

**LEGISLATIVE DIGEST**

[Planning Code - Article 11, Historic Preservation in the C-3 Districts]

**Ordinance amending the San Francisco Planning Code, Article 11, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).**

Existing Law

Article 11 of the Planning Code, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," sets forth the requirements, procedures, and standards for designating and approving alterations and additions to and demolition of properties designated as "Significant" or "Contributory" or within Conservation Districts within the C-3 zoning districts, which are generally located in the City's downtown financial district. Article 11 establishes the various roles of the Landmarks Preservation Advisory Board (LPAB), the Planning Commission, and the Board of Supervisors, as well as the Zoning Administrator and the Planning Department, with regard to City-designated historic properties within these downtown areas. In addition to designating individual properties, Article 11 includes designation of six Conservation Districts.

Once a property has been designated, either individually or as a property within a Conservation District, under Article 11, the procedures set forth in Article 11 apply to applications for permits to alter or demolish designated properties, generally requiring a approval by the Zoning Administrator or Planning Commission, with the advice of the LPAB, for such work. Article 11 includes noticing and public hearing procedures both for designation and for permit approval.

Amendments to Current Law

The proposed ordinance would comprehensively amend Article 11 to remove reference to the former LPAB, remove most references to the Planning Commission and the Zoning Administrator, and add appropriate reference to the Historic Preservation Commission (HPC) to reflect that the LPAB no longer exists and that Charter Section 4.135 delegates all of the LPAB's and much of the Planning Commission's and Zoning Administrator's former responsibilities to the HPC.

The proposed ordinance would also make a number of changes to the procedures for designating properties under Article 11, including designating or altering designations of Conservation Districts, and for approving permits to alter or demolish, including, among others, the following:

- Only the Board of Supervisors and the HPC may initiate designation of a property under Article 11. Under the current Code, these bodies, as well as the Planning Commission, may do so. (See new Section 1106(a).)
- The Planning Department must conduct certain types of outreach to any area proposed to be designated as a new Conservation District or where a district boundary is proposed to be altered, and the property owners' opinion on the proposed designation shall be considered by the Board of Supervisors in its decision on whether to designate the district. (See new Section 1107(e).)
- Specific requirements for applications for permits to alter or demolish are set forth in Section 1111, and include specific additional requirements for applications for permits to demolish.
- The Planning Department may approve "Minor Alteration" permits for work to Article 11 properties, where the work meets certain requirements as defined by the HPC. Such work would not require the approval of the HPC unless the Department's decision is appealed to the HPC. (See new Section 1111.1.)
- In order to receive a permit to alter, the proposed work must comply with the *Secretary of the Interior's Standards for Treatment of Historic Properties* ("Secretary's Standards"). The Planning Department will develop local interpretations and guidelines based on the Secretary's Standards, which interpretations and guidelines shall be adopted by both the HPC and the Planning Commission. (See new Section 1111.6(b).)
- Standards and requirements for permits to demolish are set forth in new Section 1111.7, and include more stringent requirements for approving a demolition than in the current Code. Under the proposed legislation:
  - An application to demolish a significant building or a contributory building that has sold TDR may be approved if the property retains no substantial market value or reasonable use or if an imminent safety hazard exists.
  - For contributory buildings that have not sold TDR, an application to demolish may be approved for the previous two reasons, or additionally if the physical condition of the structure means that rehabilitation and reuse of the structure would not meet the proposed project's goals and specific economic, social, or other benefits outweigh the benefit conferred by preserving the building.
  - For unrated buildings within a Conservation District, demolition may be approved under the proposed legislation if the building has not gained historic significance since it was rated and the proposed replacement building is compatible with the district.

### Background Information

Article 11 has not been amended since the voter-approved passage of San Francisco Charter Section 4.135 in November of 2008, which abolished the LPAB, created the HPC, and removed the Planning Commission and Zoning Administrator from much of their prior roles in approving designations under Article 11 and approving permits to alter and demolish. Because the LPAB ceased to exist on December 31, 2008, the Code has been interpreted since then as referring to the HPC whenever the LPAB is mentioned.