

1 [Planning Code--Appendix K to Article 10, Bush Street-Cottage Row Historic District.]

2
3 **Ordinance amending the San Francisco Planning Code by amending Appendix K to**
4 **Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to**
5 **set forth additional requirement for Certificates of Appropriateness; and making**
6 **findings, including findings of consistency with the General Plan and priority policies**
7 **of Planning Code Section 101.1 and environmental findings.**

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

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

12

13 Section 1. General Findings.

14 A. The Bush Street-Cottage Row Historic District was created by Board of Supervisor's
15 Ordinance No. 324-91.

16 B. The Bush Street-Cottage Row Historic District is located within the Redevelopment
17 Plan for the Western Addition Redevelopment A-2 Project Area ~~and is currently under the~~
18 ~~jurisdiction of the Redevelopment Agency.~~ Procedures found in Planning Code Article 10
19 shall not apply to the Bush Street –Cottage Row Historic District while the Redevelopment
20 Plan is in effect.

21 C. The Board of Supervisors urges the Redevelopment Agency to work cooperatively
22 with the ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission on
23 proposed exterior alterations within the Bush Street-Cottage Row Historic District as long as
24 the Redevelopment Plan is in effect.

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1 D. Appendix K to Article 10 of the Planning Code, "The Bush Street-Cottage Row
2 Historic District," contains findings of significance and describes features of existing buildings.

3 E. The remainder of the historic districts in Article 10 of the Planning Code contains
4 additional provisions for Certificate of Appropriateness. Appendix K to Article 10, "Bush
5 Street-Cottage Row Historic District," contains no additional provisions for Certificates of
6 Appropriateness.

7 F. In order to ensure that exterior alterations to buildings within the Bush Street-
8 Cottage Row Historic District are appropriately reviewed, additional provisions for Certificate
9 of Appropriateness are needed, and, thus, the following amendments are proposed.

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11 Section 2. General Plan, Planning Code Section 101.1, and Environmental Findings.

12 A. On September 4, 2008, at a duly noticed public hearing, the Planning
13 Commission, after review and comment from the Landmarks Preservation Advisory Board at a
14 duly noticed public hearing on September 3, 2008, in Resolution No. 17689 found that the
15 proposed amendments to Appendix K to Article 10 of the Planning Code, "Bush Street-
16 Cottage Row Historic District," were consistent with the City's General Plan and with Planning
17 Code Section 101.1(b). In addition, the Planning Commission recommended that the Board
18 of Supervisors adopt the proposed amendments. A copy of said Resolution is on file with the
19 Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
20 reference.

21 B. Pursuant to Charter Section 4.135, which was approved in the November 2008
22 election, the Historic Preservation Commission conducted a duly noticed public hearing on the
23 proposed amendments on May 20, 2008. In Resolution No. 634, a copy of which is on file
24 with the Clerk of the Board of Supervisors in File No. _____, the Historic Preservation
25 Commission recommended approval of the proposed amendments.

1 The Board finds that the proposed amendments are consistent with the City's General
2 Plan and with Planning Code Section 101.1(b) for the reasons set forth in said Planning
3 Commission Resolution No. 17689 and Historic Preservation Commission Resolution No.
4 634.

5 BC. Pursuant to Planning Code Section 302, the Board finds that the proposed
6 amendments to Appendix K to Article 10 of the Planning Code will serve the public necessity,
7 convenience and welfare for the reasons set forth in Planning Commission Resolution No.
8 17689, which reasons are incorporated herein by reference as though fully set forth. A copy
9 of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
10 _____.

11 CD. The Planning Department has determined that the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the
14 Board of Supervisors in File No. _____ and is incorporated herein by reference.

15 DE. The Board of Supervisors hereby affirms that the Bush Street-Cottage Row
16 Historic District has a special character and special historical, architectural, and aesthetic
17 interest and value, and that the proposed amendments to Appendix K to Article 10 of the
18 Planning Code designation will further the purposes of and conform to the standards set forth
19 in Article 10.

20
21 ~~Section 3. Planning Code Sections 1004(d) and 1004.1 require the Board of~~
22 ~~Supervisors to initiate an amendment to a designation, unless the Planning Commission, the~~
23 ~~Art Commission, or the Landmarks Preservation Advisory Board approves a resolution of~~
24 ~~intention or unless the owner of the property applies for amendment. Although a Resolution~~
25 ~~initiating the amendments contained in this Ordinance was introduced at the Board of~~

1 Supervisors, Board File No. 080778, the Board of Supervisors has not finally approved this
2 Resolution. Additionally, Planning Code Section 1004.2 requires that the Landmarks
3 Preservation Advisory Board recommend approval, disapproval or modification of a proposal
4 to amend a landmarks designation within 60 days of referral from the Board of Supervisors.
5 The Landmarks Preservation Board did review and comment on the proposed amendments
6 contained herein at its duly noticed hearing on September 3, 2008; however, it did not provide
7 a recommendation to approve, disapprove, or modify the proposal. Nevertheless, the
8 Planning Commission recommended approval of the amendments proposed herein at its duly
9 noticed hearing on September 4, 2008. The Board of Supervisors finds that the requirements
10 of Planning Code Sections 1004(d), 1004.1, and 1004.2 have been substantively complied
11 with and, thus, hereby waives any requirement that the Landmarks Preservation Advisory
12 Board recommend approval, disapproval, or modification of the proposed amendment found
13 within this Ordinance and waives any requirement that the Board of Supervisors finalize and
14 approve a resolution initiating the amendments found within this Ordinance.

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16 Section 4. The San Francisco Planning Code is hereby amended by amending
17 Appendix K to Article 10 of the Planning Code to add a new Section 7, to read as follows:

18 SEC. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS.

19 The following provisions shall apply to all applications for Certificates of Appropriateness in
20 the Bush Street-Cottage Row Historic District in addition to the procedures, requirements, controls and
21 standards of Article 10 and this Code. If any conflict or inconsistency between the following provisions
22 and Article 10 arises, the procedures, requirements, controls and standards affording stricter
23 protection to the landmark, landmark site, or Historic District shall prevail.

24 A. Character of the Historic District. The standards for review of all applications for
25 Certificates of Appropriateness are set forth in Section 1006.7 of Article 10. For purposes of review

1 pursuant to these standards, the character of the Historic District shall mean the exterior architectural
2 features, Cottage Row right-of-way, and the Cottage Row Mini Park of the Bush Street-Cottage Row
3 Historic District described in Section 6.

4 B. Exterior Changes Requiring Approval. A Certificate of Appropriateness shall be required
5 for all exterior changes within the Historic District that are visible from a public street, the Cottage
6 Row right-of-way, or the Cottage Row Mini Park. Such exterior changes requiring approval shall
7 include, but not be limited to, the installation or replacement of fences, retaining walls, windows,
8 security grates, lighting fixtures, and other building features visible from the public way.

9 C. Additions, Alterations, or New Construction. Additions, exterior alterations, and new
10 construction shall be compatible with the scale, architectural details, fenestration, and materials of the
11 District as described in this Appendix K. Any new work shall be compatible with the historic materials,
12 features, size, scale, proportions and massing. New or replacement fences shall be compatible with the
13 scale, height, materials, details, and topography of the Historic District.

14 D. Street and Park Furniture. Any new or replacement street or park furniture, including but
15 not limited to light fixtures and trash receptacles, shall require a Certificate of Appropriateness.

16 E. Nothing in this legislation shall be construed to regulate paint colors within the Historic
17 District.

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

20 By: _____
21 Marlena G. Byrne
22 Deputy City Attorney