

**Amendment of the Whole
March 19, 2007.**

FILE NO. 070021

ORDINANCE NO.

1 [Planning Code Amendment—Landmarking Interiors of Publicly-Accessible Buildings.]

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3 **Ordinance amending the San Francisco Planning Code by amending Sections 1004,**
4 **1005 and 1006.7 to provide for review of proposed changes to interior architectural**
5 **features of privately-owned landmark buildings where such features are in areas of the**
6 **landmark that are generally accessible to members of the public; and making findings,**
7 **including environmental findings and findings of consistency with the priority policies**
8 **of Planning Code Section 101.1 and the General Plan.**

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

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

14 Section 1. Findings.

15 (a) On _____ at a duly noticed public hearing, the Planning Commission in
16 Resolution No. _____ found that the proposed Planning Code amendments
17 contained in this ordinance were consistent with the City's General Plan and with Planning
18 Code Section 101.1(b). In addition, the Planning Commission recommended that the Board
19 of Supervisors adopt the proposed Planning Code amendments. A copy of said Resolution is
20 on file with the Clerk of the Board of Supervisors in File No. _____ and is
21 incorporated herein by reference. The Board finds that the proposed Planning Code
22 amendments contained in this ordinance are consistent with the City's General Plan and with
23 Planning Code Section 101.1(b) for the reasons set forth in said Resolution.

24 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed
25 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in

1 Planning Commission Resolution No. _____, which reasons are incorporated
2 herein by reference as though fully set forth.

3 (c) Environmental Findings. The Planning Department has determined that the actions
4 contemplated in this Ordinance are in compliance with the California Environmental Quality
5 Act (California Public Resources Code section 21000 et seq.). Said determination is on file
6 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
7 herein by reference.

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9 Section 2. The San Francisco Planning Code is hereby amended by amending Section
10 1004, to read as follows:

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

12 (a) Pursuant to the procedures set forth hereinafter:

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

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

20 (b) Each such designating ordinance shall include, or shall incorporate by reference
21 to the pertinent resolution of the Planning Commission then on file with the Clerk of the Board
22 of Supervisors, as though fully set forth in such designating ordinance, the location and
23 boundaries of the landmark site or historic district, a description of the characteristics of the
24 landmark or historic district ~~which~~ that justify its designation, and a description of the particular

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1 features that should be preserved. Any such designation shall be in furtherance of and in
2 conformance with the purposes of this Article 10 and the standards set forth herein.

3 (c) The property included in any such designation shall upon designation be subject
4 to the controls and standards set forth in this Article 10. In addition, the said property shall be
5 subject to the following further controls and standards if imposed by the designating
6 ordinance:

7 (1) For a publicly-owned landmark, review of proposed changes ~~in to major~~
8 significant interior architectural features;

9 (2) For a privately-owned landmark, review of proposed changes requiring a permit to
10 major significant interior architectural features in those areas of the landmark that are generally or
11 historically have been accessible to members of the public. The designating ordinance must clearly
12 describe each major significant interior architectural feature subject to this restriction.

13 ~~(2)(3)~~ For a historic district, such further controls and standards as the Board of
14 Supervisors deems necessary or desirable, including but not limited to facade, setback and
15 height controls.

16 ~~(3)(4)~~ For a City-owned park, square, plaza or garden on a landmark site, review of
17 alterations as identified in the designating ordinance.

18 (d) The Board of Supervisors may amend or rescind a designation at any time,
19 subject to all of the procedures set forth in this Article 10 for an original designation; provided,
20 however, that in the event that a landmark is accidentally destroyed or is demolished or
21 removed in conformity with the provisions of Section 1007, or is legally demolished or
22 relocated after compliance has been had with the provisions of Section 1006.2, the Director of
23 Planning may request the Planning Commission to recommend to the Board of Supervisors
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1 that the designation be amended or rescinded, and in such case the procedures for an
2 original designation set forth in Sections 1004.1, 1004.2 and 1004.3 hereof shall not apply.

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4 Section 3. The San Francisco Planning Code is hereby amended by amending Section
5 1005, to read as follows:

6 SEC. 1005. CONFORMITY AND PERMITS.

7 (a) No person shall carry out or cause to be carried out on a designated landmark
8 site or in a designated historic district any construction, alteration, removal or demolition of a
9 structure or any work involving a sign, awning, marquee, canopy, mural or other appendage,
10 for which a City permit is required, except in conformity with the provisions of this Article 10.
11 In addition, no such work shall take place unless all other applicable laws and regulations
12 have been complied with, and any required permit has been issued for said work.

13 (b)

14 (1) Installation of a new general advertising sign is prohibited in any Historic District
15 or on any historic property regulated by this Article 10.

16 (2) The Central Permit Bureau shall not issue, and no other City department or
17 agency shall issue, any permit for construction, alteration, removal or demolition of a structure
18 or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage
19 on a landmark site or in an Historic District, except in conformity with the provisions of this
20 Article 10. In addition, no such permit shall be issued unless all other applicable laws and
21 regulations have been complied with.

22 (c)

23 (1) Where so provided in the designating ordinance for a historic district, any or all
24 exterior changes visible from a public street or other public place shall require approval in
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1 accordance with the provisions of this Article 10, regardless of whether or not a City permit is
2 required for such exterior changes. Such exterior changes may include, but shall not be
3 limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and
4 other building appendages.

5 (2) The addition of a mural to any landmark or contributory structure in a historic
6 district shall require compliance with the provisions of this Article 10, regardless of whether or
7 not a City permit is required for the mural.

8 (3) Alterations to City-owned parks, squares, plazas or gardens on a landmark site,
9 where the designating ordinance identifies such alterations, shall require approval in
10 accordance with the provisions of this Article 10, regardless of whether or not a City permit is
11 required.

12 (d) The Department shall maintain with the Central Permit Bureau a current record
13 of designated landmarks and historic districts. Upon receipt of any application for a permit to
14 carry out any construction, alteration, removal or demolition of a structure or any work
15 involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or
16 in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned
17 has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly
18 forward such permit application to the Department.

19 (e) After receiving a permit application from the Central Permit Bureau in
20 accordance with the preceding subsection, the Department shall ascertain whether Section
21 1006 requires a Certificate of Appropriateness for the work proposed in such permit
22 application. If such Certificate is required and has been issued, and if the permit application
23 conforms to such Certificate, the permit application shall be processed without further
24 reference to this Article 10. If such Certificate is required and has not been issued, or if in the
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1 sole judgment of the Department the permit application does not so conform, the permit
2 application shall be disapproved or held by the Department until such time as conformity does
3 exist; the decision and action of the Department shall be final. Notwithstanding the foregoing,
4 in the following cases the Department shall process the permit application without further
5 reference to this Article 10:

6 (1) When the application is for a permit to construct on a landmark site where the
7 landmark has been lawfully demolished and the site is not within a designated historic district;

8 (2) When the application is for a permit to make interior alterations only on a
9 privately-owned structure or on a publicly-owned structure, unless the designating ordinance
10 requires review of such alterations to the privately- or publicly-owned structure pursuant to
11 Section 1004(c) hereof;

12 (3) When the application is for a permit to do ordinary maintenance and repairs
13 only. For the purpose of this Article 10, "ordinary maintenance and repairs" shall mean any
14 work, the sole purpose and effect of which is to correct deterioration, decay or damage,
15 including repair of damage caused by fire or other disaster;

16 (4) When the application is for a permit to comply with the UMB Seismic Retrofit
17 Ordinances and the Zoning Administrator determines that the proposed work complies with
18 the UMB Retrofit Architectural Design Guidelines, which guidelines shall be adopted by the
19 Planning Commission.

20 (f) For purposes of this Article 10, demolition shall be defined as any one of the
21 following:

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

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

3 (3) Removal of more than 25 percent of external walls from function as either
4 external or internal walls; or

5 (4) Removal of more than 75 percent of the building's existing internal structural
6 framework or floor plates unless the City determines that such removal is the only feasible
7 means to meet the standards for seismic load and forces of the latest adopted version of the
8 San Francisco Building Code and the State Historical Building Code.

9 (g) The following procedures shall govern review of the addition of murals to any
10 landmark or contributory structure in a historic district:

11 (1) Where the mural is proposed to be added to a landmark or contributory structure
12 in a historic district, located on property owned by the City, no Certificate of Appropriateness
13 shall be required. On such structures, the Art Commission shall not approve the mural until
14 the Advisory Board has provided advice to the Art Commission on the impact of the mural on
15 the historical structure. The Advisory Board shall provide advice to the Art Commission within
16 50 days of receipt of a written request for advice and information regarding the placement,
17 size and location of the proposed mural;

18 (2) Where the mural is proposed to be added to a landmark or contributory structure
19 in a historic district, located on property ~~which~~ that is not owned by the City, a Certificate of
20 Appropriateness shall be required. The Advisory Board shall not act on the Certificate of
21 Appropriateness until the Art Commission has provided advice to the Advisory Board on the
22 mural. The Art Commission shall provide advice to the Advisory Board within 50 days of
23 receipt of a written request for advice and information regarding the proposed mural.

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1 Section 4. The San Francisco Planning Code is hereby amended by amending Section
2 1006.7, to read as follows:

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4 SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

5 The Planning Commission, the Department, and the Advisory Board shall be guided by
6 the standards in this Section in their review of applications for Certificates of Appropriateness
7 for proposed work on a landmark site or in a historic district. In appraising the effects and
8 relationships mentioned herein, the Planning Commission, the Department and the Advisory
9 Board shall in all cases consider the factors of architectural style, design, arrangement,
10 texture, materials, color, and any other pertinent factors.

11 (a) The proposed work shall be appropriate for and consistent with the effectuation
12 of the purposes of this Article 10.

13 (b) For applications pertaining to landmark sites, the proposed work shall preserve,
14 enhance or restore, and shall not damage or destroy, the exterior architectural features of the
15 landmark and, where specified in the designating ordinance *for a publicly owned landmark*
16 *pursuant to Section 1004(c)*, its major interior architectural features. The proposed work shall
17 not adversely affect the special character or special historical, architectural or aesthetic
18 interest or value of the landmark and its site, as viewed both in themselves and in their
19 setting, nor of the historic district in applicable cases.

20 (c) For applications pertaining to property in historic districts, other than on a
21 designated landmark site, any new construction, addition or exterior change shall be
22 compatible with the character of the historic district as described in the designating ordinance;
23 and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore,
24 and not to damage or destroy, the exterior architectural features of the subject property which
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1 are compatible with the character of the historic district. Notwithstanding the foregoing, for
2 any exterior change where the subject property is not already compatible with the character of
3 the historic district, reasonable efforts shall be made to produce compatibility, and in no event
4 shall there be a greater deviation from compatibility. Where the required compatibility exists,
5 the application for a Certificate of Appropriateness shall be approved.

6 (d) For applications pertaining to all property in historic districts, the proposed work
7 shall also conform to such further standards as may be embodied in the ordinance
8 designating the historic district.

9 (e) For applications pertaining to the addition of murals on a landmark or
10 contributory structure in a historic district, the Advisory Board and the Planning Commission
11 shall consider only the placement, size and location of the mural, to determine whether the
12 mural covers or obscures significant architectural features of the landmark or contributory
13 structure. For purposes of review under this Article 10, the City shall not consider the content
14 or artistic merit of the mural.

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

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19 By: _____
Marlena G. Byrne
Deputy City Attorney

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