

1 [Planning Code - Landmark and Historic District Designation]

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

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 12 **Board amendment additions** are in double-underlined Arial font.
 13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 14 **Asterisks (* * * *)** indicate the omission of unchanged Code
 15 subsections or parts of tables.

13

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

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16 Section 1. Environmental and Land Use Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
 18 ordinance comply with the California Environmental Quality Act (California Public Resources
 19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 20 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
 21 this determination.

22 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
 23 findings that the actions contemplated in this ordinance are consistent, on balance, with the
 24 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

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1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
5 Planning Commission Resolution No. _____, and incorporates such reasons by this
6 reference thereto.

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8 Section 2. Articles 10 and 11 of the Planning Code are hereby amended by revising
9 Sections 1004, 1004.1, 1004.2, 1004.3, 1106, and 1107, to read as follows:

10
11 **SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.**

12 (a) The HPC shall have the authority to recommend approval, disapproval, or
13 modification of landmark designations and historic district designations under this Code to the
14 Board of Supervisors. Such designations shall be governed by~~Pursuant to~~ the procedures set forth
15 hereinafter, in lieu of the provisions of Section 302:

16 (1) The Board of Supervisors may, by ordinance, designate an individual structure
17 or other feature or an integrated group of structures and features on a single lot or site, having
18 a special character or special historical, architectural or aesthetic interest or value, as a
19 landmark, and shall designate a landmark site for each landmark; and

20 (2) The Board of Supervisors may, by ordinance, designate an area containing a
21 number of structures having a special character or special historical, architectural or aesthetic
22 interest or value, and constituting a distinct section of the City, as a historic district.

23 (b) Each such designating ordinance shall include, or shall incorporate by reference
24 to the pertinent resolution of the HPC then on file with the Clerk of the Board of Supervisors,
25 as though fully set forth in such designating ordinance, the location and boundaries of the

1 landmark site or historic district, a description of the characteristics of the landmark or historic
2 district that justify its designation, and a description of the particular features that should be
3 preserved. Any such designation shall be in furtherance of and in conformance with the
4 purposes of this Article 10 and the standards set forth herein.

5 * * * *

6
7 **SEC. 1004.1. NOMINATION AND INITIATION OF LANDMARK AND HISTORIC**
8 **DISTRICT DESIGNATION.**

9 (a) **Nomination.** The Department, property owner(s) or their authorized agent, any
10 organization or group that has historic preservation stated as one of its goals in its bylaws or articles
11 of incorporation, or any member of the public may request that the HPC initiate designation of
12 a landmark site or historic district. ~~When a nomination is submitted by the owner(s) of a proposed~~
13 ~~landmark site or a majority of property owners of a proposed historic district, the nomination must be~~
14 ~~considered by the HPC.~~ A nomination for initiation shall be in the form prescribed or deemed
15 adequate by the HPC and shall contain supporting historic, architectural, and/or cultural
16 documentation, as well as any additional information the HPC may require. The HPC shall
17 hold a hearing to consider nominations and adoption of a resolution of initiation ~~made by property~~
18 ~~owner(s) as set forth above~~ no later than 45 days from the receipt of ~~the~~ complete nomination
19 request.

20 * * * *

21
22 **SEC. 1004.2. DECISION BY THE HISTORIC PRESERVATION COMMISSION.**

23 Upon initiation of designation, the HPC shall hold a public hearing on the proposed
24 designation. The HPC shall provide a recommendation to the Board of Supervisors that refers to, and
25 incorporates by reference, a proposed ordinance approved as to form by the City Attorney. A record of

1 pertinent information presented at the hearing shall be made and maintained as a permanent
2 record. The HPC may initiate and recommend approval of a proposed designation to the Board of
3 Supervisors at the same hearing if the notice required for both actions is provided before the hearing.

4 (a) **Notice of Hearing.** Notice of the time, place and purpose of such hearing shall
5 be given by at least one publication in a newspaper of general circulation in the City not less
6 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days
7 prior to the date of hearing to the owners of all property included in the proposed designation,
8 using for this purpose the names and addresses of the last known owners as shown on the
9 records of the Tax Collector and to the applicant, if any. Failure to send notice by mail to any
10 such property owner where the address of such owner is not a matter of public record shall
11 not invalidate any proceedings in connection with the proposed designation. The Department
12 may also ~~give~~provide such ~~other notice~~additional information as it may deem desirable and
13 practicable.

14 (b) **Time Limitation.** The HPC shall consider the conformance or lack of
15 conformance of the proposed designation with the purposes and standards of this Article 10.
16 Where the Board of Supervisors has referred an initiation of designation to the HPC, the HPC
17 shall hold a public hearing and shall approve, disapprove or modify the proposal within 90
18 days from the date of referral of the proposed designation to the HPC. Failure to act within
19 said time shall constitute approval. The Board of Supervisors may, by resolution, extend the
20 time within which the HPC is to render its decision.

21 (c) **Referral of Proposed Designation.** If the HPC recommends approval of a
22 landmark designation, it shall send its recommendation to the Board of Supervisors, without
23 referral to the Planning Commission. If the HPC recommends approval of a historic district
24 designation, it shall refer its recommendation to the Planning Commission, which shall have
25 45 days to review and comment on the proposed designation, which comments, if any, shall

1 be sent by the Department to the Board of Supervisors with the HPC's recommendation. *The*
2 *Planning Commission's comments shall be transmitted to the Board of Supervisors as a resolution and*
3 *shall*

4 — *(i) address the consistency of the proposed designation with the policies embodied in the*
5 *General Plan and the priority policies of Section 101.1, particularly the provision of housing to meet*
6 *the City's Regional Housing Needs Allocation, and the provision of housing near transit corridors;*

7 — *(ii) identify any amendments to the General Plan necessary to facilitate adoption of the*
8 *proposed designation; and*

9 — *(iii) evaluate whether the district would conflict with the Sustainable Communities Strategy*
10 *for the Bay Area.*

11 If the HPC disapproves designation of a landmark or historic district, that decision
12 shall be final and shall not require referral unless appealed as set forth below.

14 **SEC. 1004.3. DESIGNATION BY BOARD OF SUPERVISORS.**

15 The Board of Supervisors shall hold a public hearing on any proposal so transmitted
16 to it, after due notice to the owners of the property included in the proposal, and such other
17 notice as the Board may deem necessary. The Board of Supervisors may approve, modify
18 and approve, or disapprove the designation by a majority vote of all its members. Prior to the
19 Board of Supervisors' vote on a proposed historic district, the Planning Department shall
20 conduct thorough outreach to affected property owners and occupants. *The Planning*
21 *Department shall invite all property owners and occupants in the proposed district area to express*
22 *their opinion on the proposed designation. Such invitation shall advise owners of the practical*
23 *consequences of the adoption of the district, including the availability of preservation incentives, the*
24 *types of work requiring a Certificate of Appropriateness, the process and fees for obtaining a*

1 ~~Certificate of Appropriateness, and the types of work that is generally ineligible to receive a Certificate~~
2 ~~of Appropriateness.~~

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4 **SEC. 1106. PROCEDURES FOR CHANGE OF DESIGNATION AND DESIGNATION**
5 **OF ADDITIONAL SIGNIFICANT AND CONTRIBUTORY BUILDINGS.**

6 Buildings may be designated as Significant or Contributory or their designation may
7 be changed through amendment of Appendices A, B, C and D of this Article. Such
8 designation or change of designation shall be governed by the following provisions in lieu of
9 the provisions of Section 302:

10 * * * *

11 (c) **Action by the Historic Preservation Commission.** The proposed designation or
12 change of designation shall be placed on the agenda of the HPC for public hearing. The HPC
13 shall determine the appropriate designation or change in designation of the building. If the
14 HPC approves or modifies the proposed designation or change of designation in whole or in
15 part, it shall transmit its recommendation, together with a copy of the resolution, to the Clerk of
16 the Board of Supervisors without referral to the Planning Commission. The recommendation to
17 the Board of Supervisors shall refer to, and incorporate by reference, a proposed ordinance approved
18 as to form by the City Attorney.

19 * * * *

20
21 **SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION**
22 **DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.**

23 A Conservation District may be designated or its boundary changed through
24 amendment of Section 1103.1 of this Article 11. The HPC may recommend approval,
25 disapproval, or modification of Conservation District designations or boundary changes to the

1 Board of Supervisors. Such designation or boundary change shall be governed by the
2 following provisions in lieu of the provisions of Section 302.

3 * * * *

4 (c) **Action by the HPC.** The proposed designation or boundary change shall be
5 placed on the agenda of the HPC for public hearing. If the HPC approves or modifies the
6 proposed designation or boundary change in whole or in part, the Department shall transmit
7 the HPC's recommendation together with a copy of the HPC's resolution and with any
8 comments of the Planning Commission, as set forth in subsection (d) below, to the Clerk of
9 the Board of Supervisors. The recommendation to the Board of Supervisors shall refer to, and
10 incorporate by reference, a proposed ordinance approved as to form by the City Attorney.

11 (d) **Review by the Planning Commission.** Following action by the HPC, the
12 Department shall promptly refer the HPC's recommendation on the proposed Conservation
13 District designation or boundary change to the Planning Commission, which shall have 45
14 days to review and comment on the proposed designation or boundary change. The Planning
15 Commission's comments, if any, shall be forwarded to the Board of Supervisors together with
16 the HPC's recommendation. Notice of the Planning Commission hearing shall be given as
17 provided in Section 1107(b) of this Article. ~~The Planning Commission's comments shall be~~
18 ~~transmitted to the Board of Supervisors as a resolution and shall~~

19 ~~—(1) address the consistency of the proposed boundary change with the policies embodied in~~
20 ~~the General Plan and the priority policies of Section 101.1, particularly the provision of housing to~~
21 ~~meet the City's Regional Housing Needs Allocation, and the provision of housing near transit~~
22 ~~corridors;~~

23 ~~—(2) identify any amendments to the General Plan necessary to facilitate adoption of the~~
24 ~~proposed boundary change; and~~

1 — ~~(3) evaluate whether the proposed boundary change would conflict with the Sustainable~~
2 ~~Communities Strategy for the Bay Area.~~

3 (e) **Designation by Board of Supervisors.** The Board of Supervisors, or a
4 committee thereof, shall hold a public hearing on any proposal so transmitted to it. The Board
5 of Supervisors may approve, modify and approve, or disapprove the designation or boundary
6 change by a majority vote of all its members.

7 Prior to the Board of Supervisors' vote on a proposed boundary change, the
8 Planning Department shall conduct thorough outreach to affected property owners and
9 occupants. ~~The Planning Department shall invite all property owners and occupants in the area~~
10 ~~covered by the proposed boundary change to express their opinion on the proposed boundary change.~~
11 ~~Such invitation shall advise owners of the practical consequences of the adoption of the proposed~~
12 ~~boundary change, including the availability of preservation incentives, the types of work requiring a~~
13 ~~Permit to Alter, the process and fees for obtaining a Permit to Alter, and the types of work that is~~
14 ~~generally ineligible to receive a Permit to Alter.~~

15 * * * *

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17 Section 3. Effective Date. This ordinance shall become effective on the 31st day after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ Peter Miljanich
8 PETER MILJANICH
9 Deputy City Attorney

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10 4920-2007-8253, v. 1

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