

1 [Adopting a new Planning Code Article 10 and Article 11 and adding new Planning Code  
2 Section 176(f).]

3 **Ordinance rescinding Planning Code Article 10 in its entirety, rescinding Planning**  
4 **Code Article 11 in its entirety, and adopting a new Article 10 and Article 11 to**  
5 **implement the provisions of new San Francisco Charter Section 4.135; and adding**  
6 **new Planning Code Section 176(f).**

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

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

11 Section 1. Findings.

12 This Board of Supervisors finds that this Ordinance is necessary to implement the  
13 provisions of Section 4.135 of the Charter creating a Historic Preservation Commission  
14 and is consistent with the General Plan and Priority Policies of Section 101.1(b) of the  
15 Planning Code for the reasons set forth in the Planning Commission Resolution No.  
16 \_\_\_\_\_ and incorporates said Resolution herein by reference. A copy of said  
17 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

18 Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
19 Ordinance will serve the public necessity, convenience and welfare for the reasons set  
20 forth in Planning Commission Resolution No. \_\_\_\_\_ and incorporates said  
21 Resolution herein by reference. A copy of said resolution is on file with the Clerk of the  
22 Board of Supervisors in File No. \_\_\_\_\_.

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

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

3 ARTICLE 10 - HISTORIC PRESERVATION  
4 TABLE OF CONTENTS

5 SEC. 1001. GENERAL PROVISIONS.

6 1001.1. Findings.

7 1001.2. Purposes.

8 SEC. 1002. HISTORIC PRESERVATION COMMISSION.

9 1002.1. Composition and Qualifications

10 1002.2. Powers and Duties.

11 1002.3. Policies, Rules and Procedures.

12 SEC. 1003. PLANNING DEPARTMENT.

13 1003.1. Planning Department Head and Staff.

14 1003.2. Budget and Fees.

15 1003.3. Historic Preservation Officer.

16 1003.4. Powers and Duties of the Historic Preservation Officer.

17 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES.

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

19 1005.1. Criteria and Requirements.

20 (a) Landmarks.

21 (b) Historic Districts.

22 (c) Contributing Resources.

23 (d) Significant Interiors.

24 (e) Noncontiguous Historic District.

25 (f) Designation Case Report.

1005.2. Initiation of Designation.

(a) Board of Supervisors.

(b) Historic Preservation Commission.

1005.3. Nominations.

(a) City Commissions and Agencies

(b) Property Owners, Residents and Preservation Organizations.

1005.4. Protection for Nominated Resources Pending Final Decision.

1005.5. Historic Preservation Commission Hearing.

(a) Notice of Hearing.

(b) Public Record.

(c) Recommendation by the Historic Preservation Commission.

1005.6. Action by Board of Supervisors.

(a) Hearing.

(b) Content of Designating Ordinance.

(c) Inclusion on the San Francisco Register

1005.7. Notice of Designation and Recordation.

1005.8. Frequency of Nominations.

1005.9. Amendment or Recession of a Designation.

1  
2 SEC. 1006. CONFORMITY AND PERMITS.

3 SEC. 1007. CERTIFICATES OF APPROPRIATENESS.

4 1007.1. Certificates of Appropriateness Required.

5 (a) Demolition.

6 (b) Alterations.

7 (c) Seismic Retrofit.

8 (d) Exemptions.

9 1007.2. Applications for Certificates of Appropriateness.

10 (a) Required Filing.

11 (b) Content of Applications.

12 (c) Additional Requirements for Demolition Applications.

13 (d) Verification.

14 (e) Review of Applications.

15 1007.3. Hearing and Decision.

16 (a) Scheduling and Notice of Hearing.

17 (b) Report and Recommendations.

18 (c) Record.

19 (d) Continuations.

20 (e) Decision.

21 (f) Time Limit for Exercise.

22 (g) Reconsideration.

23 1007.4. Administrative Certificate of Appropriateness.

24 1007.5. Standards for Review of Applications.

25 (a) General Standards.

(b) Standards for Review of Work on Landmark and Contributory  
Resources in Historic Districts.

(c) Standards for Review of New Construction and Other Work in Historic  
Districts.

(d) Standards for Review of Demolitions.

(e) Replacement Structures.

(f) Independent Experts.

18 SEC. 1008. PLANNING COMMISSION'S RIGHT TO MODIFY A CERTIFICATE OF  
APPROPRIATENESS.

19 1008.1. Projects Requiring Multiple Approvals.

20 1008.2. Projects Located on Vacant Lots within Historic Districts.

21 SEC. 1009. APPEALS.

22 1009.1. Right of Appeal.

23 1009.2. Appeals to the Board of Appeals.

24 1009.3. Appeals to the Board of Supervisors.

25 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

1 SEC. 1013. ENFORCEMENT AND PENALTIES.

2 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

3 1014.1. City-Owned Historic Resources.

4 1014.2. Historic Resources Owned by Other Public Agencies.

5 SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES.

6 1015.1. Comprehensive Survey Program Established.

7 1015.2. Implementation of Comprehensive Survey Program.

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

9 1016.1. San Francisco Inventory Established.

10 1016.2. Maintenance and Use of San Francisco Inventory.

11 SEC. 1017. PRESERVATION INCENTIVES.

12 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

13 SEC. 1019. SEVERABILITY.

14 Sec. 1001. General Provisions.

15 SEC. 1001.1. Findings.

16 It is hereby found that:

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

18 (b) Historic buildings make up a major part of the City's existing housing stock,

19 including some of the most affordable housing in the City and preserving historic resources is

20 therefore important to maintaining and protecting against the loss of affordable housing;

21 (c) Maintaining the City's historic resources is critical to preserving and protecting

22 neighborhood character;

23 (d) Preserving and maintaining historic buildings and neighborhoods instead of

24 demolishing them reduces consumption of scarce resources and is an important part of the City's

25 efforts to promote sustainable development and combat climate change;

(e) Following the 100-year anniversary of 1906 Earthquake and Fire, it is important to

celebrate and preserve the physical reminders of this event of unique historic significance to San

Francisco;

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

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

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

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

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

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

14 SEC. 1001.2. Purposes.

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

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

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

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

3 (d) Develop and maintain appropriate settings and environments for historic resources;

4 (e) Protect and enhance the visual and aesthetic character and environmental amenities  
5 of the City's historic areas;

6 (f) Recognize the City's historic resources as economic assets necessary to preserve  
7 existing housing stock and promote the City's tourist trade and interest;

8 (g) Promote sustainable development, conserving building materials and energy  
9 resources and combat climate change by reusing and rehabilitating the City's historic buildings;

10 (h) Foster civic pride in the beauty and accomplishments of the past;

11 (i) Promote the City as a destination for tourists and a place to do business;

12 (j) Enrich human life in its educational and cultural dimensions to serve spiritual as  
13 well as material needs, by fostering knowledge of the living heritage of the past; and

14 (k) Implement the provisions of the voter approved Charter Amendment creating a  
15 Historic Preservation Commission, and to carry out the historic preservation objectives and  
16 policies of the General Plan and Section 101.1 of the Planning Code.

17 SEC. 1002. HISTORIC PRESERVATION COMMISSION.

18 SEC. 1002.1. Composition and Qualifications.

19 In accordance with Section 4.135 of the Charter:

20 (a) The Historic Preservation Commission shall consist of seven members nominated by  
21 the Mayor and subject to approval by a majority of the Board of Supervisors. The term and tenure  
22 of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of  
23 the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of  
24 the original appointments to the Historic Preservation Commission, four shall be for a four-year  
25 term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms

1 and the even-numbered seats shall be for two-year terms. After the expiration of the original terms,  
2 all appointments shall be for four-year terms, provided however, that a member may holdover until  
3 a successor has been nominated by the Mayor and approved by the Board of Supervisors. There  
4 shall be no limit on the number of terms a member may serve.

5 Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a  
6 qualified person to fill the vacant seat for the term, or the remainder of the term, subject to  
7 approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the  
8 nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of  
9 Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be  
10 made by the President of the Board of Supervisors, subject to the approval of a majority of the  
11 Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors  
12 adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the  
13 nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

14 Members may be removed by the appointing officer only pursuant to Section 15.105 of the  
15 Charter.

16 (b) In addition to the specific requirements set forth below, all members of the Historic  
17 Preservation Commission shall be persons specially qualified by reason of interest, competence,  
18 knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions  
19 of the City, interested in the preservation of its historic structures, sites and areas, and residents of  
20 the City.

21 (1) Six of the members of the Historic Preservation Commission shall be specifically  
22 qualified in the following fields:

23 (i) Seats 1 and 2: licensed architects meeting the Secretary of the Interior's  
24 Professional Qualifications Standards for historic architecture;

1 (ii) Seat 3: an architectural historian meeting the Secretary of the Interior's  
2 Professional Qualifications Standards for architectural history with specialized training and/or  
3 demonstrable experience in North American or Bay Area architectural history;

4 (iii) Seat 4: an historian meeting the Secretary of the Interior's Professional  
5 Qualifications Standards for history with specialized training and/or demonstrable experience in  
6 North American or Bay Area history;

7 (iv) Seat 5: an historic preservation professional or professional in a field such as law,  
8 land use, community planning or urban design with specialized training and/or demonstrable  
9 experience in historic preservation or historic preservation planning.

10 (v) Seat 6 shall be specially qualified in one of the following fields or in one of the fields  
11 set forth for Seats 1, 2, or 3:

12 (A) A professional archeologist meeting the Secretary of the Interior's Professional  
13 Qualification Standards for Archeology;

14 (B) A real estate professional or contractor who has demonstrated a special interest,  
15 competence, experience, and knowledge in historic preservation;

16 (C) A licensed structural engineer with at least four years of experience in seismic and  
17 structural engineering principals applied to historic structures; or

18 (D) A person with training and professional experience with materials conservation.

19 (2) Seat 7 shall be an at large seat subject to the specified minimum qualifications for  
20 all members of the Historic Preservation Commission set forth in subsection (b) above.

21 SEC. 1002.2. Powers and Duties.

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



- 1       (a) Prepare, recommend, adopt, periodically revise, administer and implement a  
2 comprehensive historic preservation program for the City;
- 3       (b) Recommend approval, disapproval, or modification of landmark designations and  
4 historic district designations to the Board of Supervisors under this Article;
- 5       (c) Approve, disapprove or modify certificates of appropriateness for work to landmarks  
6 and all work within historic districts, provided that the Historic Preservation Commission may  
7 delegate to the Historic Preservation Officer certain activities as set forth in this Article 10;
- 8       (d) Recommend approval, disapproval, or modification of Significant and Contributory  
9 building designations and Conservation District designations to the Board of Supervisors as  
10 provided by Article 11 of this Code;
- 11       (e) Determine if a proposed alteration to a Significant or Contributory building or to a  
12 building in any Conservation District is a Major or Minor Alteration under Article 11 of this Code;
- 13       (f) Approve, disapprove or modify applications for permits to alter or demolish  
14 Significant and Contributory buildings or buildings in any Conservation Districts under Article 11  
15 of this Code, provided that the Historic Preservation Commission may delegate to the Historic  
16 Preservation Officer certain activities as may be set forth in Article 11;
- 17       (g) Recommend to the Planning Commission a Preservation Element of the General  
18 Plan, and periodically recommend to the Planning Commission such amendments, revisions or  
19 additions to the Preservation Element that it deems necessary or appropriate to carrying out the  
20 purposes of this Article;
- 21       (h) Provide comments and recommendations to the Planning Commission on other  
22 objectives, policies, and provisions of the General Plan and special area, neighborhood, and other  
23 plans designed to carry out the General Plan, and proposed amendments thereto, which are not  
24 contained within the Preservation Element but concern historic preservation, and recommend to the  
25 Planning Commission from time to time such amendments, revisions or additions to the General

1 Plan that it deems necessary or appropriate to carrying out the purposes of this Article. The  
2 Planning Commission shall be required to refer these matters to the Historic Preservation  
3 Commission for comment and recommendations prior to action by the Planning Commission, which  
4 comments and recommendations shall be forwarded to the Board of Supervisors and included in its  
5 file on the matter;

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

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

16 (k) Review and comment on environmental review documents prepared by or on behalf  
17 of the City pursuant to the California Environmental Quality Act (CEQA) and the National  
18 Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or  
19 cultural resources, including without limitation, those documents pertaining to (1) the identification  
20 of historic resources to which CEQA and NEPA may apply, (2) historic resource reports and  
21 surveys prepared in connection with environmental review of projects, (3) the potential impacts of a  
22 project upon historic resources, (4) the appropriate level of environmental review to be conducted,  
23 and (5) project alternatives or mitigation measures to be considered; and may take testimony on  
24 environmental documents, determinations and issues at public hearings held by the Historic  
25

1 Preservation Commission on certificates of appropriateness under this Article and permit review  
2 under Article 11;

3 (l) Act as the City's local preservation review commission for the purposes of the  
4 Certified Local Government Program pursuant to the National Historic Preservation Act (NHPA)  
5 and carry out the following duties for the City including, without limitation: (1) recommend  
6 properties for inclusion in the National Register of Historic Places and review and comment on all  
7 National Register nominations; (2) review and comment on federal undertakings and other projects  
8 where authorized under the NHPA; (3) review and comment on historic preservation certification  
9 applications for federal tax incentives; (4) review and comment on agreements proposed under  
10 Section 106 of the NHPA where the City is a signatory prior to any City approval action on such  
11 agreement; and (5) prepare the annual report of the activities of the City's Historic Preservation  
12 Commission;

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

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

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

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

23 (q) Develop and implement a program of incentives for preservation of historic  
24 resources, including, but not by limitation, those incentives set forth in Section 1017 of this Article;  
25

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

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

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

16 (u) Establish and recommend to the Board of Supervisors such additional controls and  
17 standards, as it may deem necessary or desirable to protect and maintain the integrity of historic  
18 districts, including, without limitation, setback, height and bulk controls for proposed additions and  
19 new construction within the boundaries of historic districts and Conservation Districts;

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

1 (w) Review projects to alter or demolish buildings listed individually or included in a  
2 district listed on the National Register of Historic Places or the California Register of Historic  
3 Places;

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

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

10 SEC. 1002.3. Policies, Rules and Procedures.

11 The Historic Preservation Commission shall:

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

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

17 (c) Maintain written minutes and records of all meetings, including attendance,  
18 resolutions, motions, findings, determinations and decisions Article 11 of this Code, which shall be  
19 public records and shall be available to the public on the Planning Department's web site.

20 SEC. 1003. PLANNING DEPARTMENT.

21 SEC. 1003.1. Planning Department Head and Staff.

22 The Director of the Planning Department shall assume the powers and duties that would  
23 otherwise be executed by a Historic Preservation Commission department head. The Planning  
24 Department shall provide professionally trained preservation staff to assist the Historic  
25 Preservation Commission in carrying out its duties and responsibilities.

1       SEC. 1003.2. Budget and Fees.

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

6       SEC. 1003.3. Historic Preservation Officer.

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

10       (b) The Historic Preservation Officer shall be selected on the basis of administrative  
11 and technical qualifications with specific regard for professional experience, academic training,  
12 and knowledge in historic preservation planning, preservation architecture and/or architectural  
13 history, meeting, at a minimum, the Secretary of the Interior's Professional Qualification  
14 Standards, including the June 20, 1997, Proposed Renaming and Revisions to "The Secretary of the  
15 Interior's Professional Qualification Standards," and/or land use and community planning, and  
16 shall in addition have experience in the field in a supervisory position.

17       (c) The Historic Preservation Officer shall be chosen by the Director of the Planning  
18 Department from a list of three (3) qualified candidates submitted to the Director by the Historic  
19 Preservation Commission. The Historic Preservation Commission may solicit candidates from  
20 outside of the Planning Department, consistent with the City's hiring requirements and procedures.

21       SEC. 1003.4. Powers and Duties of the Historic Preservation Officer.

22       The Historic Preservation Officer shall perform the duties set forth in this Section and elsewhere in  
23 this Article:

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

1 (b) Review and/or prepare designation case reports, make preliminary determinations  
2 of eligibility, and make recommendations to the Historic Preservation Commission regarding  
3 nominations of landmarks, historic districts and contributing resources under this Article, and  
4 regarding nominations of Significant and Contributory buildings and Conservation Districts under  
5 Article 11 of this Code;

6 (c) Provide as early as possible to project applicants and property owners (i)  
7 preliminary review of proposed projects that may affect historic resources, (ii) advice and guidance  
8 on appropriate restoration, rehabilitation, alteration, landscaping, repair and maintenance of  
9 historic resources, and (iii) information on the availability of the State Historic Building Code and  
10 other historic preservation incentives; and schedule proposed projects for review by the Historic  
11 Preservation Commission's Architectural Review Committee as may be necessary and appropriate;

12 (d) Review and evaluate permit applications to determine whether an application for a  
13 Certificate of Appropriateness is required under the provisions of this Article;

14 (e) Review and evaluate Certificate of Appropriateness applications for compliance with  
15 this Article and prepare written evaluations and recommendations to the Historic Preservation  
16 Commission as required under the provisions of this Article;

17 (f) Review and evaluate permit applications under Article 11 of this Code to determine  
18 whether a proposed alteration to a Significant or Contributory building, or to a building in any  
19 Conservation District is a Major or Minor Alteration and prepare written evaluations and  
20 recommendations to the Historic Preservation Commission;

21 (g) Review and evaluate applications for permits to alter, or demolish, Significant and  
22 Contributory buildings or buildings in any Conservation Districts under Article 11 of this Code and  
23 prepare written evaluations and recommendations to the Historic Preservation Commission;

24 (h) Oversee and manage the City's ongoing comprehensive survey of the historic  
25 resources;

1 (i) Insure that the San Francisco Register of Historic Resources is maintained and  
2 updated pursuant to Section 1004 of this Article and that the San Francisco Inventory of Historic  
3 Resources is maintained and updated pursuant to Section 1016 of this Article, and make available  
4 to the public and to all City departments for use in reviewing project applications and activities;

5 (j) Review and make recommendations to the Historic Preservation Commission on the  
6 Preservation Element of the General Plan, and on other proposed objectives, policies and  
7 provisions of the General Plan, special area and neighborhood plans, redevelopment plans,  
8 waterfront land use plans, project plans, and other plans, ordinances and resolutions, policies,  
9 issues and activities that may affect historic resources;

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

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

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

19 (n) Monitor and oversee compliance with the provisions and conditions of all  
20 Certificates of Appropriateness and provisions of this Article, review all work performed under a  
21 Certificates of Appropriateness, and to promptly report any violations to the Historic Preservation  
22 Commission and to the Director of Planning, Director of Building Inspection and other appropriate  
23 City officials, commissions, boards, departments or agencies; and recommend and prepare appeals  
24 that may be filed by the Historic Preservation Commission to any appropriate City officials,  
25



1 commissions, boards, departments or agencies, and represent the Historic Preservation  
2 Commission at hearings on such appeals; and

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

5 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES

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

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

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

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

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

23 (f) The Clerk of the Board of Supervisors shall deliver a copy of the San Francisco  
24 Register, and all subsequent amendments, inclusions, or deletions thereto, to the City Attorney, the  
25 Planning Director the Central Permit Bureau, the Director of the Department of Building

1 Inspection, the Environmental Review Officer, the Zoning Administrator, the Director of the  
2 Redevelopment Agency, the Director of the Port of San Francisco, the Director of the Department  
3 of Real Estate for inclusion in the City's Geographic Information Systems (GIS), and the Manager  
4 of the San Francisco Main Library History Room. All City agencies and departments shall be  
5 charged with notice of the San Francisco Register whether or not the Clerk delivers a copy to them.

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

17 (h) All landmarks, historic districts, Significant and Contributory buildings and  
18 Conservation Districts designated as of the date of enactment of this Article, including all  
19 designating ordinances and case reports, are hereby included on the San Francisco Register and  
20 shall be subject to the restrictions and conditions applicable to such designated resources. All  
21 compatible, potentially compatible, contributory or contributory altered resources within historic  
22 districts designated as of the date of enactment of this Article are hereby designated as  
23 "contributing resources" on the San Francisco Register, and shall be subject to the restrictions and  
24 conditions applicable to contributing resources contained in this Article.

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

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

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

8 (1) The nominated historic resource meets one or more of the following criteria:

9 (i) Significant Historic Event. It is associated with events that have made a significant  
10 contribution to the broad patterns of San Francisco, regional, state or national history, or the  
11 cultural heritage of San Francisco, the state or the nation, or it is the site of a significant historic  
12 event; or

13 (ii) Significant Person. It is associated with a person or persons who significantly  
14 contributed to the architectural, cultural, economic, historic, social, or other aspect of the  
15 development of San Francisco, the region, the state or the nation; or

16 (iii) Important Architecture. It embodies the distinctive characteristics of a property type,  
17 architectural style, period or method of construction important to San Francisco, the region, the  
18 state or the nation; or

19 (iv) Important Architect. It represents the work of an architect, designer, engineer or  
20 builder whose work is important to in the history or development of San Francisco, the region, the  
21 state or the nation; or

22 (v) Important Part of City's Heritage. It possesses a special character or special  
23 historical, architectural, cultural, economic, social or other aspect of the heritage of or aesthetic  
24 value significant to San Francisco the state or the nation; or

1 (vi) Unique Visual Feature. Its unique location or distinctive physical appearance or  
2 presence, or its aesthetic interest or value, represents an established and visual feature of a  
3 neighborhood, community, or the City of San Francisco; or

4 (vii) It has yielded, or may be likely to yield, information important locally in prehistory  
5 or history or important in prehistory or history of the region, state or nation.

6 (2) The nominated historic resource has integrity of location, design, setting, materials,  
7 workmanship, feeling or association. Integrity shall be evaluated with reference to the particular  
8 criterion or criteria specified in (1) above under which the nominated historic resource is proposed  
9 for designation.

10 (3) The designation of the nominated historic resource as a landmark is reasonable,  
11 appropriate and necessary to protect, promote, and further the goals and purposes of this Article.

12 (4) Factors to be Considered: In determining whether to place a nominated historic  
13 resource on the San Francisco Register as a landmark, the following factors shall be considered:

14 (i) The nominated resource must retain enough of its historic character or appearance  
15 to be recognizable as historic resource and to convey the reasons for its significance.

16 (ii) Resources that have been rehabilitated or restored may be evaluated for listing.

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

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

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

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

6 (vii) A structure may be eligible as a landmark based on its unique location or distinctive  
7 physical appearance or presence, or its aesthetic interest or value, or its to a neighborhood,  
8 community, or San Francisco.

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

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

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

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

- 1       (1)     The area is a geographically definable area.
- 2       (2)     The area possesses one or more of the following:
- 3       (i)     A concentration or continuity of historic resources unified aesthetically by plan,  
4 physical development or architectural style, having a special character, historical interest or  
5 aesthetic value; or
- 6       (ii)    A concentration or continuity of historic resources unified by archeological  
7 significance; or
- 8       (iii)   A concentration or continuity of historic resources which represents one or more  
9 architectural periods or styles typical of the history of San Francisco; or
- 10      (iv)    An association with an event, person, or period significant or important to San  
11 Francisco history.
- 12      (3)     The designation of the geographic area as a historic district is reasonable,  
13 appropriate and necessary to protect, promote, and further the goals and purposes of this Article.
- 14      (4)     Factors to be Considered: In determining whether to place a geographic area on  
15 the San Francisco Register as a historic district, the following factors shall be considered:
- 16      (i)     A historic district should have integrity of design, setting, materials, workmanship,  
17 feeling, location or association.
- 18      (ii)    The collective historic value of the buildings and structures and other historic  
19 resources in a historic district taken together may be greater than the historic value of each  
20 individual building, structure, or other historic resource.
- 21      (iii)   A historic district may be eligible if the historic resources within the geographic  
22 area embody an architectural style, or theme distinctive to San Francisco such as, for example, an  
23 area with a concentration of Victorian, Classical Revival or Art Deco styles, even if the district may  
24 not be eligible for listing as a district on the California Register or National Register.

25

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

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

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

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

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

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

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

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

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

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

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

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

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

20 The interiors of all publicly owned landmarks and contributing resources that are subject to review  
21 as of the date of enactment of this Article are hereby designated as "significant interiors" and shall  
22 be subject to the restrictions and conditions applicable to significant interiors under this Article.

23 (e) Noncontiguous Historic District. A group, or multiple number of historic resources  
24 that may not be located in a geographically definable area, but are unified by a common theme or  
25 time period, and otherwise meet the criteria described in Section 1005.1(b), may be designated by



1 the Board of Supervisors as a historic district. Examples include, without limitation, a group of  
2 Earthquake shacks, Earthquake survivors, or multiple locations associated with gay history or the  
3 Beat Period of San Francisco.

4 (f) Designation Case Report. The Historic Preservation Commission shall prescribe  
5 the form and information required to be included in a designation case report consistent with the  
6 criteria and requirements for placement on the San Francisco Register as set forth in this Section  
7 1005.1.

8 SEC. 1005.2. INITIATION OF DESIGNATION.

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

14 (a) Board of Supervisors.

15 (1) The Board of Supervisors may initiate a designation by adopting a resolution of  
16 intent, which shall identify the nominated historic resource and shall direct the Historic  
17 Preservation Commission to hold a public hearing to consider the proposed designation. The  
18 initiating resolution will be transmitted by the Clerk of the Board of Supervisors to the Historic  
19 Preservation Commission together with a designation case report if one has been prepared in  
20 support of the proposed designation.

21 (2) Upon receipt of the resolution from the Clerk of the Board of Supervisors, the  
22 Historic Preservation Officer shall immediately transmit a copy of the Board of Supervisor's  
23 initiating resolution to the Central Permit Bureau.

24 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to  
25 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing

1 shall be held within sixty (60) days following the adoption by the Board of Supervisors of the  
2 initiating resolution; provided that if no designation case report was prepared in support of the  
3 proposed designation, or if the designation case report is determined by the Historic Preservation  
4 Officer to be inadequate or incomplete, the Historic Preservation Officer may request that the  
5 hearing be delayed by up to sixty (60) days, as necessary to prepare or cause to be prepared a  
6 complete and adequate designation case report.

7 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the  
8 proposed designation within one hundred twenty (120) days of the adoption by the Board of  
9 Supervisors of the initiating resolution, the Board of Supervisors may, in its discretion, schedule a  
10 Board of Supervisor's hearing on the proposed designation, in which event, the failure of the  
11 Historic Preservation Commission to act within one hundred twenty (120) days of the adoption of  
12 the initiating resolution shall not prevent the Board of Supervisors from approving the nomination.

13 (b) Historic Preservation Commission.

14 (1) The Historic Preservation Commission may, upon its own initiative or in response to  
15 a recommendation of the Historic Preservation Officer or a nomination made pursuant to Section  
16 1005.3, initiate a designation by adopting a resolution of intent, which shall identify the nominated  
17 historic resource and, set the time and place for a public hearing to consider the proposed  
18 designation, which hearing shall be held by the Historic Preservation Commission within sixty (60)  
19 days of the adoption of its resolution of intent.

20 (2) The Historic Preservation Officer shall immediately transmit a copy of the Historic  
21 Preservation Commission's initiating resolution to the Central Permit Bureau and to the Clerk of  
22 the Board of Supervisors.

23 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to  
24 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing  
25 shall be held within sixty (60) days following the adoption by the Historic Preservation Commission

1 of the initiating resolution; provided that if, for any reason, no designation case report was  
2 prepared in support of such nomination prior to the Historic Preservation Commission's adoption  
3 of the resolution of intent, or if the designation case report is determined by the Historic  
4 Preservation Officer to be inadequate or incomplete, the Historic Preservation Officer may request  
5 that the hearing be delayed by up to sixty (60) days, as necessary to prepare or cause to be  
6 prepared a complete and adequate designation case report.

7 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the  
8 proposed designation within one hundred twenty (120) days of its adoption of the initiating  
9 resolution, the Board of Supervisors may, in its discretion, schedule a Board of Supervisor's  
10 hearing on the proposed designation, in which event, the failure of the Historic Preservation  
11 Commission to act within one hundred twenty (120) days of the adoption of the initiating resolution  
12 shall not prevent the Board of Supervisors from approving the nomination.

13 SEC. 1005.3. NOMINATIONS.

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

21 (a) City Commissions and Agencies.

22 (1) Any commission or agency of the City, including without limitation, the Arts  
23 Commission, Planning Commission, Recreation and Parks Commission, Port Commission, Public  
24 Utilities Commission, Redevelopment Agency Commission or Building Inspection Commission, may  
25 nominate historic resources for placement on the San Francisco Register as landmarks, historic

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,  
3 together 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  
6 staff 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  
8 the report on its behalf.

9 (3) Upon receipt of the resolution nominating the historic resource for placement on the  
10 San 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  
13 for 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  
15 determination 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 address the inadequacy or incompleteness of the case  
20 report.

21 (6) As soon as the Historic Preservation Officer has determined that the supporting  
22 designation case report is adequate and complete, the Historic Preservation Officer shall schedule  
23 a public hearing before the Historic Preservation Commission pursuant to the provisions of Section  
24 1005.5 of this Article to consider the proposed designation.

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

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

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

10 (ii) Historic District and Contributing Resources. In the case of a proposal for the  
11 nomination of a historic district, either one-third (1/3) of the owners within the proposed district, an  
12 organization which has historic preservation as a stated goal in its by-laws or articles of  
13 incorporation, or at least one hundred fifty (150) residents of the City may request the designation  
14 of an area as a historic district by submitting an application, on a form prescribed by the Historic  
15 Preservation Commission, to the Historic Preservation Officer, together with an adequate and  
16 complete designation case report.

17 (2) The Historic Preservation Officer shall promptly review the application and  
18 supporting designation case report for adequacy and completeness and shall, within thirty (30)  
19 days of receipt, notify the nominating party or parties of his or her determination, including the  
20 specific reasons for any determination of inadequacy or incompleteness.

21 (3) As soon as the Historic Preservation Officer has determined that an application and  
22 supporting designation case report are adequate and complete, the Historic Preservation Officer  
23 shall notify the Central Permit Bureau of the nomination and schedule a public hearing before the  
24 Historic Preservation Commission pursuant to the provisions of Section 1005.5 of this Article to  
25 consider the proposed designation..

1       (4) If the Historic Preservation Officer has determined and notified the nominating  
2 party or parties that an application and/or supporting designation case report are inadequate or  
3 incomplete, and the nominating party or parties submits, within sixty (60) days of notification, a  
4 revised application and/or designation case report that reasonably addresses the inadequacy or  
5 incompleteness of the original application and case report, the Historic Preservation Officer shall  
6 notify the Central Permit Bureau of the nomination and schedule a public hearing before the  
7 Historic Preservation Commission as provided in Section 1005.3(b)(3) above. If the nominating  
8 party or parties fail to submit a revised application and designation case report that reasonably  
9 addresses the inadequacy or incompleteness of which they were notified within the said time period,  
10 the Historic Preservation Officer will not be required to schedule the nomination before the  
11 Historic Preservation Commission. The foregoing notwithstanding, the Historic Preservation  
12 Officer may, in his or her discretion, or at the direction of the Historic Preservation Commission,  
13 complete or cause to be completed the designation case report.

14       SEC. 1005.4. PROTECTION FOR NOMINATED RESOURCES PENDING FINAL  
15 DECISION.

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

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

8 (c) These restrictions and protections shall apply for a period of one hundred eighty  
9 (180) days from the date the resource was nominated. After one hundred eighty (180) days have  
10 elapsed from the date of the nomination, if the Board of Supervisors has not adopted an ordinance  
11 designating the nominated historical resource, the restrictions and protections established by  
12 subsection (a) above shall no longer apply unless a majority of the Board of Supervisors adopts a  
13 resolution to extend the time period to consider the proposed designation. The Board of  
14 Supervisors may extend the time period for an additional 180 days.

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

18 SEC. 1005.5. HISTORIC PRESERVATION COMMISSION HEARING.

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

21 (1) Notice of Hearing:

22 (i) Mail. Written notice shall be given by first class mail not less than twenty (20) days  
23 prior to the hearing to the owner(s) of the historic resource(s) proposed for listing on the San  
24 Francisco Register, as shown on the latest equalized assessment roll, and in the case of a historic  
25 district, the notice shall be provided to all property owners within the proposed district, as shown

1 on the latest equalized assessment roll; the individual(s) or organization(s) who nominated the  
2 historic resource(s); and other interested parties who have in writing or by email to the Historic  
3 Preservation Officer requested such notices. Failure to send notice by mail to any such property  
4 owner where the address of such owner is not shown on such assessment roll shall not invalidate  
5 any proceedings in connection with the proposed designation.

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

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

11 (iv) Planning Commission Comments on Historic Districts. In the case of a nomination  
12 regarding a historic district, the Historic Preservation Commission shall also send a copy of the  
13 notice of hearing to the Secretary of the Planning Commission. The Planning Commission may  
14 review the proposed designation and boundaries of the historic district, and may forward its  
15 comments to the Historic Preservation Commission for consideration during the public hearing.  
16 Failure of the Planning Commission to provide comments prior to the hearing shall not prevent the  
17 Historic Preservation Commission from acting on the nomination, provided that any comments  
18 received from the Planning Commission within 45 days of the hearing notice shall be forwarded to  
19 the Board of Supervisors together with the Historic Preservation Commission's recommendation.  
20 The Planning Commission may waive its right to comment on the proposed nomination of the  
21 historic district, and its failure to do so within said 45-day period shall constitute a waiver.

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

24 (2) Form and Contents of Notice.

25 The notice shall contain the following information:



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

5 (ii) A general explanation of the proposed designation or proposed deletion.

6 (iii) Such other information as the Historic Preservation Commission may deem  
7 appropriate.

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

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

17 (1) If the Historic Preservation Commission determines that the historic resource under  
18 consideration is eligible for inclusion on the San Francisco Register based upon the criteria,  
19 considerations, and assessment of integrity and significance outlined in Section 1005.1 of this  
20 Article, the Historic Preservation Commission shall make a recommendation to the Board of  
21 Supervisors to include the historic resource on the San Francisco Register as a landmark, historic  
22 district or contributing resource. In its recommendation to the Board of Supervisors, the Historic  
23 Preservation Commission shall specify the criteria justifying designation of the historic resource  
24 pursuant to Section 1005.1 of this Article and may include any controls or standards that may be  
25

1 necessary or desirable to protect and maintain a landmark or contributing resource or to review  
2 alterations thereto.

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

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

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

7 SEC. 1005.6. ACTION BY BOARD OF SUPERVISORS.

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

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

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

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

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

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

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

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

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

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

3 (4) Any controls or standards that may be necessary or desirable to protect and  
4 maintain a landmark or contributing resource or to review alterations thereto;

5 (5) The designation case report;

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

13 (7) A description of the interior of a landmark or contributing resource designated as a  
14 significant interior, if any, and any controls that may be necessary or desirable to protect and  
15 maintain the designated significant interior; and

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

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

24 SEC. 1005.7. Notice of Designation and Recordation. When a landmark, historic district  
25 and/or contributing resource has been designated by the Board of Supervisors, the Historic

1 Preservation Officer shall notify the owners of the property(ies) so designated within thirty (30)  
2 days following the Mayor's signature on the ordinance and ensure that a notice of its designation is  
3 properly and promptly recorded in the official property records of the City. In addition, as  
4 provided in Section 1004 of this Article, the Historic Preservation Officer shall insure that: (i) the  
5 Planning Code is promptly updated; (ii) the change is incorporated into the records and electronic  
6 database of the Planning and Building Departments; and (iii) the Clerk of the Board of Supervisors  
7 has delivered a copy of the amendment, inclusions or deletions to City officials and departments.  
8 The Central Permit Bureau shall maintain a current record of all landmarks, historic districts and  
9 contributing resources.

10 SEC. 1005.8. Frequency of Nominations. When a nomination for placement of a historic  
11 resource on the San Francisco Register as a landmark, historic district or contributing resource  
12 has been denied by the Board of Supervisors, no new nomination for placement of the same or  
13 substantially the same historic resource may be filed or submitted within one year following the  
14 date of final disapproval of the nomination by the Board of Supervisors. However, a nomination  
15 may be reinitiated upon presentation of significant new evidence not previously submitted showing  
16 that the nominated historic resource meets the criteria for designation in Section 1005.1, or, in the  
17 case of a nominated historic district, that the boundaries of the proposed historic district are  
18 substantially different from the previously disapproved nomination.

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

22 (1) Prior to rescinding any designation, the Board of Supervisors shall find, after  
23 holding the hearings required by this Article, that the historic resource no longer meets any of the  
24 criteria described in Section 1005.1 which originally led to such designation or that the historic  
25 resource has lost its integrity as a historic resource since its designation; provided that where a

1 landmark or contributing resource is proposed for de-designation due to a loss of integrity, the loss  
2 of integrity was not the result of any alteration, willful neglect or failure to maintain the historic  
3 resource by the owner or agent of the owner, or of any violation of the terms and conditions of any  
4 Certificate of Appropriateness; and

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

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

13 SEC. 1006. CONFORMITY AND PERMITS.

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

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

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

20       (c) The Department of Building Inspection shall not give final approval or a certificate  
21 of final completion on any building permit for work on a building or site for which a Certificate of  
22 Appropriateness has been issued pursuant to this Article unless and until the Historic Preservation  
23 Officer has determined in writing that the work has been completed in accordance with the terms  
24 and conditions of the Certificate of Appropriateness. The Historic Preservation Commission shall  
25 resolve any questions as to conformity of work with the terms and conditions of a Certificate of



1 Appropriateness. Any final approval or a certificate of completion on such work without a  
2 determination that the work has been completed in conformity with the Certificate of  
3 Appropriateness shall be invalid and shall be revoked or rescinded by the Zoning Administrator or  
4 the Director of the Department of Building Inspection.

5 The installation of a new general advertising sign is prohibited in any historic district, or on  
6 the site of any landmark, which is listed on or has been nominated for listing on the San Francisco  
7 Register.

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

12 SEC. 1007. CERTIFICATES OF APPROPRIATENESS.

13 SEC. 1007.1. Certificate of Appropriateness Required.

14 A Certificate of Appropriateness shall be required and shall govern review of permit applications  
15 for any construction, addition, alteration, relocation, removal or demolition of a structure, object  
16 or feature on a designated landmark site, in a designated historic district, on a contributing  
17 resource within a designated historic district or in a designated interior, regardless of whether or  
18 not the proposed change is visible from a public street or other public place, except in the specific  
19 cases set forth in Section 1007.1(e). Certificates of Appropriateness shall be required for any  
20 construction, addition, alteration, relocation, removal or demolition of a structure, object or feature  
21 on a City-owned property listed on the San Francisco Register, regardless of whether or not a City  
22 permit is required, provided that this requirement shall not supercede, impair or modify provisions  
23 of the City Charter or laws governing the State of California and the United States of America. All  
24 governmental bodies shall work cooperatively with the Historic Preservation Commission to assure  
25 the appropriate treatment of historic resourcesThe definitions, procedures, requirements, controls

1 and standards contained in Sections 1007.1 through 1007.5 shall apply to all Certificate of  
2 Appropriateness applications; provided, however, that the designation ordinance for a landmark,  
3 historic district or significant interior, or for a park, square, plaza or garden on a landmark site,  
4 may add to these procedures, requirements, controls and standards.

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

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

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

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

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

16 (b) Alterations. For purposes of this Article, alterations shall include the following:

17 (1) Major Alteration. An alteration shall be considered a "major alteration" if any one  
18 or more of the following apply:

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

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

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

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

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

6 (vi) Any work involving a sign, awning, marquee, canopy, mural or other appendage; or

7 (vii) Addition of a roof deck, penthouse, or any other roof top features; or

8 (viii) Any exterior changes or changes to designated significant interiors addressed in the  
9 design guidelines or height and bulk controls in the landmark or historic district designating  
10 ordinance, or changes to features identified as significant or contributing in the designating  
11 ordinance, regardless of whether or not a City permit is required, which changes may include, but  
12 shall not be limited to signage, landscaping, fencing, installation of lighting fixtures, awnings and  
13 any other building appendages; or

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

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

21 (2) Minor Alteration. Unless the designating ordinance provides otherwise, an  
22 alteration may be considered a “minor alteration” if the criteria set forth for a demolition pursuant  
23 to Section 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do  
24 not apply and the work consists only of ordinary maintenance and repairs. “Ordinary maintenance  
25 and repairs” shall mean work that does not include any change in the design, materials or outer

1 appearance of a structure, the sole purpose and effect of which is to correct minor deterioration,  
2 decay or damage. An alteration shall not be considered a minor alteration if the proposed  
3 alteration, in combination with all other alterations that have occurred to the resource over time,  
4 whether or not approved by the City, would constitute a major alteration as defined above. For this  
5 purpose, the cumulative impacts of any and all prior minor alterations shall be considered.

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

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

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

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

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

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

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

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

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

9       SEC. 1007.2. Applications for Certificates of Appropriateness.

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

14       (b) Content of Applications. The content of applications shall be in accordance with the  
15 policies, rules and regulations adopted by the Historic Preservation Commission. All applications  
16 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all  
17 information required to assure the presentation of pertinent facts for proper consideration of the  
18 application and for the permanent record. In general, the application shall be accompanied by  
19 plans and specifications showing (1) the existing exterior architectural appearance and features,  
20 including but not limited to texture of materials, architectural design and detail drawings and  
21 photographs showing the structure or site in the context of its surroundings; (2) the exterior  
22 architectural features which are proposed to be preserved, repaired, restored, altered, relocated or  
23 demolished, and the proposed changes or modifications thereto, including but not limited to texture  
24 of materials, architectural design and detail drawings; (3) detail drawings showing any interior  
25 changes, including but not by limitation any changes to internal structural framework or floor

1 plates, removal of interior walls, or changes to the foundation; (4) technical specifications for any  
2 exterior restoration or cleaning work; and (5) any other information that may be required by the  
3 Historic Preservation Commission or Historic Preservation Officer. The applicant will also be  
4 required to file with his/her application the information needed for the preparation and mailing of  
5 notices as required in Section 1007.3(a) of this Article.

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

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

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

21 (3) Applications for the demolition of any buildings which are or may be eligible for  
22 Transfer of Development Rights shall also contain a description of any Transferable Development  
23 Rights or the right to such rights which have been transferred from the property, a statement of the  
24 quantity of such rights and untransferred rights remaining, the amount received for rights  
25 transferred, the transferee, and a copy of each document effecting a transfer of such rights.

1 Properties which are or may be eligible for the transfer of Transferable Development Rights form  
2 the property shall contain a description of the rights available for transfer, the quantity of such  
3 rights and the current value of such rights.

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

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

9 (e) Review of Applications.

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

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

17 (3) If the Historic Preservation Officer has determined that a proposed project  
18 constitutes a minor alteration, the Historic Preservation Officer may issue an Administrative  
19 Certificate of Appropriateness pursuant to Section 1007.4. Otherwise, the Historic Preservation  
20 Commission shall hold a public hearing on the Certificate of Appropriateness pursuant to Section  
21 1007.3.

22 SEC. 1007.3. Hearing and Decision.

23 (a) Scheduling and Notice of Hearing. Unless the Historic Preservation Officer has  
24 determined that a proposed project constitutes a minor alteration and proceeds to issue an  
25 Administrative Certificate of Appropriateness pursuant to Section 1007.4, the Historic Preser

1 vation Commission shall hold a public hearing on the Certificate of Appropriateness within  
2 forty-five days (45) after the application has been determined complete. Notice of the time, place  
3 and purpose of the hearing shall be given not less than ten (10) days prior to the date of the hearing  
4 as follows:

5 (1) By mail to the applicant.

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

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

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

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

18 (6) The notice shall include a photo of the existing resource, a brief description of its  
19 historic significance, detail plans of any proposed alterations or additions to the existing resource,  
20 and all other items required under Section 311(c)(5) of this Code. In the case of a proposed  
21 demolition or new construction within a historic district, detail plans for the new construction shall  
22 be included.

23 (b) Report and Recommendations. The Historic Preservation Officer shall make all  
24 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
25 and shall prepare a written report containing the results of the review and evaluation with written



1 recommendations, including the results of the environmental review of the proposed project under  
2 CEQA or NEPA, including, without limitation, any environmental impact report, negative  
3 declaration or determination that the project is exempt from environmental review, together with  
4 proposed findings and a motion. The report, together with the complete Certificate of  
5 Appropriateness application, shall be submitted to the Historic Preservation Commission at least  
6 five (5) days prior to the date set for hearing.

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

10 (d) Continuations. The Historic Preservation Commission shall determine the instances  
11 in which applications for a Certificate of Appropriateness scheduled for hearing may be continued  
12 or taken under advisement. The Historic Preservation Commission may also continue a hearing on  
13 an application pending completion of adequate and complete environmental review of the proposed  
14 project. In such cases, new notice need not be given of the further hearing date, provided such date  
15 is announced at the scheduled hearing.

16 (e) Decision.

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

21 (2) In all cases where the Historic Preservation Commission has made a decision to  
22 require modifications to an application, the applicant shall submit, within thirty (30) days of the  
23 decision by the Historic Preservation Commission, a revised application containing all  
24 modifications prior to a final action of the Historic Preservation Commission. In such cases the  
25 hearing may be continued until the revised application has been submitted. A new notice need not

1 be given of the further hearing date, provided such date is announced at the scheduled hearing:  
2 provided, however, that if the applicant does not revise the application within said 30-day period or  
3 if the revised application is determined to be inconsistent with the Historic Preservation  
4 Commission's decision, the Historic Preservation Commission may disapprove the Certificate of  
5 Appropriateness or schedule a new hearing to consider the application. Failure to submit a revised  
6 application containing all modifications required by the Historic Preservation Commission within  
7 30 days of the decision shall be deemed to constitute disapproval of the application.

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

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

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

22 SEC. 1007.4. Administrative Certificate of Appropriateness.

23 (a) If the Historic Preservation Officer has determined that a proposed activity is a  
24 minor alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the  
25

1 Historic Preservation Officer may issue “ an Administrative Certificate of Appropriateness ” which  
2 shall be subject to the following procedures:

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

7 (ii) The Administrative Certificate of Appropriateness shall be placed on the consent  
8 calendar for the next meeting of the Historic Preservation Commission to be held at least ten (10)  
9 days following the date of the written notification required by subsection (i) above. Except as  
10 provided in subsection (iv) below, the notice and hearing requirements provided in Section 1007.3  
11 of this Article shall not be required.

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

16 (iv) At the scheduled meeting, any member of the Historic Preservation Commission or  
17 any member of the public may request that the proposed activity be removed from the consent  
18 calendar and scheduled for public hearing at a future meeting, in which event, the Historic  
19 Preservation Commission shall consider the proposed activity pursuant to the requirements of  
20 Section 1007.3 of this Article.

21 (v) If the proposed activity is not removed from the consent calendar, the  
22 Administrative Certificate of Appropriateness shall become final and shall be treated as a  
23 Certificate of Appropriateness for all purposes of this Article.

24 SEC. 1007.5. STANDARDS FOR REVIEW OF APPLICATIONS.  
25

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

3 (a) General Standards.

4 (1) The proposed work shall be appropriate for the effectuation of, and consistent with,  
5 the purposes of this Article.

6 (2) The proposed work shall comply with any specific controls and standards embodied  
7 in the designating ordinance, including any design guidelines or height and bulk controls.

8 (3) Secretary of the Interior's Standards. As set forth in Section 1007.5(b) below, the  
9 Secretary of the Interior's Standards for Rehabilitation (codified in the Code of Federal  
10 Regulations Volume 36, section 67, as such may be amended from time to time) shall be used by the  
11 Historic Preservation Commission in its review of Certificate of Appropriateness applications.

12 Additional treatment methods for the preservation, reconstruction and restoration of cultural  
13 resources listed in the Secretary of the Interior's Standards for the Treatment of Historic Properties  
14 shall also be used by the Historic Preservation Commission in its review of Certificate of  
15 Appropriateness Applications.

16 (4) In the event of any conflict between the Secretary's Standards and any other  
17 standards and controls set forth in this Section 1007.5 or contained in the designating ordinance,  
18 the more protective standard shall control.

19 (b) Standards for Review of Work on Landmarks and Contributing Resources in Historic  
20 Districts. For applications pertaining to work on landmark sites and on contributing resources  
21 within historic districts, and on designated significant interiors, other than demolitions, the  
22 proposed work shall not adversely affect any significant historical or architectural feature of the  
23 landmark, contributing resource, designated significant interior or district and shall meet all of the  
24 following standards:

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

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

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

9 (4) Changes or alterations to a property that have acquired historic significance in their  
10 own right shall be retained and preserved.

11 (5) Distinctive materials, features, finishes, and construction techniques or examples of  
12 craftsmanship that characterize a property shall be preserved.

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

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

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

24 (9) New exterior additions and adjacent or related new construction shall be undertaken  
25 in such a manner that can be removed in the future and in such a manner that if removed in the

1 future, the essential form and integrity of the historic property and environment would be  
2 unimpaired without extensive restoration or reconstruction.

3 (10) Archaeological resources shall be protected and preserved in place. If such  
4 resources must be disturbed, mitigation measures shall be undertaken.

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

7 (c) Standards for Review of New Construction and Other Work in Historic Districts.

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

21 (d) Standards for Review of Demolitions.

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

1 (i) It is determined that the property retains no substantial reasonable remaining  
2 market value or reasonable use, taking into account the costs of rehabilitation to meet the  
3 requirements of the Building Code, the provisions of the State Historic Building Code, the Mills  
4 Act, federal rehabilitation tax credits and any other available incentives. Costs of rehabilitation  
5 necessitated by alterations made: (A) in violation of this Article, (B) by demolition in violation of  
6 this Article, (C) by failure of the current or prior owners to maintain the property whether by  
7 intention or neglect in violation of Planning Code section 1011, (D) to accommodate the owner's  
8 specific personal or business needs or desires to expand the square footage or to make alterations  
9 inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in the  
10 calculation of rehabilitation costs for this purpose; or

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

15 (2) If the application proposes removal or demolition on a landmark site, or of a  
16 contributing resource within a historic district, or of a designated significant interior, the Historic  
17 Preservation Commission may determine, in its sole discretion, that additional time is necessary to  
18 make a determination with regard to the standards required by Section 1007.5(d)(1)(i), above, or to  
19 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,  
20 the Historic Preservation Commission may suspend action on the application for a period not to  
21 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good  
22 cause shown, extend the suspension for an additional period not to exceed 180 days.

23 (3) If the application proposes removal or demolition of a structure in a designated  
24 historic district other than on a landmark site, or site of a contributing resource, or of a designated  
25 significant interior, the Historic Preservation Commission may disapprove or approve the

1 application, or may suspend action on it for a period not to exceed 90 days, subject to extension by  
2 the Historic Preservation Commission as provided in the preceding subsection; provided; however,  
3 that the designating ordinance for the historic district may authorize the suspension of action for an  
4 alternate period which may exceed 90 days and in such event the provision of the designating  
5 ordinance shall govern, subject to extension by the Historic Preservation Commission as provided  
6 herein.

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

15 (f) Independent Experts. The Historic Preservation Commission may call upon the  
16 services of an independent expert to aid in evaluation of the economic, structural, engineering,  
17 construction or other data when reasonably necessary for decisions regarding demolition or major  
18 alterations. The applicant shall pay for the reasonable costs of the services of such independent  
19 expert(s) who shall be selected and hired by, and report directly to, the Historic Preservation  
20 Commission or Historic Preservation Officer.

21 SEC. 1008. PLANNING COMMISSION RIGHT TO MODIFY A CERTIFICATE OF  
22 APPROPRIATENESS.

23 SEC. 1008.1. Projects Requiring Multiple Approvals.



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

4 (b) Only as to those projects that (1) require a Planning Commission hearing on either  
5 a conditional use permit, as required under this Code as of November 4, 2008, or permit review as  
6 required under Sections 309 and 309.1 of this Code as of November 4, 2008 and (2) do not concern  
7 a designated landmark site, the Planning Commission may modify a decision of the Historic  
8 Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its members,  
9 pursuant to the following:

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

13 (2) In its consideration as to whether to modify a Certificate of Appropriateness, the  
14 Planning Commission may consider policies set forth in the General Plan and the Priority Policies  
15 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall  
16 apply all applicable historic resources provisions of this Code, including the applicable provisions  
17 of Section 1007 of this Article, and any specific controls and standards embodied in the designating  
18 ordinance, including any design guidelines and height and bulk controls.

19 (3) Any decision of the Planning Commission to modify the Historic Preservation  
20 Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its  
21 members, and the Planning Commission's resolution shall include a statement of reasons for the  
22 modification, including identification of policies or objectives that would be promoted by a  
23 modification of the Certificate of Appropriateness, and findings as to how the Planning  
24 Commission's decision complies with all applicable historic resources provisions of this Code,  
25 including the applicable provisions of Section 1007 of this Article and any specific controls and

1 standards embodied in the designating ordinance, including any design guidelines and height and  
2 bulk controls.

3 (4) Any proposed modification of a Certificate of Appropriateness pursuant to this  
4 Section 1008 that would expand, broaden, enlarge or materially modify the scope of the work  
5 proposed under the Certificate of Appropriateness that was considered by the Historic Preservation  
6 Commission shall be referred back to the Historic Preservation Commission for consideration  
7 before the Planning Commission's action to modify the Certificate of Appropriateness becomes  
8 final. In all cases of referral back, the proposal shall be heard by the Historic Preservation  
9 Commission as a new proposal according to the requirements set forth in this Article, except that  
10 newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic  
11 Preservation Commission shall review the modifications within a reasonable time of referral back.  
12 In the event the Historic Preservation Commission does not review the modifications within a  
13 reasonable time, the Planning Commission may finalize its decision.

14 SEC. 1008.2. Projects Located on Vacant Lots.

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

18 (a) Within ten (10) days of the decision of the Historic Preservation Commission on a  
19 Certificate of Appropriateness, the Planning Commission may consider and adopt a resolution of  
20 intent to review and consider modifying the Certificate of Appropriateness.

21 (b) The Planning Commission shall review and consider at a public meeting any  
22 proposed modification of a Certificate of Appropriateness at a public hearing to be held within  
23 twenty (20) days of the adoption of the resolution of intent. Notice of such meeting(s) shall be given  
24 not less than ten (10) days prior to the meeting date in the same manner as required for a  
25 Certificate of Appropriateness.

1 (c) 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  
3 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall  
4 apply all applicable historic resources provisions of this Code, including the applicable provisions  
5 of Section 1007 of this Article, and any specific controls and standards embodied in the designating  
6 ordinance, including any design guidelines and height and bulk controls.

7 (d) Any decision of the Planning Commission to modify a Certificate of Appropriateness  
8 shall require a two-thirds vote of its members, and the Planning Commission's resolution shall  
9 include a statement of reasons for the modification, including identification of policies or objectives  
10 that would be promoted by a modification of the Certificate of Appropriateness, and findings as to  
11 how the Planning Commission's decision complies with all applicable historic resources provisions  
12 of this Code, including those listed in (c) above.

13 (e) Any proposed modification of a Certificate of Appropriateness pursuant to this  
14 section that would expand, broaden, enlarge or materially modify the scope of the work proposed  
15 under the Certificate of Appropriateness that was considered by the Historic Preservation  
16 Commission shall be referred back to the Historic Preservation Commission for consideration  
17 before the Planning Commission's action to modify the Certificate of Appropriateness becomes  
18 final. In all cases of referral back, the proposal shall be heard by the Historic Preservation  
19 Commission as a new proposal according to the requirements set forth in this Article, except that  
20 newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic  
21 Preservation Commission shall review the modifications within a reasonable period of referral  
22 back. In the event the Historic Preservation Commission does not review the modifications within a  
23 reasonable period, the Planning Commission may finalize its decision.

24 (f) If the Planning Commission takes Discretionary Review of any project upon which the Historic  
25 Preservation Commission has made a decision on a permit to alter pursuant to this Article, any

1 decision of the Planning Commission that would , broaden, enlarge or materially modify the scope  
2 of the work proposed under the permit that was considered by the Historic Preservation  
3 Commission shall be referred back to the Historic Preservation Commission for review, which may  
4 approve, disapprove, or approve with conditions, any changes proposed by the Planning  
5 Commission. In all cases of referral back to the Historic Preservation Commission under this  
6 subsection, the proposal shall be heard by the Historic Preservation Commission as a new  
7 application according to the requirements set forth in this Article for the permit, except that  
8 newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic  
9 Preservation Commission shall review the modifications within a reasonable period of referral  
10 back. In the event the Historic Preservation Commission does not review the modifications within a  
11 reasonable period, the Planning Commission may finalize its decision.

12 SEC. 1009. APPEALS.

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

1 authorize the appeal of any decision of the Historic Preservation Commission under Section  
2 1007.5(d) of this Article to suspend action on a Certificate of Appropriateness application.

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

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

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

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

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

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

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

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

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

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

15 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

16 Where the Director of the Department of Building Inspection or Chief of the Fire Department  
17 determines that a condition on or within a landmark site or a structure or object within a historic  
18 district is unsafe or dangerous, whether caused by failure to properly maintain the structure or by a  
19 major disaster such as fire, earthquake or other calamity, by Act of God, or by the public enemy,  
20 the following provisions shall apply:

21 (a) If the unsafe or dangerous condition does not pose a serious and imminent public  
22 safety hazard, the Director of the Department of Building Inspection or Chief of the Fire  
23 Department shall attempt to determine the measures of repair or other work necessary to correct  
24 the unsafe condition in a manner consistent with the purposes and standards set forth in this  
25 Article. To the extent possible, such officials shall consult with the Historic Preservation

1 Commission and shall consider relevant provisions of the State Historical Building Code. Where  
2 possible, temporary measures which have minimal intervention with the structure or object shall be  
3 implemented in order to allow sufficient time for proper review by the Historic Preservation  
4 Commission. In the event of disagreement as to whether alteration, repair or other work rather  
5 than demolition is the best available means to secure the public safety, the opinion of an  
6 independent expert with experience in historic preservation shall be obtained by the Historic  
7 Preservation Commission from a list of qualified consultants. The findings of this expert shall be  
8 given due weight by the Director of the Department of Building Inspection and Chief of the Fire  
9 Department when determining how to abate a hazardous condition.

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

18 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

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

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

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

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

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

10 (D) Deteriorated ornamental features;

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

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

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

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

21 SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

22 (a) In addition to any other penalties provided in this Code or elsewhere, whenever the  
23 Historic Preservation Commission, Zoning Administrator or Historic Preservation Officer  
24 determines that there has been an alteration or demolition of a landmark or any building within a  
25 historic district in violation of the provisions of this Article, the site may not be developed in excess



1 of the floor area ratio, dwelling unit density or building volume of the altered or demolished  
2 building for a period of 20 years from the unlawful alteration or demolition. The Zoning  
3 Administrator shall send written notice to the property owner of such determination. No  
4 department shall approve or issue a permit that would authorize construction of a structure  
5 contrary to the provisions of this Section.

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

7 (1) As to an unlawful alteration or demolition, the owner can demonstrate to the  
8 satisfaction of the Historic Preservation Commission and the Zoning Administrator that the work  
9 alleged to be a violation did not require a Certificate of Appropriateness as provided in Section  
10 1007 of this Article; or

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

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

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

4 SEC. 1013. ENFORCEMENT AND PENALTIES.

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

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

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

20 (c) Inspection of Premises. In the performance of his duties, the Director of the  
21 Planning Department and employees of the Department properly authorized to represent the  
22 Director of the Planning Department shall have the right to enter any building or premises for the  
23 purposes of investigation and inspection upon reasonable notice to the owner; and provided  
24 further, that such right of entry shall be exercised only at reasonable hours, and that in no case  
25

1 shall entry be made to any building without notice to the owner or tenant thereof without the written  
2 order of a court of competent jurisdiction.

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

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

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

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

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

24 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

25 SEC. 1014.1 City-Owned Historic Resources.

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

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

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

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

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

1        SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES

2        SEC. 1015.1. Comprehensive Survey Program Established.

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

7        SEC. 1015.2. Implementation of Comprehensive Survey Program.

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

10        (a) The Historic Preservation Officer shall develop and implement a comprehensive  
11        plan for conducting historic resource surveys on a citywide basis, including without limitation the  
12        adoption of context statements. The plan shall be subject to review and approval by the Historic  
13        Preservation Commission.

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

17        (c) All surveys shall be conducted in conformance with state survey standards and  
18        procedures established by the State Office of Historic Preservation, using the the criteria for  
19        landmarks, historic districts and contributing resources set forth in Section 1005.1 of this Article.

20        (d) The Historic Preservation Officer shall oversee and manage all historic resource  
21        surveys required to be conducted by the City in connection with the environmental review of  
22        projects, plans or studies, including without limitation historic resource surveys performed in  
23        conjunction with the environmental review of projects pursuant to the California Environmental  
24        Quality Act, the National Environmental Protection Act and Section 106 of the National Historic  
25        Preservation Act, as well as any surveys performed in connection with general plan elements, area

1 plans, community plans, rezoning plans or proposals, Redevelopment Area plans and studies, and  
2 any other land use plans or studies within the boundaries of the City or may assist in conducting  
3 any other historic resource surveys. The Environmental Review Officer shall be required to  
4 conduct all historic resource surveys and studies by and through the Historic Preservation Officer.  
5 All such survey activities shall be an integral part of the comprehensive survey program established  
6 by this Section.

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

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

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

20 (h) All historic resource surveys that have been recognized, accepted or adopted by the  
21 Board of Supervisors; identified as having historic status in the General Plan; endorsed by the  
22 Planning Commission; or prepared by the Planning Department with funding through a federal  
23 grant administered by the State Office of Historic Preservation as of the date of enactment of this  
24 Article are and for all purposes shall be considered to be adopted historic resource surveys and  
25

1 included on the San Francisco Inventory of Historic Resources pursuant to Section 10151016 of  
2 this Article.

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

4 SEC. 1016.1. San Francisco Inventory Established.

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

11 (b) The San Francisco Inventory shall include, but not by limitation, all individual  
12 resources and districts, and contributing resources located in such districts, that, as of the effective  
13 date of this Article or at anytime thereafter, are: (1) listed individually or included in a district  
14 listed on the National Register of Historic Places or the California Register; (2) included in surveys  
15 approved, adopted or endorsed by the Historic Preservation Commission; (3) identified as having  
16 historic status in the General Plan; (4) designated as California State Landmarks or Points of  
17 Historic Interest; (5) listed in the California Resources Inventory System (CHRIS) database  
18 maintained by the Office of Historic Preservation as being eligible for listing in, or that appear  
19 eligible for listing in the National Register of Historic Places or the California Register of Historic  
20 Resources(6) designated as Structures of Merit as of the effective date of this Article; (7) identified  
21 as having architectural, cultural, or historic significance in historic resource surveys, including  
22 without limitation, those conducted by San Francisco Architectural Heritage, which surveys the  
23 City has approved, adopted or endorsed; (8) identified as “AS” in the 1976 Architectural Survey;  
24 (9) identified as architecturally, culturally, or historically significance in surveys conducted in  
25 connection with environmental review pursuant to the California Environmental Quality Act, the

1 National Environmental Policy Act or Section 106 of the National Historic Preservation Act, where  
2 the City or the Historic Preservation Commission has approved, adopted or endorsed such survey  
3 or where the subject environmental review document is approved and certified by the city in  
4 connection with project approval; and (10) otherwise identified by the Historic Preservation  
5 Commission, Planning Commission or Board of Supervisors as having significance to the  
6 architectural or cultural history of San Francisco.

7 (c) Any changes to or deletions from the Inventory shall be subject to prior review by the  
8 Historic Preservation Commission.

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, as it  
13 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  
17 the 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 taken  
19 into consideration by the City departments, agencies and commissions in making decisions as to  
20 projects and plans that may impact historic preservation and the Historic Preservation Commission  
21 may develop and implement guidelines and procedures for appropriate review of projects that  
22 would alter or demolish properties included on the San Francisco Inventory.

23 SEC. 1017. PRESERVATION INCENTIVES.

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



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 (California Government Code Section 50280 et seq.) for owners of historic properties;

7 (c) Investigating the use by the City of the Marks Historical Rehabilitation Act for  
8 issuance of 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,  
12 transfer of 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,  
16 signage and awards;

17 (g) Exploring the use of available federal, State, local or private funding sources and  
18 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  
21 historic resources.

22 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

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

1 SEC. 1019. SEVERABILITY.

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

9 Section 4. The San Francisco Planning Code is hereby amended by rescinding  
10 Article 11 in its entirety.

11 Section 5. The San Francisco Planning Code is hereby amended to add new  
12 Article 11, to read as follows:

13 ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL,  
14 HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS  
TABLE OF CONTENTS

15 SEC. 1101. FINDINGS AND PURPOSES.

16 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

17 1102.1. Designation of Buildings.

18 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.

19 1103.1. Conservation District Designations.

20 SEC. 1104. INCLUSION ON THE SAN FRANCISCO REGISTER.

21 SEC. 1105. CONFORMITY AND PERMITS.

22 SEC. 1106. PROCEDURES FOR DESIGNATION OF ADDITIONAL BUILDINGS OR  
23 CHANGE OF DESIGNATION.

24 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION  
25 DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

1 SEC. 1108. NOTICE OF DESIGNATION.

2 SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF  
3 DEVELOPMENT RIGHTS.

4 SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS  
5 OR BUILDINGS IN CONSERVATION DISTRICTS.

6 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER.

7 1111.1 Determination of Major or Minor Alteration.

8 1111.2 Consideration of Major Alterations by the Historic  
9 Preservation Commission.

10 1111.3 Decision by the Historic Preservation Commission.

11 1111.4 Administrative Approval of Permit to Alter.

12 1111.5 Standards and Requirements for Review of Applications for Alterations.

13 1111.6 Permits for Signs.

14 SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS AND  
15 BUILDINGS IN CONSERVATION DISTRICTS.

16 1112.1 Applications for a Permit to Demolish.

17 1112.2 Consideration by the Historic Preservation Commission.

18 1112.3 Decision by the Historic Preservation Commission.

19 1112.4 Standards and Requirements for Review of Applications to Demolish.

20 SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION DISTRICTS.

21 1113.1 Standards for Review of New and Replacement Structures.

22 SEC. 1114. PLANNING COMMISSION'S RIGHT TO MODIFY A DECISION OF THE  
23 HISTORIC PRESERVATION COMMISSION.

24 1114.1. Projects Requiring Multiple Approvals.

25 1114.2. Projects Located on Vacant Lots.

SEC. 1115. APPEALS.

1115.1. Right of Appeal.

1115.2. Appeals to the Board of Appeals.

1115.3. Appeals to the Board of Supervisors.

SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

SEC. 1117. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

SEC. 1118. UNLAWFUL ALTERATION OR DEMOLITION.

SEC. 1119. ENFORCEMENT AND PENALTIES.

1 SEC. 1020. RELATIONSHIP TO ARTICLE 10.

2 SEC. 1121. NOTICE OF AMENDMENT.

3 SEC. 1122. NOTICE PROCEDURE.

4 SEC. 1123. TIME PROVISIONS.

5 SEC. 1024. SEVERABILITY.

6  
7  
8 SEC. 1101. FINDINGS AND PURPOSES.

9 (a) It is hereby found that a substantial number of the buildings in the C-3 District have  
10 a special architectural, historical, and aesthetic value. These buildings contribute substantially to  
11 San Francisco's reputation throughout the United States as a City of outstanding beauty and  
12 physical harmony. A substantial number of these special buildings have been and continue to be  
13 unnecessarily destroyed or impaired, despite the feasibility of preserving and continuing their use,  
14 and without adequate consideration for the irreplaceable loss to the people of the City of their  
15 aesthetic, cultural, historic and economic value.

16 (b) It is further found that distinct and definable subareas within the C-3 District  
17 possess concentrations of buildings that together create a unique historic, architectural, and  
18 aesthetic character which contributes to the beauty and attractiveness of the City. The quality of  
19 these geographic areas has been and continues to be degraded by the unnecessary demolition of  
20 buildings of substantial architectural and aesthetic merit, by their replacement with buildings which  
21 conflict with the character and scale of the area, and by alteration of buildings in a manner which  
22 conflicts with the character and scale of the area.

23 (c) It is therefore declared that the protection, enhancement, and perpetuation of  
24 buildings and definable subareas of special architectural, historical, and aesthetic interest is

1 necessary to promote the health, safety, prosperity and welfare of the people of the City.

2 Accordingly, the purposes of this Article are:

3 (1) The protection, enhancement, and perpetuation of structures and subareas of special  
4 architectural, historical, and aesthetic character which contribute to the urban environment;

5 (2) The maintenance and improvement of a healthy economy for the City by enhancing  
6 both property values and the City's attractiveness as a place to do business;

7 (3) The protection and improvement of the City's attractiveness to tourists and other  
8 visitors, and the stimulus to business provided thereby;

9 (4) The enrichment of the educational, cultural, aesthetic and spiritual life of the  
10 inhabitants of the City by fostering knowledge of the heritage of the City's past and retaining the  
11 quality of the City's urban environment.

12 (d) It is further found that the use of Transferable Development Rights as provided  
13 herein is necessary to promote the urban planning and design goals of the General Plan by (1)  
14 maintaining appropriate overall development capacities in each zoning district within the C-3 area,  
15 as defined by applicable floor area, height, bulk and other parameters; (2) encouraging and  
16 directing development into the Special Development District in order to maintain a compact  
17 downtown financial district; and (3) requiring the retention of Significant Buildings, providing  
18 incentives for the retention of Contributory Buildings, and encouraging the compatible replacement  
19 or alteration of Unrated buildings in Conservation Districts, as defined herein.

20 (e) It is further found that the provisions of this Article 11 implement the provisions of  
21 the voter approved Charter Amendment creating a Historic Preservation Commission and  
22 establishing its powers and duties.

23 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

1 The buildings in the C-3 Districts are divided into five categories according to the Building Rating  
2 methodology as set forth and explained in the Preserving the Past section of the Downtown Plan, a  
3 component of the General Plan. Those categories are as follows:

4 (a) Significant Buildings - Category I. Buildings which:

5 (1) Are at least 40 years old; and

6 (2) Are judged to be Buildings of Individual Importance; and

7 (3) Are rated Excellent in Architectural Design or are rated Very Good in both

8 Architectural Design and Relationship to the Environment.

9 (b) Significant Buildings - Category II. Buildings:

10 (1) Which meet the standards in Section 1102(a) above; and

11 (2) Are located on deep interior lots with non-architecturally treated side and rear

12 walls; and

13 (3) To which, because of their depth and relationship to other structures, more

14 substantial alteration of the back of these buildings can be accommodated, without affecting their

15 architectural quality or the appearance of the retained portions from their ability to function as

16 separate structures. Such alterations could be a rear addition to the building, a new, taller

17 structure at the rear of the building, or replacement of the rear of the building with a new taller

18 structure, even if such alterations are visible when viewing the principal facades, provided that

19 such alteration could be done without affecting the architectural quality of the building or its

20 relationship to the environment and without affecting the appearance of the retained portions as a

21 separate structure when viewing the principal facades. The addition or new construction would be

22 required to meet the standards and criteria for new construction in Conservation Districts as set

23 forth in Section 1113 of this Article. The designation of Category II Buildings shall identify for

24 each building the portion of the building beyond which such additions may be permitted.

25 (c) Contributory Buildings - Category III. Buildings which:

1 (1) Are located outside a designated Conservation District; and

2 (2) Are at least 40 years old; and

3 (3) Are judged to be Buildings of Individual Importance; and

4 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in  
5 Relationship to the Environment.

6 (d) Contributory Buildings - Category IV. Buildings which:

7 (1) Are located in a designated Conservation District; and

8 (2) Are at least 40 years old;

9 (3) Are judged to be Buildings of Individual Importance, and are rated either Very Good  
10 in Architectural Design or Excellent or Very Good in Relationship to the Environment; and

11 (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in  
12 Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

13 (e) Unrated Buildings - Category V. Buildings which are not designated as Significant  
14 or Contributory.

15 SEC. 1102.1. Designation of Buildings.

16 The buildings in the C-3 District are classified as follows:

17 (a) Significant Buildings - Category I. The buildings listed in Appendix A to Article 11  
18 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
19 Significant Buildings - Category I.

20 (b) Significant Buildings - Category II. The buildings listed in Appendix B to Article 11  
21 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
22 Significant Buildings - Category II.

23 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to Article  
24 11 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
25 Contributory Buildings - Category III.

1 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to Article  
2 11 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
3 Contributory Buildings - Category IV.

4 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise  
5 designated in this Section are hereby designated as Unrated - Category V.

6 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.  
7 Portions of the C-3 District may be designated as Conservation Districts if they contain substantial  
8 concentrations of buildings that together create geographic areas of special architectural and  
9 aesthetic importance. In these areas, buildings of a somewhat lesser quality than those required to  
10 be retained take on an increased importance since they help create a setting that reinforces and  
11 compliments the qualities of the more significant structures, and their own attributes are more  
12 apparent and appreciated. Such areas shall contain substantial concentrations of Significant and  
13 Contributory Buildings and possess substantial overall architectural, aesthetic or historic qualities  
14 justifying additional controls in order to protect and promote those qualities and to facilitate  
15 preservation of the quality and character of the area as a whole.

16 SEC. 1103.1. Conservation District Designations.  
17 The following Conservation Districts are hereby designated for the reasons indicated in the  
18 appropriate Appendix:

19 (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as set  
20 forth in Appendix E to Planning Code Article 11 included in the San Francisco Planning Code as of  
21 January 6, 2009.

22 (b) The New Montgomery-Second Street Conservation District is hereby designated as  
23 set forth in Appendix F to Planning Code Article 11 included in the San Francisco Planning Code  
24 as of January 6, 2009.



1 (c) The Commercial-Leidesdorff Conservation District is hereby designated as set forth  
2 in Appendix G to Planning Code Article 11 included in the San Francisco Planning Code as of  
3 January 6, 2009.

4 (d) The Front-California Conservation District is hereby designated as set forth in  
5 Appendix H to Planning Code Article 11 included in the San Francisco Planning Code as of  
6 January 6, 2009.

7 (e) The Kearny-Belden Conservation District is hereby designated as set forth in  
8 Appendix I to Planning Code Article 11 included in the San Francisco Planning Code as of January  
9 6, 2009.

10 (f) The Pine-Sansome Conservation District is hereby designated as set forth in  
11 Appendix J to Planning Code Article 11 included in the San Francisco Planning Code as of  
12 January 6, 2009.

13 SEC. 1104. INCLUSION ON THE SAN FRANCISCO REGISTER.

14 (a) In accordance with the provisions of Planning Code Section 1004, all Significant  
15 and Contributory buildings and properties within Conservation Districts designated as of the date  
16 of enactment of this Article, including all designating ordinances and related Appendices, are  
17 hereby included on the San Francisco Register and shall be subject to all restrictions and  
18 conditions applicable to such designated resources under this Article 11.

19 (b) The Historic Preservation Officer shall insure that the requirements set forth in  
20 Planning Code Section 1004 have been met as to designated Significant and Contributory buildings  
21 and properties within Conservation Districts, including, without limitation, the requirement that all  
22 designated Significant and Contributory buildings and properties within Conservation Districts  
23 shall be incorporated into the records and electronic database of the Planning and Building  
24 Departments, that notices of such designations have been properly recorded in the official property  
25 records in the office of the County recorder, and that such resources are included on the San

1 Francisco Register published on the Planning Department's web site. The Central Permit Bureau  
2 shall maintain a current record of such Buildings and Conservation Districts.

3 SEC. 1105. CONFORMITY AND PERMITS.

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

6 (a) No person shall carry out or cause to be carried out on any historic resource, which  
7 is listed on or has been nominated for listing on the San Francisco Register as a Significant or  
8 Contributory Building or building located within a Conservation District, any alteration,  
9 construction, relocation, removal or demolition of any structure, appurtenance, object or feature,  
10 except in conformity with the provisions of this Article. Except where explicitly so stated, nothing  
11 in this Article shall be construed as relieving any person from other applicable permit  
12 requirements. In addition, no work shall take place unless all other applicable laws and  
13 regulations have been complied with, and any required permits have been issued for said work.

14 (b) Upon receipt of any application for a building permit, demolition permit, site permit,  
15 alteration permit, or any other permit that may affect any historic resource that is listed on or has  
16 been nominated for listing on the San Francisco Register as a Significant or Contributory Building  
17 or a building within a Conservation District, the Central Permit Bureau shall promptly forward the  
18 application to the Historic Preservation Officer and shall not issue any permit unless the Historic  
19 Preservation Officer has determined, in accordance with this Article and any rules and regulations  
20 issued by the Historic Preservation Commission, that such application is exempt from the  
21 provisions of this Article or that the permit application conforms with the decision action of the  
22 Historic Preservation Commission on such application. If review by the Historic Preservation  
23 Commission is required and has not been obtained, or if, in the judgment of the Historic  
24 Preservation Officer, the permit application is not in strict conformance with the decision of the  
25 Historic Preservation Commission, no action shall be taken to grant or deny the permit application

1 until such time as conformity does exist. The Historic Preservation Commission shall resolve any  
2 question as to conformity of a permit application with its decision on the project that is the subject  
3 of the permit application. The approval of any project or the issuance or amendment of any permit  
4 by the Central Permit Bureau that is inconsistent with any provision of this Article, or with any  
5 provision or condition of the decision action of the Historic Preservation Commission pursuant to  
6 this Article, is invalid and shall be revoked or rescinded by the Zoning Administrator or the  
7 Director of the Department of Building Inspection.

8 (c) The Department of Building Inspection shall not give final approval or a certificate  
9 of final completion on any building permit for work on a Significant or Contributory Building or a  
10 building within a Conservation District unless and until the Historic Preservation Officer has  
11 determined in writing that the work has been completed in accordance with the terms and  
12 conditions of the approval action by the Historic Preservation Commission. The Historic  
13 Preservation Commission shall resolve any questions as to conformity of work with the terms and  
14 conditions of its approval action. Any final approval or a certificate of final completion on such  
15 work without a determination that the work has been completed in conformity with the  
16 Commission's approval action shall be invalid and shall be revoked or rescinded by the Zoning  
17 Administrator or the Director of the Department of Building Inspection.

18 (d) No abatement proceedings or enforcement proceedings shall be undertaken by any  
19 department, agency, board or commission of the City for any Significant or Contributory Building  
20 or building located within a Conservation District that is listed on the San Francisco Register or  
21 has been nominated for listing on the San Francisco Register without prior notification of and  
22 consultation with the Historic Preservation Commission where feasible. Such proceedings shall  
23 comply with the provisions of this Article where feasible.

24 SEC. 1106. PROCEDURES FOR DESIGNATION OF ADDITIONAL BUILDINGS OR  
25 CHANGE OF DESIGNATION.

1 Buildings may be designated or their designation may be changed through amendment of  
2 Appendices A, B, C and D of this Article. The Historic Preservation Commission shall have the  
3 authority to recommend approval, disapproval, or modification of all Significant or Contributory  
4 building designations to the Board of Supervisors pursuant to this Article 11. Such designation or  
5 change of designation shall be governed by the following provisions in lieu of the provisions of  
6 Section 302:

7 (a) Initiation of Designation or Change in Designation. The designation or change of  
8 designation of a building may be initiated by motion of the Board of Supervisors or the Historic  
9 Preservation Commission, by resolution of the Planning Commission, upon the verified application  
10 of the owner or authorized agent of the affected property, upon the application of any organization  
11 or group which has historic preservation stated as one of its goals in its bylaws or articles of  
12 incorporation, or upon the application of at least 50 registered voters of the City. Except in the case  
13 of initiation by governmental bodies, any such application shall be filed with the Historic  
14 Preservation Officer upon forms prescribed by the Historic Preservation Commission, and shall be  
15 accompanied by all data required by the Historic Preservation Commission.

16 (b) Notice; Review by the Historic Preservation Officer; Referral to the Historic  
17 Preservation Commission. Upon determination by the Historic Preservation Officer that a verified  
18 application is complete and contains all necessary information or upon receipt of the motion or  
19 resolution of one of the governmental bodies set forth in Subsection (a) above, the Historic  
20 Preservation Officer shall (1) send notice of the proposed designation or change of designation by  
21 mail to the owner of the affected property, unless the application is that of the owner, and to any  
22 other interested person or organization requesting such notices, (2) notify the Central Permit  
23 Bureau of the proposed designation, (3) promptly undertake a study of the proposed designation or  
24 change of designation and prepare a report and recommendation to the Historic Preservation  
25

1 Commission; and (4) schedule a public hearing before the Historic Preservation Commission on  
2 the matter.

3 (c) Action by the Historic Preservation Commission. At the public hearing scheduled on  
4 the matter, the Historic Preservation Commission shall consider and determine the appropriate  
5 designation or change in designation of the building without referral to or recommendation of the  
6 Planning Commission. If the Historic Preservation Commission recommends that the designation  
7 or change of designation be approved or modified in whole or in part, it shall transmit the  
8 proposal, together with a copy of its resolution recommending approval, to the Clerk of the Board  
9 of Supervisors. Decisions of the Historic Preservation Commission to disapprove the proposed  
10 designation or change of designation shall be final unless appealed to the Board of Supervisors  
11 pursuant to Subsection 1106(e) below.

12 (d) Designation by Board of Supervisors. The Board of Supervisors, or a committee  
13 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors  
14 may approve, modify and approve, or disapprove the designation or change of designation by a  
15 majority vote of all its members.

16 (e) Appeal to Board of Supervisors.

17 (1) Notice of Appeal. If the Historic Preservation Commission disapproves the  
18 proposed designation or change of designation, such action shall be final except upon the filing of a  
19 notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons,  
20 organizations or groups listed in Section 1106(a); provided, however, that if the proposal was  
21 initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately of  
22 the disapproval without the necessity for an appeal.

23 (2) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall hold  
24 a public hearing on any such proposal appealed to it or initiated by it. The Board of Supervisors  
25 may uphold the Historic Preservation Commission, overrule the Historic Preservation Commission

1 and approve, or modify and approve, the designation or change of designation by a majority vote of  
2 all its members.

3 (f) Notice of Proceedings. Notice of the hearings scheduled before the Historic  
4 Preservation Commission and Board of Supervisors pursuant to this Section 1106, and of the  
5 availability of applicable reports, shall be given by mail to the initiators of the designation or  
6 change of designation, to the owners of any affected building, to appellants, and to any other  
7 interested person or organization requesting such notices. Notice of the hearing before the Historic  
8 Preservation Commission shall contain a general explanation of the proposed designation or  
9 change of designation and the grounds for the proposal as provided in 1106(g) of this Article.

10 (g) Grounds for Designation or Change of Designation. The designation of a building  
11 may be changed if (1) changes in the area in the vicinity of a building located outside a  
12 Conservation District warrant a change in the rating of the building with respect to its relationship  
13 to the environment and therefore place it in a different category, pursuant to Section 1102; or (2)  
14 changes in Conservation District boundaries make a building of Contextual Importance fall outside  
15 a Conservation District and therefore no longer eligible for designation as a Contributory building,  
16 or, conversely, make a building of Contextual Importance fall within a Conservation District and  
17 therefore eligible for designation as a Contributory Building; or (3) changes in the physical  
18 features of the building due to circumstances beyond the control of the owner, or otherwise  
19 permitted by this Article, warrant placing the building in a different category pursuant to the  
20 standards set forth in Section 1102; or (4) restoration of the building to its original quality and  
21 character warrants placing the building in a different category pursuant to the standards set forth  
22 in Section 1102; or (5) by the passage of time, the building has become at least 40 years old,  
23 making it eligible to be considered for designation as a Significant or Contributory building,  
24 pursuant to Section 1102; or (6) the discovery of new factual information (for example, information  
25 about the history of the building) makes the building eligible for rating as a Building of Individual

1 or Contextual Importance and, therefore, eligible to be designated as a Significant or Contributory  
2 Building.

3 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION  
4 DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

5 A Conservation District may be designated or its boundary changed through amendment of  
6 Section 1103.1 of this Article 11. The Historic Preservation Commission shall have the authority to  
7 recommend approval, disapproval, or modification of all Conservation District designations or  
8 boundary changes to the Board of Supervisors pursuant to this Article 11. Such designation or  
9 boundary change shall be governed by the following provisions in lieu of the provisions of Section  
10 302:

11 (a) Initiation of Designation or Boundary Change. The designation of an area of the C-3  
12 District as a Conservation District or the change of District boundaries may be initiated by motion  
13 of the Board of Supervisors, by resolution of the Planning Commission or the Historic Preservation  
14 Commission, upon the verified application of the owners or other authorized agents of greater than  
15 25 percent of the structures in the area proposed for designation (or, as to an alteration, 25 percent  
16 of the structures of the proposed new district unless it would be an area smaller than the existing  
17 district, in which case it shall be 25 percent of the structures of the existing district), upon the  
18 verified application of any organization or group which has historic preservation stated as one of  
19 its goals in its bylaws or articles of incorporation, or upon the verified application of at least 150  
20 registered voters of the City. Except in case of an initiation by governmental bodies, any such  
21 application shall be filed with the Historic Preservation Officer upon forms prescribed by the  
22 Historic Preservation Commission, and shall be accompanied by all data required by the Historic  
23 Preservation Commission.

1 (b) Notice; Review by the Historic Preservation Officer; Referral to the Historic  
2 Preservation Commission. Notice, review by the Historic Preservation Officer and referral to the  
3 Historic Preservation Commission shall be as provided in Section 1106(b) of this Article.

4 (c) Action by the Historic Preservation Commission. Action by the Historic  
5 Preservation Commission shall be as set forth in Section 1106(c) of this Article, except that the  
6 Planning Commission shall have an opportunity to review and comment on the proposed  
7 designation or boundary change as set forth in Section 1107(d) of this Article. Decisions of the  
8 Historic Preservation Commission to disapprove the proposed designation or boundary change of a  
9 Conservation District shall be final unless appealed to the Board of Supervisors pursuant to  
10 Subsection 1007(f) below.

11 (d) Planning Commission Review and Comment on Conservation Districts. In the case  
12 of a proposed designation or boundary change of a Conservation District, the Historic  
13 Preservation Officer shall also send a copy of the notice of hearing to the Secretary of the Planning  
14 Commission. The Planning Commission may review the proposed designation or boundary change  
15 of the Conservation District, and may forward its comments to the Historic Preservation  
16 Commission for consideration during the Historic Preservation Commission's public hearing.  
17 Failure of the Planning Commission to provide comments prior to the hearing shall not prevent the  
18 Historic Preservation Commission from acting on the proposed designation or boundary change,  
19 provided that any comments received from the Planning Commission within 45 days of the hearing  
20 notice shall be forwarded to the Board of Supervisors together with the Historic Preservation  
21 Commission's recommendation. The Planning Commission may waive its right to comment on the  
22 proposed designation or boundary change of the Conservation District, and its failure to do so  
23 within said 45-day period shall constitute a waiver.

24 (e) Designation by Board of Supervisors. The Board of Supervisors, or a committee  
25 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors



1 may approve, modify and approve, or disapprove the designation or boundary change by a majority  
2 vote of all its members.

3 (f) Appeal to Board of Supervisors.

4 (1) Notice of Appeal. If the Historic Preservation Commission disapproves the  
5 proposed designation or boundary change, such action shall be final except upon the filing of a  
6 notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons,  
7 organizations, or groups listed in Section 1107(a); provided, however, that if the proposal was  
8 initiated by the Board of Supervisors, the Clerk of the said board shall be notified immediately of  
9 the disapproval without the necessity for an appeal.

10 (2) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall hold  
11 a public hearing on any such proposal appealed to it or initiated by it. The Board of Supervisors  
12 may uphold the Historic Preservation Commission, overrule the Historic Preservation Commission  
13 and approve, or modify and approve, the designation or boundary change by a majority vote of all  
14 its members.

15 (g) Notice of Proceedings. Notice of the hearings scheduled before the Historic  
16 Preservation Commission and Board of Supervisors pursuant to this Section 1007, and of the  
17 availability of applicable reports, shall be given by mail to the initiators of the designation or  
18 alteration, to the owners of all lots within the proposed new district and within 300 feet of the  
19 proposed new district or of that portion of the district being altered, as well as to interested  
20 individuals or organizations who have in writing or email to the Historic Preservation Officer  
21 requested such notices. Notice of the hearing scheduled before the Historic Preservation  
22 Commission shall also be given to the Secretary of the Planning Commission. Notice of the hearing  
23 before the Historic Preservation Commission shall contain a general explanation of the proposed  
24 designation or change of District boundaries and the grounds for the proposal based on the  
25 applicable standards provided in 1107(h) of this Article.

1 (h) Standards Applicable to Designation or Boundary Change. The standards governing  
2 the designation and change of District boundaries are those set forth in Section 1103 of this Article.  
3 Areas may be removed from Conservation Districts if the character of the area has changed such  
4 that the area no longer qualifies under the standards set forth in Section 1103 of this Article.

5 SEC. 1108. NOTICE OF DESIGNATION.

6 When a building has been designated Significant or Contributory or its designation is  
7 changed pursuant to Section 1106, or when a new Conservation District is established or the  
8 boundary of a Conservation District changed pursuant to Section 1107, the Historic Preservation  
9 Officer shall notify each affected property owner by mail and shall cause a copy of the ordinance,  
10 or notice thereof, to be recorded in the official property records in the office of the County  
11 Recorder. In addition, as provided in Planning Code Section 1004, the Historic Preservation  
12 Officer shall insure that: (a) the Planning Code is promptly updated; (b) the change is incorporated  
13 into the records and electronic database of the Planning and Building Departments; (c) the change  
14 is made to the San Francisco Register published on the Planning Department's web site; and (d)  
15 the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or  
16 deletions to City officials and departments. The Central Permit Bureau shall maintain a current  
17 record of all such Buildings and Conservation Districts.

18 SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF

19 DEVELOPMENT RIGHTS.

20 For the purpose of transfer of development rights (TDR) as provided in Section 128 of this  
21 Code, lots on which are located Significant or Contributory Buildings, or Category V Buildings in  
22 those certain Conservation Districts and portions thereof as indicated in the Appendix relating to  
23 that District, are eligible preservation lots as provided in this Section:

24 (a) Significant Buildings. Lots on which are located buildings designated as Significant  
25 Buildings - Category I or Category II - are eligible to transfer the difference between the allowable

1 gross floor area permitted on the lot by Section 124 of this Code and the gross floor area of the  
2 development on the lot, if all the requirements for transfer set forth in Section 128 are met. Lots on  
3 which are located Significant Buildings which have been altered in conformance with the  
4 provisions of this Article retain eligibility for the transfer of TDR.

5 (b) Contributory Buildings. Lots on which are located buildings designated as  
6 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference  
7 between the allowable gross floor area permitted on the lot by Section 124 of the Code and the  
8 gross floor area of the development on the lot, if all the requirements for transfer set forth in  
9 Section 128 are met. Alteration or demolition of such a building in violation of Section 1110 or  
10 Section 1112, or alterations made without a permit issued pursuant to Sections 1111 through  
11 1111.5, eliminates eligibility for the transfer of TDR; provided, however, that such eligibility may  
12 nonetheless be retained or acquired again if, pursuant to Section 1118(b), the property owner  
13 demonstrates as to any alteration that it was not major, or if the property owner restores the  
14 demolished or altered building. Once any TDR have been transferred from a Contributory Building,  
15 the building is subject to the same restrictions on demolition and alteration as a Significant  
16 Building. These restrictions may not be removed by the transfer of TDR back to the building.

17 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in the  
18 Appendix establishing a Conservation District, lots located in such a District on which are located  
19 Category V Buildings (designated as neither Significant nor Contributory) are eligible to transfer  
20 the difference between the allowable gross floor area permitted on the lot under Section 124 of the  
21 Code and the gross floor area of the development on the lot, if all the requirements for transfer set  
22 forth in Section 128 are met; provided, however, that a lot is eligible as a Preservation Lot  
23 pursuant to this Section only if (1) the exterior of the building is substantially altered so as to make  
24 it compatible with the scale and character of the Significant and Contributory Buildings in the  
25 district, including those features described in Sections 6 and 7 of the Appendix to Article 11

1 describing the relevant district, and has thus been determined to be a "Compatible Rehabilitation"  
2 by the Historic Preservation Commission, pursuant to Section 1111.3 of this Article, and the  
3 building meets or has been reinforced to meet the standards for seismic loads and forces of the  
4 1975 Building Code or (2) the building on the lot is new, having replaced a Category V Building,  
5 and has received approval as a Compatible Replacement Building by the Historic Preservation  
6 Commission, pursuant to Section 1113 of this Article.

7 (d) TDR Documentation Provided to Historic Preservation Commission. The Zoning  
8 Administrator shall provide copies of all documentation filed or issued pursuant to the provisions of  
9 Section 128 of this Code to the Historic Preservation Officer within 5 days of their filing or  
10 issuance; which documents shall include, without limitation, applications for a Statement of  
11 Eligibility, proposed and final Statements of Eligibility or written determinations that no TDR are  
12 available for transfer, Notices of Revocation or Suspension of Eligibility, Notices of Cancellation of  
13 Eligibility, Notices of Restrictions, Certificates of Transfer, written certifications that the owner of  
14 the Development Lot owns TDR, Notices of Use of TDR, and Cancellations of Notice of Use of  
15 TDR. All transfers of development rights and other activities under Section 128 of this Code shall  
16 be promptly reported to the Historic Preservation Commission at a public meeting and a complete  
17 and current database of all TDR in C-3 Districts shall be maintained and published by the Zoning  
18 Administrator on the Planning Department web site.

19 SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS  
20 OR BUILDINGS IN CONSERVATION DISTRICTS.

21 With respect to a designated Significant or Contributory Building or any building in a Conservation  
22 District, no person shall carry out or cause to be carried out any alteration to the exterior of a  
23 building for which a permit is required pursuant to the Building Code unless the permit is approved  
24 pursuant to the provisions of Sections 1111 through 1111.5 of this Article. The Historic  
25 Preservation Commission shall have the authority to approve, disapprove, or modify all

1 applications for permits to alter designated Significant or Contributory Buildings or buildings  
2 within Conservation Districts under this Article, subject to appeal as provided in this Article 11.

3 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER.

4 (a) Referral. All applications for permits to undertake any alteration of a building  
5 designated Significant or Contributory or a building in any Conservation District shall be referred  
6 to the Historic Preservation Officer by the Central Permit Bureau within five (5) days of receipt.

7 (b) Required Filing. All permit applications to undertake any alteration of a building  
8 designated Significant or Contributory or a building in any Conservation District shall be filed with  
9 the Historic Preservation Officer by the owners of the property or their authorized agents, together  
10 with the required fee.

11 (c) Content of Applications. The content of applications for permits to alter such  
12 buildings shall be in accordance with the policies, rules and regulations adopted by the Historic  
13 Preservation Commission. All such applications shall be upon forms prescribed for such purpose,  
14 and shall contain or be accompanied by all information required to assure the presentation of  
15 pertinent facts for proper consideration of the application and for the permanent record. The  
16 application shall be accompanied by plans and specifications consistent with the requirements set  
17 forth in Section 1007.2(b) of Article 10. The applicant will also be required to file with his/her  
18 application the information needed for the preparation and mailing of notices as required in  
19 Section 1111.2(a) of this Article.

20 (d) Applications for Category V Buildings. An applicant for a major alteration permit  
21 for a Category V Building in any of the Conservation Districts which provides for such eligibility  
22 may request on the application a determination that if the proposed alteration is completed as  
23 approved, the building will be deemed a Compatible Rehabilitation under Section 1109(c) so that  
24 the lot on which the building is located becomes eligible as a Preservation Lot for the transfer of  
25 TDR.

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

4 (f) Review of Applications.

5 (1) An application for a permit to alter shall first be reviewed by the Historic  
6 Preservation Officer who shall determine whether or not the application is complete and accurate.

7 (2) Once the application has been determined to be complete and accurate, the Historic  
8 Preservation Officer shall review and evaluate the project for consistency with the standards for  
9 review of applications set forth in Section 1111.5 and shall determine whether the proposed  
10 alteration constitutes a Major Alteration or Minor Alteration pursuant to Section 1111.1 of this  
11 Article.

12 (3) As to those individual permits falling within the categories of alterations deemed to  
13 be minor alterations, the Historic Preservation Commission may delegate to the Historic  
14 Preservation Officer the authority to approve an Administrative Permit to Alter pursuant to Section  
15 1111.4 of this Article without referral to the Historic Preservation Commission. Otherwise, the  
16 application shall be referred to the Historic Preservation Commission for consideration and  
17 decision pursuant to Sections 1111.2 and 1111.3 of this Article.

18 SEC. 1111.1. Determination of Major or Minor Alteration.

19 (a) The Historic Preservation Commission shall have the authority to determine if a  
20 proposed alteration is a Major Alteration or a Minor Alteration and may promulgate rules and  
21 regulations to further define categories of Major Alterations and Minor Alterations consistent with  
22 the definitions set forth below.

23 (1) An alteration is considered Major if any of the following apply:

24 (i) The alteration will substantially change, obscure or destroy exterior character-  
25 defining spaces, materials, features or finishes; or

1       (ii) The alteration would affect all or any substantial part of a building's structural  
2 elements, exterior walls or exterior ornamentation; or  
3       (iii) The alteration results in the addition of height to the building; or  
4       (iv) The alteration would affect the ground-floor frontage of the building; or  
5       (v) The alteration is to comply with the UMB Seismic Retrofit Ordinances if it is visible  
6 from the exterior of a structure, unless it meets all the criteria set forth in Subsection (2)(iii) below;  
7 or  
8       (vi) The alteration constitutes a major alteration pursuant to Planning Code Section  
9 1007.1(b)(1).  
10       (2) An alteration is considered Minor if:  
11       (i) The criteria set forth in Subsection (a) above do not apply; or  
12       (ii) The work consists only of ordinary maintenance and repairs, which shall be defined  
13 as work that does not include any change in the design, materials or outer appearance of a  
14 structure, the sole purpose and effect of which is to correct minor deterioration, decay or damage;  
15 or  
16       (iii) The sole purpose and effect of the alteration is to comply with the UMB Seismic  
17 Retrofit Ordinances; provided that such work it is not visible from the exterior of a structure, that  
18 the criteria set forth in Subsection (a) do not apply, and that such work does not constitute a  
19 demolition pursuant to Planning Code Section 1007.1(a).  
20       (3) An alteration shall not be considered a Minor Alteration if the proposed alteration,  
21 in combination with all other alterations that have occurred to the resource over time would  
22 constitute a Major Alteration.  
23       (b) Within 10 days after referral by the Central Permit Bureau, the Historic Preservation  
24 Officer shall (i) determine in writing if the proposed alteration is a Major Alteration or a Minor  
25 Alteration, and (ii) mail a copy of such determination to the applicant and any individuals or

1 organizations who have in writing or email to the Historic Preservation Officer requested notice of such  
2 determinations.

3 (c) Permits determined by the Historic Preservation Officer to be Minor Alterations may  
4 be approved administratively by the Historic Preservation Officer pursuant Section 1111.4 of this  
5 Article if such authority has been delegated by the Historic Preservation Commission to the  
6 Historic Preservation Officer. Absent such delegation, Minor Alterations shall be referred to the  
7 Historic Preservation Commission for consideration and decision pursuant to this Article.

8 SEC. 1111.2. Consideration of Major Alterations by the Historic Preservation  
9 Commission.

10 Upon a determination that the proposed alteration is a Major Alteration, the application  
11 shall be referred to the Historic Preservation Commission for consideration and decision pursuant  
12 to the following procedures:

13 (a) Scheduling and Notice of Hearing. The Historic Preservation Commission shall  
14 hold a public hearing on the proposed alteration within forty-five days (45) after the application  
15 has been determined complete. Notice of the time, place and purpose of the hearing shall be given  
16 not less than ten (10) days prior to the date of the hearing as follows:

17 (1) By mail to the applicant.

18 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries  
19 of the building that is the subject of the application, using for this purpose the names and addresses  
20 of the owners as shown on the latest equalized assessment roll in the office of the Tax Collector.  
21 Failure to send notice by mail to any such property owner where the address of such owner is not  
22 shown on such assessment roll shall not invalidate any proceedings in connection with such action.

23 (3) By mail to all other interested parties who have in writing or email to the Historic  
24 Preservation Officer requested such notices.



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

3 (5) Such other notice as the Historic Preservation Commission may deem appropriate.

4 (6) The notice shall include a photo of the existing resource, a brief description of its  
5 historic significance, detail plans of any proposed alterations or additions to the existing resource,  
6 and all other items required under Section 311(c)(5) of this Code.

7 (b) Report and Recommendation. The Historic Preservation Officer shall make all  
8 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
9 and shall prepare a written report containing the results of the review and evaluation with written  
10 recommendations, including the results of the environmental review of the proposed project under  
11 CEQA or NEPA, including, without limitation, any environmental impact report, negative  
12 declaration or determination that the project is exempt from environmental review, together with  
13 proposed findings and a motion. The recommendation may be to approve, approve with conditions,  
14 or disapprove the application, and, where applicable, the application for a determination that the  
15 building is a Compatible Rehabilitation. The report, together with the complete application for the  
16 proposed alteration, shall be submitted to the Historic Preservation Commission at least five (5)  
17 days prior to the date set for hearing. The applicant and any other person who so requests shall be  
18 supplied with a copy of the report and recommendations of the Historic Preservation Officer.

19 (c) Category V Buildings. Applications for permits to alter any Category V building in a  
20 Conservation District which alteration is determined to be major shall be governed by the  
21 standards of Section 1111.5(f).

22 (d) Record. A record shall be kept of the pertinent information presented at the hearing,  
23 and such record shall be maintained as a part of the public records of the Historic Preservation  
24 Commission in the Planning Department.

1 (e) Continuations. The Historic Preservation Commission shall determine the instances  
2 in which the alteration permit application scheduled for hearing may be continued or taken under  
3 advisement. The Historic Preservation Commission may also continue a hearing on an application  
4 pending completion of adequate and complete environmental review of the proposed project. In  
5 such cases, new notice need not be given of the further hearing date, provided such date is  
6 announced at the scheduled hearing.

7 SEC. 1111.3. Decision by the Historic Preservation Commission.

8 (a) The Historic Preservation Commission may approve, approve with conditions,  
9 disapprove or modify an application for a permit to alter a designated Significant or Contributory  
10 building or a building within a Conservation District, and where applicable, a determination that  
11 the building is a Compatible Rehabilitation. The Historic Preservation Commission's decision  
12 shall state the findings of fact relied upon in reaching the decision, which findings of fact shall  
13 become a material part of the final decision on the permit to alter. If the Historic Preservation  
14 Commission disapproves the application for the permit to alter, it shall recommend disapproval to  
15 the Central Permit Bureau, which shall deny the application.

16  
17 (b) In all cases where the Historic Preservation Commission has made a decision to require  
18 modifications to an application, the applicant shall submit, within thirty (30) days of the decision by the  
19 Historic Preservation Commission, a revised application containing all modifications prior to a final  
20 action of the Historic Preservation Commission. In such cases the hearing may be continued until the  
21 revised application has been submitted. A new notice need not be given of the further hearing date,  
22 provided such date is announced at the scheduled hearing; provided, however, that if the applicant does  
23 not revise the application within said 30-day period or if the revised application is determined to be  
24 inconsistent with the Historic Preservation Commission's decision, the Historic Preservation  
25 Commission shall deny the application.

1 Commission may disapprove the Certificate of Appropriateness or schedule a new hearing to consider  
2 the application. Failure to submit a revised application containing all modifications required by the  
3 Historic Preservation Commission within thirty (30) days of the decision shall be deemed to constitute  
4 disapproval of the application.

5 (c) The decision of the Historic Preservation Commission, in approving, approving with  
6 conditions, disapproving or modifying an application, shall be final except upon the valid modification  
7 of the Historic Preservation Commission's decision on the permit application by the Planning  
8 Commission as provided in Section 1114 of this Article, or upon the filing of a valid appeal to the Board  
9 of Appeals or Board of Supervisors as provided in Section 1115 of this Article.

11 (d) The Historic Preservation Commission's determination that a building qualifies or  
12 fails to qualify as a Compatible Rehabilitation is a final administrative decision.

13 (e) Time Limit for Exercise. The decision on the permit application to alter a  
14 designated Significant or Contributory building or building within Conservation District pursuant  
15 to this Article shall be valid for a period of three (3) years from the date it becomes final, after  
16 which time it shall be null and void if all permits have not been issued by the City to allow the  
17 project to proceed to completion in compliance with the decision on the permit application.

18 (f) Reconsideration. When an application for a permit to alter a designated Significant  
19 or Contributory building or building within Conservation District has been disapproved by the  
20 Historic Preservation Commission, no application, the same or substantially the same as that which  
21 was disapproved, shall be resubmitted to or reconsidered by the Historic Preservation Commission  
22 for a period of one year from the final action upon the earlier application.

23 SEC. 1111.4. Administrative Approval of Permit to Alter.  
24  
25

1 If the Historic Preservation Officer has determined that a proposed activity constitutes a Minor  
2 Alteration pursuant to the criteria set forth in Section 1111.1 of this Article, the Historic  
3 Preservation Officer may issue an Administrative Permit to Alter which shall be subject to the  
4 following procedures:

5 (a) Within ten (10) days after the date the Historic Preservation Officer issues an  
6 Administrative Permit to Alter, the Historic Preservation Officer shall provide written notification  
7 of the determination to the applicant and to any individuals or organizations that have requested in  
8 writing or email to be notified of such determinations.

9 (b) The Administrative Permit to Alter shall be placed on the consent calendar for the  
10 next meeting of the Historic Preservation Commission to be held at least ten (10) days following the  
11 date of the written notification required by subsection (a) above. Except as provided in subsection  
12 (d) below, the notice and hearing requirements provided in Section 1111.2 of this Article shall not  
13 be required.

14 (c) At or prior to the scheduled meeting of the Historic Preservation Commission, any  
15 member of the public may object in writing to the issuance of the Administrative Permit to Alter,  
16 including but not by limitation the determination that the alteration constitutes a Minor Alteration,  
17 and request that the Historic Preservation Commission schedule the proposed activity for a public  
18 hearing.

19 (d) At the scheduled meeting of the Historic Preservation Commission, any member of  
20 the Historic Preservation Commission or the public may request that the proposed activity be  
21 removed from the consent calendar and scheduled for public hearing at the same or at a future  
22 meeting, in which event, the Historic Preservation Commission shall consider the proposed  
23 alteration permit pursuant to the requirements of Sections 1111.2 and 1111.3 of this Article.

24 (e) If the proposed activity is not removed from the consent calendar or is approved, the  
25 Administrative Permit to Alter shall become final and shall be treated as an approved Permit to

1 Alter for all purposes of this Article; provided, however, that the Zoning Administrator may take  
2 any action with respect to the application otherwise authorized.

3 SEC. 1111.5. Standards and Requirements for Review of Applications for Alterations.

4 The Historic Preservation Commission, Board of Appeals, the City Planning Commission,  
5 the Director of Planning, and the Board of Supervisors shall be governed by the following  
6 standards in the review of applications for major alteration permits. In all such proceedings, the  
7 applicant has the burden of establishing that the standards and have been met.

8 (a) General Standards.

9 (1) The proposed alteration shall be consistent with and appropriate for the effectuation  
10 of the purposes of this Article.

11 (2) Secretary of the Interior's Standards. The Secretary of the Interior's Standards for  
12 Rehabilitation (codified in Code of Federal Regulations Volume 36 Section 67 as may be amended  
13 from time to time) shall be used by the Historic Preservation Commission in its review of  
14 applications for major alteration permits and permits for additions and new construction.

15 Additional treatment methods for the preservation, reconstruction and restoration of cultural  
16 resources listed in the Secretary of the Interior's Standards for the Treatment of Historic Properties  
17 shall also be used by the Historic Preservation Commission in its review of permit applications.

18 (3) In the event of any conflict between the Secretary's Standards and any other  
19 standards and controls set forth in this Section 1111.5 or contained in the designating ordinance or  
20 Appendix which describes a Conservation District in which a building is located, the more  
21 protective standards shall control.

22 (b) For Significant Buildings - Categories I and II, and for Contributory Buildings -  
23 Categories III and IV, proposed alterations shall not adversely affect any significant historical or  
24 architectural feature of the building and shall meet the following standards which are based in part  
25

1 on the Secretary of the Interior's Standards for Rehabilitation and are contained in the Preserving  
2 the Past section of the Downtown Plan, a component of the General Plan:

3 (1) The distinguishing original qualities or character of the building shall not be  
4 damaged or destroyed. Any distinctive architectural feature which affects the overall appearance of  
5 the building shall not be removed or altered unless it is the only feasible means to protect the public  
6 safety; and

7 (2) The integrity of distinctive stylistic features or examples of skilled craftsmanship that  
8 characterize a building shall be preserved; and

9 (3) Distinctive architectural features which are to be retained pursuant to Paragraph  
10 (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In the  
11 event replacement is necessary, the new material shall match the material being replaced in  
12 composition, design, color, texture, and other visual qualities. Repair or replacement of missing  
13 architectural features shall be based on accurate duplication of features, substantiated by historic,  
14 physical or pictorial evidence, if available, rather than on conjectural designs or the availability of  
15 different architectural elements from other buildings or structures. Replacement of nonvisible  
16 structural elements need not match or duplicate the material being replaced; and

17 (4) Contemporary design of alterations may be permitted, provided that such alterations  
18 do not destroy significant exterior architectural material and that such design is compatible with  
19 the size, scale, color, material and character of the building and its surroundings. Greater latitude  
20 may be given for alteration of the ground-floor frontage necessary to adapt the space for ground  
21 floor uses.

22 (c) In the case of Significant Buildings - Category I, any additions to height of the  
23 building (including addition of mechanical equipment, elevator penthouses and other rooftop  
24 features) shall be limited to one story above the height of the existing roof, provided that the  
25 standards set forth in this Section 1111.5 shall be met, including, without limitation, the Secretary

1 of the Interior's Standards for new additions, exterior alterations, and adjacent or related new  
2 construction, and provided that the addition shall not be visible when viewing the principal facades  
3 and shall in no event cover more than 75 percent of the roof area.

4 (d) In the case of Significant Buildings - Category II, additions to height of the building  
5 (including addition of mechanical equipment, elevator penthouses and other rooftop features) may  
6 be permitted at the rear of the building on that portion of the lot not restricted in Appendix B even if  
7 such structure or addition will be visible when viewing the principal facades, provided that such  
8 addition or new construction can be done without affecting the architectural quality of the building  
9 or its relationship to the environment or the appearance of the retained portion as a separate  
10 structure when viewing the principal facades, and provided that the standards set forth in this  
11 Section 1111.5 shall be met, including, without limitation, the Secretary of the Interior's Standards  
12 for new additions, exterior alterations, and adjacent or related new construction.

13 (e) Standards for Review of Major Alterations in Conservation Districts. For all  
14 applications pertaining to buildings located within Conservation Districts, including, without  
15 limitation, additions to Significant Buildings pursuant to (c) and (d) above, the proposed work shall  
16 comply with all standards and guidelines set forth in Sections 6 and 7 of the Appendix which  
17 describes the District in addition to the applicable standards and controls set forth in this Section  
18 1111.5; provided that, in the event of any conflict between the standards and controls set forth in  
19 this Section 1111.5 and those contained in the Appendix which describes the District, the more  
20 protective standards shall control.

21 (f) Within Conservation Districts, all major exterior alterations to Category V Buildings  
22 shall be compatible in scale and design with the District as set forth in Sections 6 and 7 of the  
23 Appendix, which describes the District.

24 (g) Applications for permits to alter any Category V Building in a Conservation District,  
25 which are subject to review pursuant to Section 309 of this Code, shall only be approved pursuant

1 to Section 309 if they meet the standards set forth in this Section 1111.5 and if the application for  
2 the proposed alteration has been reviewed by the Historic Preservation Commission pursuant to  
3 this Article.

4 Sec. 1111.6. Permits for Signs.

5 (a) Installation of a new general advertising sign is prohibited in any Historic District  
6 or Conservation District or on any historic property regulated by this Article 11.

7 (b) Wherever a permit for a sign is required pursuant to Article 6 of this Code, an  
8 application for such permit shall be governed by the provisions of this Section in addition to those  
9 of Article 6.

10 (c) Apart from and in addition to any grounds for approval or disapproval of the  
11 application under Article 6, an application involving a permit for a business sign, identifying sign,  
12 or nameplate to be located on a Significant or Contributory Building or any building in a  
13 Conservation District may be disapproved, or approved subject to conditions if the proposed  
14 location, materials, means of illumination or method or replacement of attachment would adversely  
15 affect the special architectural, historical or aesthetic significance of the building or the  
16 Conservation District. No application shall be denied on the basis of the content of the sign.

17 (d) The Historic Preservation Commission may adopt guidelines for appropriate  
18 signage to be located on Significant or Contributory Buildings or on buildings located in  
19 Conservation Districts and may thereafter delegate to the Historic Preservation Officer the  
20 authority to administratively approve or disapprove applications for sign permits pursuant to  
21 Section 1111.4 of this Article without referral to the Historic Preservation Commission. Otherwise,  
22 such applications for sign permits shall be referred to the Historic Preservation Commission for  
23 consideration and decision pursuant to the provisions of this Article.

24 SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS  
25 AND BUILDINGS IN CONSERVATION DISTRICTS.



1 No person shall demolish or cause to be demolished all or any part of a Significant or  
2 Contributory Building or any building in a Conservation District without obtaining a demolition or  
3 alteration permit pursuant to the provisions of this Article. The Historic Preservation Commission  
4 shall have the authority to approve, disapprove, or modify all applications for permits to demolish  
5 designated Significant or Contributory Buildings or buildings within Conservation Districts under  
6 this Article. Applications for permits to demolish Category V Buildings located outside a  
7 Conservation District may be processed without reference to this Article. For all purposes of this  
8 Article, demolition shall be as defined in Section 1007.1(a) of Article 10 of this Code.

9 SEC. 1112.1. Applications for a Permit To Demolish.

10 (a) Referral. Applications for a permit to demolish any Significant or Contributory  
11 Building or a building in any Conservation District shall be referred to the Historic Preservation  
12 Officer by the Central Permit Bureau within five (5) days of receipt.

13 (b) Required Filing. All permit applications to demolish any Significant or Contributory  
14 Building or a building in any Conservation District shall be filed with the Historic Preservation  
15 Officer by the owners of the property or their authorized agents, together with the required fee.

16 (b) Content of Applications. The content of applications to demolish any Significant or  
17 Contributory Building or a building in any Conservation District shall be in accordance with the  
18 policies, rules and regulations adopted by the Historic Preservation Commission. The applications  
19 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all  
20 information required to assure the presentation of pertinent facts for proper consideration of the  
21 application and for the permanent record. The application shall be accompanied by photographs  
22 and detail plans and specifications showing the existing exterior architectural appearance and  
23 features, including but not limited to texture of materials, architectural design and detail of the  
24 structure, and showing the site in the context of its surroundings. In addition, all applications to  
25

1 demolish any Significant or Contributory Building or a building in any Conservation District shall  
2 contain the following information:

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

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

15 (3) Applications for demolition shall also contain a description of any Transferable  
16 Development Rights (TDR) or the right to such rights which have been transferred from the  
17 property, a statement of the quantity of such rights and untransferred rights remaining, the amount  
18 received for rights transferred, the transferee, and a copy of each document effecting a transfer of  
19 such rights. Properties which are or may be eligible for the transfer of TDR from the property shall  
20 contain a description of the rights available for transfer, the quantity of such rights and the current  
21 estimated value of such rights.

22 (4) For all proposed demolitions within Conservation Districts, detail plans for the  
23 proposed new construction.

24 (5) The applicant shall also be required to file with his/her application the information  
25 needed for the preparation and mailing of notices as required in Section 1111.2(a) of this Article.

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

4 (d) Review of Applications.

5 (1) An application for a permit to demolish any Significant or Contributory Building or  
6 a building in any Conservation District shall first be reviewed by the Historic Preservation Officer  
7 who shall determine whether or not the application is complete and accurate. Incomplete or  
8 inaccurate applications shall be returned to the applicant.

9 (2) Once the application has been determined to be complete and accurate, the Historic  
10 Preservation Officer shall determine the designation of the building and whether any TDR have  
11 been transferred from the lots of such buildings, and shall review and evaluate the project for  
12 consistency with the standards for review of demolition applications set forth in Section 1112.4 of  
13 this Article.

14 SEC. 1112.2. Consideration by the Historic Preservation Commission.

15 The Historic Preservation Commission shall hold a public hearing on applications to demolish a  
16 Significant or Contributory Building or building in any Conservation District pursuant to the  
17 following procedures:

18 (a) Scheduling and Notice of Hearing. The Historic Preservation Commission shall  
19 hold a public hearing on the proposed demolition within forty-five days (45) after the application  
20 has been determined complete and accurate. Notice of the time, place and purpose of the hearing  
21 shall be given not less than ten (10) days prior to the date of the hearing as follows:

22 (1) By mail to the applicant.

23 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries  
24 the site of the building that is the subject of the application, using for this purpose the names and  
25 addresses of the owners as shown on the latest equalized assessment roll in the office of the Tax

1 Collector. Failure to send notice by mail to any such property owner where the address of such  
2 owner is not shown on such assessment roll shall not invalidate any proceedings in connection with  
3 such action.

4 (3) By mail to all other interested parties who have in writing or email to the Historic  
5 Preservation Officer requested such notices.

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

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

9 (6) The notice shall include a photo of the existing resource, a description of its historic  
10 significance, detail plans for new construction proposed for the site, and all other items required  
11 under Section 311(c)(5) of this Code.

12 (b) Report and Recommendation. The Historic Preservation Officer shall make all  
13 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
14 and shall prepare a written report containing the results of the review and evaluation with written  
15 recommendations, including, without limitation, accurate and complete information on TDR in  
16 relation to the project site and the results of the environmental review of the proposed project under  
17 CEQA or NEPA, including, without limitation, any environmental impact report, negative  
18 declaration or determination that the project is exempt from environmental review, together with  
19 proposed findings and a motion. The recommendation may be to approve, approve with conditions,  
20 disapprove or modify the application. The report, together with the complete application for the  
21 proposed demolition and proposed new construction, shall be submitted to the Historic  
22 Preservation Commission at least five (5) days prior to the date set for hearing. The applicant and  
23 any other person who so requests shall be supplied with a copy of the report and recommendations  
24 of the Historic Preservation Officer.

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

4 (d) Continuations. The Historic Preservation Commission shall determine the instances  
5 in which the demolition permit application scheduled for hearing may be continued or taken under  
6 advisement. The Historic Preservation Commission may also continue a hearing on an application  
7 pending accurate and complete information on TDR in relation to the project site or pending  
8 completion of adequate and complete environmental review of the proposed project. In such cases,  
9 new notice need not be given of the further hearing date, provided such date is announced at the  
10 scheduled hearing.

11 SEC. 1112.3. Decision by the Historic Preservation Commission.

12 (a) The Historic Preservation Commission may approve, approve with conditions,  
13 disapprove or modify an application for a permit to demolish a designated Significant or  
14 Contributory building or a building within a Conservation District. The Historic Preservation  
15 Commission's decision shall be in writing and shall state the findings of fact relied upon in  
16 reaching the decision, which findings of fact shall become a material part of the final decision on  
17 the permit to demolish. If the Historic Preservation Commission disapproves the application for  
18 the permit to demolish, it shall recommend disapproval to the Central Permit Bureau, which shall  
19 deny the application.

20 (b) In all cases where the Historic Preservation Commission has made a decision to  
21 require modifications to an application, the applicant shall submit, within thirty (30) days of the  
22 decision by the Historic Preservation Commission, a revised application containing all  
23 modifications prior to a final action of the Historic Preservation Commission. In such cases the  
24 hearing may be continued until the revised application has been submitted. A new notice need not  
25 be given of the further hearing date, provided such date is announced at the scheduled hearing;

1 provided, however, that if the applicant does not revise the application within said 30-day period or  
2 if the revised application is determined to be inconsistent with the Historic Preservation  
3 Commission's decision, the Historic Preservation Commission may disapprove the Certificate of  
4 Appropriateness or schedule a new hearing to consider the application. Failure to submit a revised  
5 application containing all modifications required by the Historic Preservation Commission within  
6 thirty (30) calendar days of the decision shall be deemed to constitute disapproval of the  
7 application.

8 (c) The decision of the Historic Preservation Commission, in approving, approving with  
9 conditions, disapproving or modifying an application, shall be final except upon the valid  
10 modification of the Historic Preservation Commission's decision on the permit application by the  
11 Planning Commission as provided in Section 1114 of this Article or upon the filing of a valid  
12 appeal to the Board of Appeals or Board of Supervisors as provided in Section 1115 of this Article.

13 (d) Time Limit for Exercise. The decision on the application for a permit to demolish a  
14 designated Significant or Contributory building or building within Conservation District pursuant  
15 to this Article shall be valid for a period of three (3) years from the date it becomes final, after  
16 which time it shall be null and void if all permits have not been issued by the City to allow the  
17 project to proceed to completion in compliance with the approved application.

18 (e) Reconsideration. When an application for a permit to demolish a designated  
19 Significant or Contributory building or building within Conservation District has been disapproved  
20 by the Historic Preservation Commission, no application, the same or substantially the same as that  
21 which was disapproved, shall be resubmitted to or reconsidered by the Historic Preservation  
22 Commission for a period of one year from the final action upon the earlier application.

23 SEC. 1112.4. Standards and Requirements for Review of Applications to Demolish.

24 The Historic Preservation Commission, Board of Appeals, the City Planning Commission,  
25 the Director of Planning, and the Board of Supervisors shall be governed by the following

1 standards and criteria in their review and consideration of applications for permits to demolish any  
2 Significant or Contributory Buildings. In all such proceedings, the applicant has the burden of  
3 establishing that the standards and criteria have been met.

4 (a) For Significant Buildings - Categories I and II, and Contributory Buildings -  
5 Categories III and IV from which TDR have been transferred, no demolition permit may be  
6 approved unless the following findings are made: (1) on the basis of independent verification, the  
7 building is rendered unsafe for occupancy; is infeasible for rehabilitation due to fire, earthquake,  
8 or similar circumstances, or was substantially and irretrievably deteriorated prior to adoption of  
9 the Downtown Plan; or (2) no reasonable use can be made of the building.

10 (b) For Contributory Buildings - Categories III and IV from which no TDR have been  
11 transferred, a demolition permit may be approved provided that the following findings are made:

12 (1) On the basis of independent verification, the building is rendered unsafe for  
13 occupancy; is infeasible for rehabilitation due to fire, earthquake, or similar circumstance, or was  
14 substantially and irretrievably deteriorated prior to adoption of the Downtown Plan; or

15 (2) On the basis of substantial evidence in the record, that the property retains no  
16 reasonable remaining market value or reasonable use, taking into account the costs of  
17 rehabilitation to meet the requirements of the Building Code; and taking into consideration the  
18 provisions of the State Historic Building Code, the availability of TDR, property tax savings that  
19 may be available under the Mills Act, federal rehabilitation tax credits, and any other relevant  
20 factors. Costs of rehabilitation necessitated by alterations made: (i) in violation of this Article or  
21 Article 10 of this Code, (ii) by demolition in violation of this Article or Article 10 of this Code, (iii)  
22 by failure of the current or prior owners to maintain the property whether by intention or neglect in  
23 violation of Section 1117 of this Article or Planning Code Section 1011; or (iv) to expand the  
24 square footage or make alterations inconsistent with the standards of Section 1111.5 of this Article,  
25 may not be included in the calculation of rehabilitation costs for this purpose.

1       (b) For all buildings located within Conservation Districts, whether pertaining to  
2 Significant Buildings - Categories I and II, or a Contributory Building - Category IV, or an  
3 Unrated Building - Category V, whether or not TDR have been transferred from the site, no  
4 demolition permit shall be approved until an application for the new or replacement structure has  
5 been approved by the Historic Preservation Commission in accordance with the standards for new  
6 construction in a Conservation District as provided in Section 1113 of this Article, and the building  
7 or site permit conforming to such approval has been lawfully issued.

8       (c) For a Contributory Building – Category III, located outside of a Conservation  
9 District, no demolition permit shall be approved until an application for the new or replacement  
10 structure has been approved by the Historic Preservation Commission, and the Historic  
11 Preservation Commission has found that the proposed replacement structure will not adversely  
12 affect the character, scale or design qualities of the general area in which it is located, whether by  
13 reason of the quality of the proposed design or by virtue of the relationship of the replacement  
14 structure to its setting, and the building or site permit conforming to such approval has been  
15 lawfully issued.

16       (d) Suspension of Action. The Historic Preservation Commission may determine, in its  
17 sole discretion, that additional time is necessary to make the findings required by this Section, or to  
18 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,  
19 the Historic Preservation Commission may suspend action on the application for a period not to  
20 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good  
21 cause shown, extend the suspension for an additional period not to exceed 180 days.

22       (e) Independent Experts. The Historic Preservation Commission may call upon the  
23 services of an independent expert to aid in evaluation of the economic, structural, engineering,  
24 construction or other data when reasonably necessary for decisions regarding demolition or major  
25 alterations. The applicant shall pay for the reasonable costs of the services of such independent



1 expert(s) who shall be selected and hired by, and report directly to, the Historic Preservation  
2 Commission or Historic Preservation Officer.

3 SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION  
4 DISTRICTS.

5 No person shall construct or cause to be constructed any new or replacement structure, or  
6 addition to any existing structure in a Conservation District unless the application for the new or  
7 replacement structure or addition has been approved by the Historic Preservation Commission in  
8 accordance with the standards set forth in Section 1113.1 of this Article. The Historic Preservation  
9 Commission shall have the authority to approve, disapprove, or modify all applications for permits  
10 for new or replacement structures or additions to any existing structure within Conservation  
11 Districts under this Article, subject to appeal as set forth in this Article 11.

12 SEC. 1113.1 Standards for Review of New and Replacement Structures.

13 The Historic Preservation Commission, Board of Appeals, the City Planning Commission,  
14 the Director of Planning, and the Board of Supervisors shall be governed by the following  
15 standards and criteria in their review and consideration of applications for new or replacement  
16 structures or additions to any existing structures in a Conservation District. In all such  
17 proceedings, the applicant has the burden of establishing that the standards and criteria have been  
18 met.

19 (1) The proposed new or replacement construction shall (i) be compatible with respect  
20 to the massing and composition, scale and proportion, height, materials, color, texture, detailing  
21 and ornamentation, style, signage and other features of the District as set forth in Sections 6 of the  
22 Appendix which describes the District; and (ii) conform to each of the specific standards and the  
23 guidelines for review of new construction for the District as set forth in Section 7 of the Appendix  
24 which describes the District.

1       (2) Applications for a building or site permit to construct or add to a structure in any  
2 Conservation District which are subject to review pursuant to Section 309 of this Code shall only  
3 be approved pursuant to Section 309 if they meet the standards set forth herein and if the building  
4 or site permit application has first been reviewed by the Historic Preservation Commission  
5 pursuant to this Article.

6       (3) If the building is constructed in accordance with such approvals, and if the building  
7 is located in a Conservation District for which, pursuant to the Appendix establishing that District,  
8 such a transfer is permitted, the building shall be deemed a Compatible Replacement Building, and  
9 the lot on which such building is located shall be eligible as a Preservation Lot for the transfer of  
10 TDR.

11       SEC. 1114. PLANNING COMMISSION RIGHT TO MODIFY A DECISION OF THE  
12 HISTORIC PRESERVATION COMMISSION.

13       SEC. 1114.1. Projects Requiring Multiple Approvals.

14       (a) For project applications that require multiple planning approvals, the Historic  
15 Preservation Commission must review and act on any application for a permit to alter pursuant to  
16 the provisions of Sections 1110 through 1111.6 before any other planning approval action.

17       (b) Only as to those projects that (1) require a Planning Commission hearing on either  
18 a conditional use permit under Section 303 of this Code as of November 4, 2008, or permit review  
19 in C-3 Districts under Sections 309 and 309.1 of this Code in effect as of November 4, 2008 and (2)  
20 do not concern a designated Significant (Categories I and II) or Contributory (Category III only)  
21 building, the Planning Commission may modify a decision of the Historic Preservation Commission  
22 on a permit to alter by a two-thirds vote of its members, pursuant to the following:

23       (1) Any consideration by the Planning Commission of whether to modify a decision of  
24 the Historic Preservation Commission on a permit to alter shall take place during the noticed  
25 hearing on the related conditional use permit or Section 309 permit review.

1           (2) In its consideration as to whether to modify a decision of the Historic Preservation  
2 Commission on a permit to alter, the Planning Commission may consider policies set forth in the  
3 General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its  
4 decision, the Planning Commission shall apply all applicable historic resources provisions of this  
5 Code, including the provisions of Sections 1110 through 1111.6 of this Article governing permits to  
6 alter and, as to any buildings located within Conservation Districts, the standards and guidelines  
7 set forth in Sections 6 and 7 of the Appendix which describes the District; and, if the subject  
8 building is also a landmark under Article 10 of this Code, the Planning Commission shall also  
9 apply all applicable historic resources provisions of Article 10 this Code, including the applicable  
10 provisions of Section 1007, and any specific controls and standards embodied in the designating  
11 ordinance.

12           (3) Any decision of the Planning Commission to modify a decision of the Historic  
13 Preservation Commission on a permit to alter shall require a two-thirds vote of its members and the  
14 Planning Commission's resolution shall include a statement of reasons for the modification,  
15 including identification of policies or objectives that would be promoted by a modification of the  
16 Historic Preservation Commission's decision, and findings as to how the Planning Commission's  
17 decision complies with all applicable historic resources provisions of this Code.

18           (4) Any proposed modification of a decision of the Historic Preservation Commission on  
19 a permit to alter that would expand, broaden, enlarge or materially modify the scope of the work  
20 proposed under the permit to alter that was considered by the Historic Preservation Commission  
21 pursuant to Sections 1110 through 1111.6 of this Article shall be referred back to the Historic  
22 Preservation Commission for consideration before the Planning Commission's action to modify the  
23 Historic Preservation Commission's decision becomes final. In all cases of referral back, the  
24 proposal shall be heard by the Historic Preservation Commission as a new application according  
25 to the requirements set forth in this Article 11 for a permit to alter, except that newspaper notice

1 need only be given ten (10) days prior to the date of the hearing. The Historic Preservation  
2 Commission shall review the modifications within a reasonable period of referral back. In the  
3 event the Historic Preservation Commission does not review the modifications within a reasonable  
4 period, the Planning Commission may finalize its decision.

5 (c) If the Planning Commission takes Discretionary Review of any project upon which  
6 the Historic Preservation Commission has made a decision on a permit to alter pursuant to this  
7 Article, any decision of the Planning Commission that would , broaden, enlarge or materially  
8 modify the scope of the work proposed under the permit that was considered by the Historic  
9 Preservation Commission shall be referred back to the Historic Preservation Commission for  
10 review, which may approve, disapprove, or approve with conditions, any changes proposed by the  
11 Planning Commission. In all cases of referral back to the Historic Preservation Commission under  
12 this subsection, the proposal shall be heard by the Historic Preservation Commission as a new  
13 application according to the requirements set forth in this Article for a permit to alter, except that  
14 newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic  
15 Preservation Commission shall review the modifications within a reasonable period of referral  
16 back. In the event the Historic Preservation Commission does not review the modifications within a  
17 reasonable period, the Planning Commission may finalize its decision.

18 SEC. 1114.2. Projects Located on Vacant Lots.

19 As to projects located on vacant lots in Conservation Districts, the Planning Commission may  
20 modify a decision of the Historic Preservation Commission by a two-thirds vote of its members,  
21 pursuant to the following:

22 (a) Within ten (10) days of a decision of the Historic Preservation Commission on a  
23 permit for a project for new or replacement construction on a vacant lot in a Conservation District,  
24 the Planning Commission may, upon its own motion, adopt of a resolution of intent to review and  
25 consider modifying the decision of the Historic Preservation Commission. Said resolution shall

1 identify the policies or objectives that would be promoted by a modification of the decision of the  
2 Historic Preservation Commission, or shall state why this Article has not been complied with.

3 (b) The Planning Commission shall review and consider any proposed modification of  
4 the decision of the Historic Preservation Commission on such permit at a public hearing to be held  
5 within twenty (20) days of the adoption of the resolution of intent. Notice of such meeting(s) shall  
6 be given not less than ten (10) days prior to the meeting date in the same manner as required for  
7 the Historic Preservation Commission's hearing on such a permit.

8 (c) In its consideration as to whether to modify a decision of the Historic Preservation  
9 Commission on such permit, the Planning Commission may consider policies set forth in the  
10 General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its  
11 decision, the Planning Commission shall apply all applicable historic resources provisions of this  
12 Code, including the applicable provisions of Section 1113 of this Article and, as to any project for a  
13 new or replacement structure to be located within a Conservation District, the standards and  
14 guidelines set forth in Sections 6 and 7 of the Appendix which describes the District; and, if the  
15 subject property is also located within a historic district under Article 10 of this Code, the Planning  
16 Commission shall also apply all applicable historic resources provisions of Article 10 this Code,  
17 including the applicable provisions of Section 1007, and any specific controls and standards  
18 embodied in the designating ordinance.

19 (d) Any decision of the Planning Commission to modify a decision of the Historic  
20 Preservation Commission on a permit for new or replacement construction on a vacant lot in a  
21 Conservation District shall require a two-thirds vote of its members, and the Planning  
22 Commission's resolution shall include a statement of reasons for the modification, including  
23 identification of policies or objectives that would be promoted by a modification of the decision,  
24 and findings as to how the Planning Commission's decision complies with all applicable historic  
25 resources provisions of this Code, including those listed in (c) above.

1 (e) Any proposed modification of a decision of the Historic Preservation Commission on  
2 a permit for a project located on a vacant lot pursuant to this Section 1114.2 that would expand,  
3 broaden, enlarge or materially modify the scope of the work proposed under the permit application  
4 that was considered by the Historic Preservation Commission shall be referred back to the Historic  
5 Preservation Commission for consideration before the Planning Commission's action to modify the  
6 decision of the Historic Preservation Commission becomes final. In all cases of referral back, the  
7 proposal shall be heard by the Historic Preservation Commission as a new proposal according to  
8 the requirements set forth in this Article, except that newspaper notice need only be given ten (10)  
9 days prior to the date of the hearing. The Historic Preservation Commission shall review the  
10 modifications within a reasonable period of referral back. In the event the Historic Preservation  
11 Commission does not review the modifications within a reasonable period, the Planning  
12 Commission may finalize its decision.

13 SEC. 1115. APPEALS.

14 SEC. 1115.1. Right of Appeal. The Historic Preservation Commission's decision on a  
15 permit pursuant to this Article 11, or the Planning Commission's modification of a Historic  
16 Preservation Commission's decision pursuant to Section 1114 of this Article, shall be final unless  
17 appealed to the Board of Appeals, which may modify the decision of the Historic Preservation  
18 Commission by a 4/5 vote; provided, however, that if the project requires Board of Supervisors  
19 approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be  
20 appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the  
21 Historic Preservation Commission's decision, or Planning Commission's modification of the  
22 decision, by a majority vote. A decision appealed to the Board of Appeals shall not become  
23 effective unless and until the Board of Appeals' decision becomes final. Any decision appealed to  
24 the Board of Supervisors shall not become effective until the Board of Supervisors' approval or  
25 action on the appeal. Nothing in this Section shall be construed to authorize the appeal of any

1 decision of the Historic Preservation Commission under Section 1112.4(d) of this Article to suspend  
2 action on a permit application.

3 SEC. 1115.2. Appeals to the Board of Appeals.

4 (a) Any appeal under this Section 1115.2 to the Board of Appeals shall be taken by filing  
5 written notice of appeal with the Board of Appeals within (15) days after the date of the decision by  
6 the Historic Preservation Commission or the Planning Commission, where applicable, by the  
7 property owner or any interested party in writing to the Board of Appeals.

8 (b) Notice of any appeal to the Board of Appeals under this Section 1115.2 shall, in  
9 addition to being given pursuant to the notice requirements of the Board of Appeals, be given to:  
10 (1) the owners of all real property within 300 feet of the exterior boundaries of any property that is  
11 the subject of the appeal, and (3) to all other interested parties who have in writing or email to the  
12 Historic Preservation Officer requested such notices.

13 (c) Any decision of the Board of Appeals under this Section 1115.2 to modify a decision  
14 of the Historic Preservation Commission, or the Planning Commission's modification of such a  
15 decision pursuant to Section 1114 of this Article, shall require a 4/5 vote of its members.

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

18 SEC. 1115.3. Appeals to the Board of Supervisors.

19 (a) The Historic Preservation Commission's decision on a permit pursuant to this  
20 Article 11, or the Planning Commission's modification of a Historic Preservation Commission's  
21 decision pursuant to Section 1114 of this Article, is subject to appeal to the Board of Supervisors  
22 only if the project requires Board of Supervisors approval or is appealed to the Board of  
23 Supervisors as a conditional use.

24 (b) Any appeal under this Section 1115.3 to the Board of Supervisors shall be taken by  
25 filing written notice of appeal with the Board of Supervisors within fifteen (15) days after the date

1 of the decision by the Historic Preservation Commission or the Planning Commission, where  
2 applicable, by the property owner or any interested party in writing to the Clerk of the Board of  
3 Supervisors.

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

11 (d) Any decision of the Board of Supervisors under this Section 1115.3 to modify a  
12 decision of the Historic Preservation Commission, or the Planning Commission's modification of  
13 such a decision pursuant to Section 1114 of this Article, shall require a majority vote of its  
14 members.

15 SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

16 Where the Director of the Department of Building Inspection or Chief of the Fire Department  
17 determines that a condition on or within a Significant or Contributory Building is unsafe or  
18 dangerous and determines further that repair or other work rather than demolition will not threaten  
19 the public safety, said official shall, after consulting with the Historic Preservation Commission, to  
20 the extent feasible, determine the measures of repair or other work necessary to correct the  
21 condition in a manner which, insofar as it does not conflict with State or local requirements, is  
22 consistent with the purposes and standards set forth in this Article.

23 SEC. 1117. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

24 (a) Maintenance. The owner, lessee, or other person in actual charge of a Significant or  
25 Contributory Building shall comply with all applicable codes, laws and regulations governing the



1 maintenance of property. It is the intent of this Section to preserve from deliberate or inadvertent  
2 neglect the exterior features of buildings designated Significant or Contributory, and the interior  
3 portions thereof when such maintenance is necessary to prevent deterioration and decay of the  
4 exterior. All such buildings shall be preserved against such decay and deterioration and free from  
5 structural defects through prompt corrections of any of the following defects:

6 (1) Facades which may fall and injure members of the public or property;

7 (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor  
8 supports, deteriorated walls or other vertical structural supports;

9 (3) Members of ceilings, roofs, ceiling and roof supports, parapets, cornices, or other  
10 horizontal members which sag, split or buckle due to defective material or deterioration;

11 (4) Deteriorated ornamental features;

12 (5) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or  
13 floors, including broken windows or doors;

14 (6) Defective or insufficient weather protection for exterior wall covering, including  
15 lack of paint or weathering due to lack of paint or other protective covering;

16 (7) Any fault or defect in the building which renders it not properly watertight or  
17 structurally unsafe.

18 (b) Enforcement Procedures. Failure to maintain property as provided herein shall be  
19 unlawful and is hereby declared to be a public nuisance. Violations of this Section 1117 shall be  
20 subject to enforcement procedures as set forth in Sections 1118 and 1119 of this Article, and as set  
21 forth in Sections 176 and 176.1 of this Code.

22 SEC. 1118. UNLAWFUL ALTERATION OR DEMOLITION.

23 (a) In addition to any other penalties provided in Section 1119 of this Article or  
24 elsewhere in this Code, alteration or demolition of a Significant or Contributory Building or any  
25 building within a Conservation District in violation of the provisions of this Article shall eliminate

1 the eligibility of the building's lot as a Preservation Lot, and such lot, if it is the site of an  
2 unlawfully demolished Significant Building, or Contributory Building from which TDR have been  
3 transferred, may not be developed in excess of the floor area ratio of the demolished building for a  
4 period of 20 years from the unlawful demolition. The Zoning Administrator shall send written  
5 notice to the property owner of such determination. No department shall approve or issue a permit  
6 that would authorize construction of a structure contrary to the provisions of this Section.

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

8 (1) As to an unlawful alteration or demolition, the owner can demonstrate to the  
9 satisfaction of the Historic Preservation Commission and the Zoning Administrator that the  
10 violation did not constitute a major alteration as defined in Section 1111.1; or

11 (2) As to an unlawful alteration, the owner restores the original distinguishing qualities  
12 and character of the building destroyed or altered, including exterior character-defining spaces,  
13 materials, features, finishes, exterior walls and exterior ornamentation. A property owner who  
14 wishes to effect a restoration pursuant to this Subsection (b)(2) shall, in connection with the filing  
15 of a building or site permit application, seek approval of the proposed restoration by the Historic  
16 Preservation Commission pursuant to the provisions of this Article 11. If the application is  
17 approved and it is determined that the proposed work will effect adequate restoration, the Historic  
18 Preservation Commission shall so find. Upon such approval, and the completion of such work, the  
19 lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set forth  
20 in Subsection (a) shall not thereafter apply. The Historic Preservation Commission may not  
21 approve the restoration unless it first finds that the restoration can be done with a substantial  
22 degree of success. The determination under this Subsection (b)(2) is a final administrative decision.

23 (c) In the event that the owner does not (1) respond to the Zoning Administrator's  
24 written notice within 30 days of the date of such notice or (2) demonstrate that no violation has  
25 occurred or (3) restore as described above, the Zoning Administrator shall cause to be filed with

1 the Recorder of the City and County of San Francisco a Notice of Special Restriction limiting the  
2 development of the site.

3 (d) In addition to the penalties described in this Section 1118, any building owner who  
4 violates this Article 10 shall be subject to the enforcement procedures and penalties described in  
5 Section 1119 of this Article and Sections 176 and 176.1 of this Code.

6 SEC. 1119. ENFORCEMENT AND PENALTIES.

7 The provisions of this Article and any provision or condition of any approval action that has been  
8 obtained pursuant to this Article shall be enforced and penalties shall be assessed as provided in  
9 Sections 176 and 176.1 of this Code.

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

18 (b) Duty to Administer and Enforce. It shall be the duty of the Director of the Planning  
19 Department, or the Director's delegate, to administer and enforce the provisions of this Article 11.  
20 Upon request, the Department of Building Inspection shall assist the Director of the Planning  
21 Department in the performance of this duty.

22 (c) Inspection of Premises. In the performance of his duties, the Director of the  
23 Planning Department and employees of the Department properly authorized to represent the  
24 Director of the Planning Department shall have the right to enter any building or premises for the  
25 purposes of investigation and inspection upon reasonable notice to the owner; and provided

1 further, that such right of entry shall be exercised only at reasonable hours, and that in no case  
2 shall entry be made to any building without notice to the owner or tenant thereof without the written  
3 order of a court of competent jurisdiction.

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

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

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

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

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

25 SEC. 1120. RELATIONSHIP TO ARTICLE 10.

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 case of  
3 conflict, the more restrictive provision shall control.

4 Notwithstanding the rating of a building in a C-3 District pursuant to the provisions of Article 11,  
5 buildings may be designated as landmarks according to the provisions of Article 10.

6 SEC. 1121. NOTICE OF AMENDMENT.

7 Except as to those amendments to this Article required to implement the provisions of the  
8 voter approved Charter Amendment creating a Historic Preservation Commission and establishing  
9 the powers and duties of such Commission, notice of any hearing before the City Planning  
10 Commission, or, if no hearing, notice of the first hearing before the Board of Supervisors, of a  
11 proposed amendment to this Article which materially alters the limitations and requirements  
12 applicable to any building or class of buildings shall be given to the owners of such buildings by  
13 mail.

14 SEC. 1122. NOTICE PROCEDURE.

15 When any provision of this Article requires notice by mail to a property owner, the officer or  
16 body providing the notice shall use for this purpose the names and addresses as shown on the latest  
17 citywide Assessment Roll in the Assessor's Office.

18 SEC. 1123. TIME PROVISIONS.

19 Unless otherwise indicated, all time provisions governing the taking of action by City  
20 officials are directory and not mandatory.

21 SEC. 1124. SEVERABILITY.

22 If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall not  
23 affect the validity of the remaining portions of this Article 11 or any part thereof. The Board of  
24 Supervisors hereby declares that it would have passed all portions of this Article irrespective of the  
25 fact that any one or more portions be declared unconstitutional or invalid.

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Section 6. The San Francisco Planning Code is hereby amended by adding new Section 176(f), to read as follows:

(f) Additional Methods of Enforcement and Penalties for Violation of Articles 10 and 11. Violations of the regulations set forth in Articles 10 and 11 are subject to the penalties and enforcement procedures set forth in Sections 1011, 1012 and 1013 of this Code in addition to those set forth in this Sections 176.

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

By: Kate Herrmann Stacy  
Deputy City Attorney