adopt, adopt with modifications or disapprove the survey results. The
15 decision of the Historic Preservation Commission shall be final.

16 (f) Following the adoption of a survey, the Historic Preservation Officer shall include the
17 survey results on the San Francisco Inventory of Historic Resources established pursuant to Section
18 1015 of this Article and shall make the results of the survey available for use in the planning processes
19 of City officials, departments, agencies and commissions, and other local, state and federal agencies as
20 to their activities within the jurisdiction of the City.

21 (g) The Historic Preservation Officer shall forward all survey results to the State Office of
22 Historic Preservation for integration into the statewide comprehensive historic preservation planning
23 process including the State Historic Resources Database.

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1 (h) All historic resource surveys that have been recognized, accepted or adopted by the
2 Board of Supervisors; identified as having historic status in the General Plan; endorsed by the
3 Planning Commission; or prepared by the Planning Department with funding through a federal grant
4 administered by the State Office of Historic Preservation as of the date of enactment of this Article are
5 and for all purposes shall be considered to be adopted historic resource surveys and included on the
6 San Francisco Inventory of Historic Resources pursuant to Section 1015 of this Article.

7 SEC. 1016. SAN FRANCISCO INVENTORY OF HISTORIC RESOURCES.

8 SEC. 1016.1. San Francisco Inventory Established.

9 (a) The Historic Preservation Commission shall maintain a list or compilation of
10 historic resources that have been identified as worthy of preservation but have not been designated as
11 landmarks or contributing resources and are not situated in designated historic districts pursuant to
12 the provisions of this Article. Such list or compilation shall be known as the San Francisco Inventory
13 of Historic Resources (hereinafter referred to as the “San Francisco Inventory”).

14 (b) The San Francisco Inventory shall include, but not by limitation, all individual
15 resources and districts, and contributing resources located in such districts, that are: (1) included in
16 surveys approved by the Historic Preservation Commission; (2) identified as having historic status in
17 the General Plan; (3) designated as California State Landmarks or Points of Historic Interest; (4)
18 listed in the California Resources Inventory System (CHRIS) database maintained by the Office of
19 Historic Preservation as being eligible for listing in, or that appear eligible for listing in the National
20 Register of Historic Places or the California Register of Historic Resources; (5) designated as
21 Structures of Merit as of the effective date of this Article; (6) identified as having architectural or
22 historic significance in adopted historic resource surveys; (7) identified as “AS” in the 1976
23 Architectural Survey; (8) identified and rated as architecturally or historically significance in surveys
24 conducted by San Francisco Architectural Heritage where the City has already reviewed and endorsed
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1 such survey or the Historic Preservation Commission reviews and adopts or endorses such surveys; (9)
2 identified as architecturally or historically significance in surveys conducted in connection with
3 environmental review pursuant to the California Environmental Quality Act, the National
4 Environmental Policy Act or Section 106 of the National Historic Preservation Act, where the City has
5 already endorsed such survey or the Historic Preservation Commission reviews and adopts or endorses
6 such surveys; and (10) otherwise identified by the Historic Preservation Commission, Planning
7 Commission or Board of Supervisors as having significance to the architectural or cultural history of
8 San Francisco.

9 SEC. 1016.2. Maintenance and Use of San Francisco Inventory.

10 (a) The Historic Preservation Officer shall take appropriate steps to maintain and
11 regularly update the San Francisco Inventory and to make it available for public review and use.

12 (b) The Historic Preservation Officer shall insure that the San Francisco Inventory,
13 as it is amended from time to time, is incorporated into the records and electronic database of the
14 Planning and Building Departments.

15 (c) The Historic Preservation Officer shall deliver a copy of the San Francisco
16 Inventory, as it is amended from time to time, to the Clerk of the Board of Supervisors and to all of the
17 City officials and departments listed in Section 1004(f) of this Article.

18 (d) The San Francisco Inventory is intended to be used as a planning tool to be
19 taken into consideration by the City departments, agencies and commissions in making decisions as to
20 projects and plans that may impact historic preservation.

21 SEC. 1017. PRESERVATION INCENTIVES.

22 The Historic Preservation Commission shall develop and implement incentives for
23 preservation of historic resources, which may include, but not by limitation, the following:

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1 (a) Developing and implementing a program to require the Department of Building
2 Inspection to use the State Historical Building Code for all eligible projects, including but not by
3 limitation, for projects involving properties listed on the San Francisco Register or San Francisco
4 Inventory;

5 (b) Promoting the use and implementation of Mills Act property-tax relief program
6 for owners of historic properties;

7 (c) Investigating the use by the City of the Marks Rehabilitation Act for issuance of
8 tax-exempt industrial development bonds;

9 (d) Promoting of the use of the federal historic rehabilitation tax credit program;

10 (e) Investigating and recommending additional historic preservation incentives,
11 including without limitation, economic and tax incentives, acquisition of development rights, transfer of
12 development rights, preservation easements, fee adjustments and negotiated agreements;

13 (f) Conferring recognition upon the owners of landmarks or the owners of sites,
14 structures and objects within historic districts, and recognize and honor other historic preservation
15 efforts in other areas of the City of San Francisco by means of certificates, plaques, markers, signage
16 and awards;

17 (g) Exploring the use of available federal, State, local or private funding sources
18 and mechanisms to promote and support historic preservation;

19 (h) Developing and recommending to the Mayor, Board of Supervisors, Planning
20 Commission and other boards and commissions, a program of incentives for preservation of historic
21 resources.

22 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

1 Buildings or areas within the C-3 District designated pursuant to the provisions of both
2 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In the case of
3 conflict, the more restrictive provision shall control.

4 SEC. 1019. SEVERABILITY.

5 If any section, subsection, subdivision, sentence, clause or phrase of this Article is for
6 any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,
7 such decision shall not affect the validity of the remaining portions of this Article 10 or any part
8 thereof. The Board of Supervisors hereby declares that it would have passed this ordinance and
9 adopted this Article and each section, subsection, subdivision, sentence, clause or phrase thereof,
10 irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or
11 phrases be declared invalid or unconstitutional.

12 APPROVED AS TO FORM:

13 DENNIS J. HERRERA,
14 City Attorney

15
16 By: _____
17 Kate Herrmann Stacy
18 Deputy City Attorney