

1 [Planning Code - Article 10, Landmarks Preservation]

2

3 **Ordinance amending the San Francisco Planning Code, Article 10, entitled**
4 **"Preservation of Historical Architectural and Aesthetic Landmarks," in its entirety; and**
5 **making findings, including environmental findings and findings of consistency with the**
6 **General Plan and Planning Code Section 101.1(b).**

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;
10 Board amendment deletions are ~~strike-through normal~~.

10

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

12 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
13 hereby finds and determines that:

14 (a) General Plan and Planning Code Findings.

15 (1) On February 2, 2012, at a duly noticed public hearing, the Planning Commission
16 in Resolution No. 18531 found that the proposed Planning Code amendments contained in
17 this ordinance were consistent with the City's General Plan and with Planning Code Section
18 101.1(b). In addition, the Planning Commission recommended that the Board of Supervisors
19 adopt the proposed Planning Code amendments. A copy of said Resolution is on file with the
20 Clerk of the Board of Supervisors in File No. 120300 and is incorporated herein by reference.
21 The Board finds that the proposed Planning Code amendments contained in this ordinance
22 are on balance consistent with the City's General Plan and with Planning Code Section
23 101.1(b) for the reasons set forth in said Resolution.

24 (2) 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. 18531, which reasons are incorporated herein by
2 reference as though fully set forth.

3 (b) Historic Preservation Commission Findings. On October 19, 2011 at a duly
4 noticed public hearing, the Historic Preservation Commission in Resolution No. 666 reviewed
5 the proposed Planning Code amendments and recommended that the Board of Supervisors
6 adopt some of the proposed amendments. On February 1, 2012 at a duly noticed public
7 hearing, the Historic Preservation Commission reviewed additional possible amendments to
8 Article 10, some of which have been incorporated into the proposed Planning Code
9 amendments, provided additional recommendations, and incorporated all of its prior
10 recommendations in Resolution No. 672, which supersedes its Resolution No. 666. A copy of
11 said Resolution 672 and any additional recommendations of the Historic Preservation
12 Commission are on file with the Clerk of the Board of Supervisors in File No. 120300.

13 (c) Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are exempt from the California Environmental Quality
15 Act (California Public Resources Code section 21000 et seq.) (CEQA) under Section
16 15060(c)(2) of the CEQA Guidelines to the California Environ. Said determination is on file
17 with the Clerk of the Board of Supervisors in File No. 120300 and is incorporated herein by
18 reference.

19
20 Section 2. The San Francisco Planning Code is hereby amended by amending Article
21 10, to read as follows:

22 ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND
23 AESTHETIC LANDMARKS

24 Sec. 1001. Purposes.
25

1 Sec. 1002. Powers and Duties of Planning Department ~~of City Planning~~ and City
2 Planning Historic Preservation Commission.

3 Sec. 1003. ~~Landmarks Preservation Advisory Board~~ Historic Preservation Commission.

4 Sec. 1004. Designation of Landmarks and Historic Districts.

5 Sec. 1004.1. Nomination and Initiation of Landmark and Historic District Designation.

6 Sec. 1004.2. ~~Referral to Landmarks Preservation Advisory Board~~ Decision by the Historic
7 Preservation Commission.

8 Sec. 1004.3. ~~Hearing by City Planning Commission~~ ~~Sec. 1004.4~~ Designation by Board of
9 Supervisors.

10 Sec. ~~1004.5~~ 1004.4. Appeal to Board of Supervisors.

11 Sec. ~~1004.6~~ 1004.5. Notice of Designation by Board of Supervisors.

12 Sec. ~~1004.7~~ 1004.6. Notice of Amendment or Rescission of Designation.

13 Sec. 1005. Conformity and Permits.

14 Sec. 1006. Certificate of Appropriateness Required.

15 Sec. 1006.1. Applications for Certificate of Appropriateness.

16 Sec. 1006.2. Review by Planning Department ~~of City Planning and City Planning~~
17 Commission.

18 Sec. 1006.3. Scheduling and Notice of Hearing.

19 Sec. 1006.4. ~~Referral to Advisory Board Prior to Hearing~~ ~~Sec. 1006.5~~ Conduct of Hearing;
20 Decision.

21 Sec. ~~1006.6~~ 1006.5. Nature of Planning Historic Preservation Commission Decision.

22 Sec. ~~1006.7~~ 1006.6. Standards for Review of Applications.

23 Sec. ~~1006.8~~ 1006.7. Appeals ~~from Planning Commission Decision~~ of a Certificate of
24 Appropriateness.

25 Sec. 1007. Unsafe or Dangerous Conditions.

1 Sec. 1008. Compliance with Maintenance Requirements.

2 Sec. 1009. Advice and Guidance to Property Owners.

3 Sec. 1010. Property Owned by Public Agencies.

4 Sec. 1011. Recognition of Structures of Merit.

5 Sec. 1012. Referral of Certain Matters.

6 Sec. 1013. Enforcement and Penalties.

7 Sec. 1014. Applicability.

8 Sec. 1015. Severability.

9 Appendix A List of Designated Landmarks.

10 Appendix B Jackson Square Historic District.

11 Appendix C Webster Street Historic District.

12 Appendix D Northeast Waterfront Historic District.

13 Appendix E Alamo Square Historic District.

14 Appendix F Liberty-Hill Historic District.

15 Appendix G Telegraph Hill Historic District.

16 Appendix H Blackstone Court Historic District.

17 Appendix I South End Historic District.

18 Appendix J Civic Center Historic District.

19 Appendix K Bush Street-Cottage Row Historic District.

20 Appendix L Dogpatch Historic District.

21 SEC. 1001. PURPOSES.

22 It is hereby found that structures, sites and areas of special character or special
23 historical, architectural or aesthetic interest or value have been and continue to be
24 unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further
25 found that the prevention of such needless destruction and impairment is essential to the

1 health, safety and general welfare of the public. The purpose of this legislation is to promote
2 the health, safety and general welfare of the public through:

3 (a) The protection, enhancement, perpetuation and use of structures, sites and
4 areas that are reminders of past eras, events and persons important in local, State or national
5 history, or which provide significant examples of architectural styles of the past or are
6 landmarks in the history of architecture, or which are unique and irreplaceable assets to the
7 City and its neighborhoods, or which provide for this and future generations examples of the
8 physical surroundings in which past generations lived;

9 (b) The development and maintenance of appropriate settings and environment for
10 such structures, and in such sites and areas;

11 (c) The enhancement of property values, the stabilization of neighborhoods and
12 areas of the City, the increase of economic and financial benefits to the City and its
13 inhabitants, and the promotion of tourist trade and interest;

14 (d) The preservation and encouragement of a City of varied architectural styles,
15 reflecting the distinct phases of its history: cultural, social, economic, political and architectural
16 and

17 (e) The enrichment of human life in its educational and cultural dimensions in order
18 to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the
19 past.

20 SEC. 1002. POWERS AND DUTIES OF PLANNING DEPARTMENT ~~OF CITY~~
21 ~~PLANNING AND CITY PLANNING~~ HISTORIC PRESERVATION COMMISSION.

22 The Planning Department ~~of City Planning~~ (hereinafter referred to as the "Department") and
23 the ~~Planning Commission~~ Historic Preservation Commission ("HPC") shall have and exercise the
24 powers and shall perform the duties set forth in this Section and elsewhere in this Article 10
25 with respect to historical preservation. ~~The Department and the Planning Commission shall be~~

1 ~~advised in the exercise and performance of their powers and duties by the Landmarks Preservation~~
2 ~~Advisory Board hereinafter created.~~

3 (a) The ~~Planning Commission~~HPC:

4 (1) Shall recommend to the Board of Supervisors, after public hearing, on the
5 designation of landmarks and historic districts, as more fully set forth ~~in Section 1004.3~~ below in
6 this Article 10;

7 (2) Shall ~~in appropriate cases, after public hearing,~~ review and decide on applications
8 for construction, alteration, demolition and other applications pertaining to landmark sites and
9 historic districts, as more fully set forth below in this Article 10;

10 (3) May take steps to encourage or bring about preservation of structures or other
11 features where the ~~Planning Commission~~HPC has decided to suspend action on an application,
12 as more fully set forth in Section 1006.6 below; ~~and~~

13 (4) May establish and maintain a list of structures and other features deemed
14 deserving of official recognition although not designated as landmarks or historic districts, and
15 take appropriate measures of recognition, as more fully set forth in Section 1011 below;

16 (5) Shall have the authority to review and comment upon environmental documents under
17 the California Environmental Quality Act and the National Environmental Policy Act for proposed
18 projects that may have an impact on historic or cultural resources;

19 (6) Shall act as the City's local historic preservation review commission for the purposes of
20 the Certified Local Government Program, may recommend properties for inclusion in the National
21 Register of Historic Places, and may review and comment on federal undertakings where authorized
22 under the National Historic Preservation Act;

23 (7) Shall review and comment upon any agreements proposed under the National Historic
24 Preservation Act where the City is a signatory prior to any approval action on such agreement;

1 (8) Shall have the authority to oversee and direct the survey and inventory of historic
2 properties;

3 (9) Shall review and provide written reports to the Planning Commission and Board of
4 Supervisors on ordinances and resolutions concerning historic preservation issues and historic
5 resources, redevelopment project plans, waterfront land use and project plans, and such other matters
6 as may be prescribed by ordinance;

7 (10) Shall have the authority to recommend approval, disapproval, or modification of
8 historical property contracts pursuant to the state Mills Act to the Board of Supervisors, without
9 referral or recommendation of the Planning Commission; and

10 (11) Shall recommend to the Planning Commission a Preservation Element of the General
11 Plan, shall periodically recommend to the Planning Commission proposed amendments to such
12 Preservation Element of the General Plan, and shall comment and provide recommendations to the
13 Planning Commission and the Board of Supervisors on other objectives, policies and provisions of the
14 General Plan and special area, neighborhood, and other plans designed to carry out the General Plan,
15 and proposed amendments thereto, that are not contained within such Preservation Element but
16 concern historic preservation.

17 (b) The Department and the ~~Planning Commission~~HPC:

18 (1) May carry out, assist and collaborate in studies and programs designed to
19 identify and evaluate structures, sites and areas worthy of preservation;

20 (2) May consult with and consider the ideas and recommendations of civic groups,
21 public agencies, and citizens interested in historical preservation;

22 (3) May inspect and investigate structures, sites and areas which they have reason
23 to believe worthy of preservation;

24 (4) May disseminate information to the public concerning those structures, sites and
25 areas deemed worthy of preservation, and may encourage and advise property owners in the

1 protection, enhancement, perpetuation and use of landmarks, property in historic districts, and
2 other officially recognized property of historical interest;

3 (5) May consider methods other than those provided for in this Article 10 for
4 encouraging and achieving historical preservation, and make appropriate recommendations to
5 the Board of Supervisors and to other bodies and agencies, both public and private; and

6 (6) May establish such policies, rules and regulations as they deem necessary to
7 administer and enforce this Article 10 and Charter Section 4.135 establishing the HPC.

8 SEC. 1003. ~~LANDMARKS PRESERVATION ADVISORY BOARD~~ HISTORIC
9 PRESERVATION COMMISSION.

10 ~~There is hereby created a Landmarks Preservation Advisory Board (hereinafter referred to as~~
11 ~~the "Advisory Board"), which shall advise the Department and the Planning Commission on historical~~
12 ~~preservation matters. The Advisory Board shall consist of nine voting members appointed by the Mayor~~
13 ~~and serving at his pleasure, without salary. Of the original appointments, five shall be for a four-year~~
14 ~~term and four for a two-year term; after the expiration of the said original terms, all appointments shall~~
15 ~~be for four-year terms. In addition, the Art Commission shall choose one of its members to be an ex~~
16 ~~officio member of the Advisory Board, without vote.~~

17 (a) ~~In making appointments, the Mayor may consult persons and organizations interested in~~
18 ~~historical preservation. Appointees to the Advisory board shall be persons specially qualified by reason~~
19 ~~of training or experience in the historic and cultural traditions of the City, and interested in the~~
20 ~~preservation of its historic structures, sites and areas. The voting members shall be residents of the~~
21 ~~City.~~

22 In November of 2008, the electorate approved Charter Section 4.135, creating the HPC to
23 advise the City on historic preservation matters, participate in processes involving historic and cultural
24 resources, and take such other actions concerning historic preservation as may be prescribed by this
25 Code and other ordinances. Charter Section 4.135 sets forth the requirements for membership to the

1 HPC, as well as applicable nomination procedures and term limits for Commissioners. Additionally,
2 Charter Section 4.135 establishes staffing for the HPC and sets forth the HPC's role in the Planning
3 Department's budget process and establishment of rates, fees, and similar charges. Additional
4 requirements, including those related to the establishment of rules and regulations for the HPC's
5 organization and procedure, are set forth in Charter Sections 4.100 through 4.104.

6 ~~(b) — The Director of City Planning, or his delegate, shall serve as Secretary of the Advisory~~
7 ~~Board, without vote. The Department shall render staff assistance to the Advisory Board.~~

8 ~~(c) — The Advisory Board shall elect a Chairman from among its voting members, and shall~~
9 ~~establish rules and regulations for its own organization and procedure.~~

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

11 (a) The HPC shall have the authority to recommend approval, disapproval, or modification
12 of landmark designations and historic district designations under this Code to the Board of
13 Supervisors. Pursuant to the procedures set forth hereinafter:

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

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

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

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 to significant
8 interior architectural features.

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

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

16 (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~~ this Article 10, the
23 ~~Director of Planning~~ Director may request the ~~Planning Commission~~ HPC to recommend to the
24 Board of Supervisors that the designation be amended or rescinded, and in such case the
25

1 procedures for an original designation set forth in Sections 1004.1, and 1004.2 and 1004.3
2 hereof shall not apply.

3 SEC. 1004.1. NOMINATION AND INITIATION OF LANDMARK AND HISTORIC DISTRICT
4 DESIGNATION.

5 (a) Nomination. The Department, or property owner(s) may request that the HPC initiate
6 designation of a landmark site or historic district. When a nomination is submitted by a majority of
7 property owners for designation of a historic district, the nomination must be considered by the HPC.
8 A nomination for initiation shall be in the form prescribed by the HPC and shall contain supporting
9 historic, architectural, and/or cultural documentation, as well as any additional information the HPC
10 may require. The HPC shall hold a hearing to consider the nomination no later than 45 days from the
11 receipt of the nomination request.

12 (b) Initiation. Initiation of designation of a landmark site or historic district shall be by
13 the Board of Supervisors or by a resolution of intention by the Planning Commission, the Art
14 Commission or the Advisory Board, HPC or on the verified application of owners of the property to be
15 designated or their authorized agents. made by one of the following methods:

16 (1) by resolution of the Board of Supervisors;

17 (2) by resolution of the HPC; or

18 (3) upon adoption of a resolution by the HPC to confirm a nomination made pursuant to
19 subsection (a) above, provided that the HPC may disapprove the nomination or may request further
20 information and continue the matter as appropriate.

21 The Board of Supervisors and the HPC shall make findings in support of any initiation of
22 designation of a landmark site or historic district. The Board of Supervisors shall promptly refer any
23 initiation of designation to the HPC for its review and recommendation. Any such application shall be
24 filed with the Department upon forms prescribed by the Planning Commission, and shall be
25 accompanied by all data required by the Planning Commission. Where such an application is submitted

1 ~~for designation of a historic district, the application must be subscribed by or on behalf of at least 66~~
2 ~~percent of the property owners in the proposed district.~~

3 SEC. 1004.2. ~~REFERRAL TO LANDMARKS PRESERVATION ADVISORY BOARD.~~

4 ~~The proposed designation, resolution or application shall be promptly referred to the Advisory~~
5 ~~Board for review and report to the Planning Commission as to conformance with the purposes and~~
6 ~~standards of this Article 10. The Advisory Board shall recommend approval, disapproval or~~
7 ~~modification of the proposal, or shall report its failure to reach a decision thereon, within 60 days after~~
8 ~~such referral. If no recommendation is rendered within 60 days, the Planning Commission may~~
9 ~~consider the proposed designation as provided in Section 1004.3 below notwithstanding the lack of~~
10 ~~such a recommendation.~~

11 ~~SEC. 1004.3. HEARING BY CITY PLANNING COMMISSION DECISION BY THE HISTORIC~~
12 ~~PRESERVATION COMMISSION.~~

13 ~~After receiving a report from the Advisory Board or after the expiration of 60 days from the~~
14 ~~date of referral to the Advisory Board, whichever is sooner, the Planning Commission Upon initiation~~
15 ~~of designation, the HPC shall hold a public hearing on the ~~proposal~~proposed designation.; the~~
16 ~~Department shall set a time and place for such hearing. A record of pertinent information~~
17 presented at the hearing shall be made and maintained as a permanent record.

18 (a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall
19 be given by at least one publication in a newspaper of general circulation in the City not less
20 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days
21 prior to the date of hearing to the owners of all property included in the proposed designation,
22 using for this purpose the names and addresses of the last known owners as shown on the
23 records of the ~~Assessor~~ Tax Collector and to the applicant, if any. Failure to send notice by mail to
24 any such property owner where the address of such owner is not a matter of public record
25

1 shall not invalidate any proceedings in connection with the proposed designation. The
2 Department may also give such other notice as it may deem desirable and practicable.

3 (b) Time Limitation. The ~~Planning Commission~~HPC shall ~~consider the report and~~
4 ~~recommendation of the Advisory Board, if any, and shall~~ consider the conformance or lack of
5 conformance of the proposed designation with the purposes and standards of this Article 10.
6 Where the Board of Supervisors has referred an initiation of designation to the HPC, The Planning
7 Commissionthe HPC shall hold a public hearing and shall approve, disapprove or modify the
8 proposal within 90 days from the date of referral of the proposed designation to the ~~Advisory~~
9 ~~Board~~HPC. Failure to act within said time shall constitute approval. The Board of Supervisors
10 may, by resolution, extend the time within which the ~~Planning Commission~~HPC is to render its
11 decision.

12 (c) ~~Notice of Action Taken. The Planning Commission shall promptly notify the applicant of~~
13 ~~action taken. If the Planning Commission approves or modifies the proposed designation in whole or in~~
14 ~~part, it shall transmit the proposal together with a copy of the resolution of approval, to the Clerk of the~~
15 ~~Board of Supervisors.~~

16 (d) ~~In the event that a proposed designation has been initiated prior to July 18, 2006, and~~
17 ~~the Planning Commission has failed to act upon such proposed designation as of the effective date of~~
18 ~~this ordinance, the Board of Supervisors may act on the proposed designation notwithstanding the~~
19 ~~Planning Commission failure to act on the proposed designation. Referral of Proposed Designation. If~~
20 ~~the HPC recommends approval of a landmark designation, it shall send its recommendation to the~~
21 ~~Board of Supervisors, without referral to the Planning Commission. If the HPC recommends approval~~
22 ~~of a historic district designation, it shall refer its recommendation to the Planning Commission, which~~
23 ~~shall have 45 days to review and comment on the proposed designation, which comments, if any, shall~~
24 ~~be sent by the Department to the Board of Supervisors with the HPC's recommendation. The Planning~~
25 ~~Commission's comments shall be transmitted to the Board of Supervisors as a resolution and shall (i)~~

1 address the consistency of the proposed designation with the policies embodied in the General Plan
2 and the priority policies of Section 101.1, particularly the provision of housing to meet the City's
3 Regional Housing Needs Allocation, and the provision of housing near transit corridors; (ii) identify
4 any amendments to the General Plan necessary to facilitate adoption of the proposed designation; and
5 (iii) evaluate whether the district would conflict with the Sustainable Communities Strategy for the Bay
6 Area. If the HPC disapproves designation of a landmark or historic district, that decision shall be final
7 and shall not require referral unless appealed as set forth below.

8 SEC. ~~1004.4~~1004.3. DESIGNATION BY BOARD OF SUPERVISORS.

9 The Board of Supervisors shall hold a public hearing on any proposal so transmitted to
10 it, after due notice to the owners of the property included in the proposal, and such other
11 notice as the ~~said~~ Board may deem necessary. The Board of Supervisors may approve, ~~or~~
12 modify and approve, or disapprove the designation by a majority vote of all its members. Prior
13 to the Board of Supervisors' vote on a proposed historic district, the Planning Department shall
14 conduct thorough outreach to affected property owners and occupants. The Planning Department shall
15 invite all property owners and occupants in the proposed district area to express their opinion in
16 writing on the proposed designation, be it in the form of a vote or a survey. Such invitation shall advise
17 owners of the practical consequences of the adoption of the district, including the availability of
18 preservation incentives, the types of work requiring a Certificate of Appropriateness, the process and
19 fees for obtaining a Certificate of Appropriateness, and the types of work that is generally ineligible to
20 receive a Certificate of Appropriateness. The Department's goal shall be to obtain the participation of
21 at least half of all property owners in the proposed district. The property owners' vote shall be
22 considered by the Board of Supervisors when taking action on the proposed district.

23 SEC. ~~1004.5~~1004.4. APPEAL TO BOARD OF SUPERVISORS.

24 If the ~~Planning Commission~~HPC disapproves the proposed designation, such action shall
25 be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days by

1 a protest subscribed by the owners of at least 20 percent of the property proposed to be
2 designated, or by any governmental body or agency, or by an organization with a recognized
3 interest in historical preservation; provided, however, that if the proposal was initiated by the
4 Board of Supervisors, the Clerk of the said Board shall be notified immediately of the
5 disapproval without the necessity for an appeal.

6 (a) Hearing. The Board of Supervisors shall hold a public hearing on any such
7 proposal appealed to it or initiated by it, after due notice to the owners of the property included
8 in the proposal and any applicant(s), and such other notice as the said Board may deem
9 necessary.

10 (b) Decision. The Board of Supervisors may overrule the Planning CommissionHPC
11 and approve, or modify and approve, the designation by a majority vote of all its members.

12 (c) Resubmission, Reconsideration. If a proposal initiated by application has been
13 disapproved by the Planning CommissionHPC or by the Board of Supervisors on appeal, no
14 subsequent application that is the same or substantially the same may be submitted or
15 reconsidered for at least one year from the effective date of final action of the original
16 proposal.

17 SEC. ~~1004.6~~1004.5. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.

18 When a landmark or historic district has been designated by the Board of Supervisors
19 as provided above, the Department shall promptly notify the owners of the property included
20 therein. The Department shall cause a copy of the designating ordinance, or notice thereof, to
21 be recorded in the office of the County Recorder.

22 SEC. ~~1004.7~~1004.6. NOTICE OF AMENDMENT OR RESCISSION OF DESIGNATION.

23 When a landmark or historic district designation has been amended or rescinded, the
24 Department shall promptly notify the owners of the property included therein, and shall cause
25

1 a copy of the appropriate ordinance, or notice thereof, to be recorded in the office of the
2 County Recorder.

3 SEC. 1005. CONFORMITY AND PERMITS.

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

10 (b) (1) Installation of a new general advertising sign is prohibited in any ~~H~~historic
11 ~~D~~istrict or on any historic property regulated by this Article 10.

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

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

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

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

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

15 (e) After receiving a permit application from the Central Permit Bureau in
16 accordance with the preceding subsection, the Department shall ascertain whether ~~Section~~
17 ~~1006 requires~~ a Certificate of Appropriateness is required or has been approved for the work
18 proposed in such permit application. If ~~such a~~ Certificate of Appropriateness is required and has
19 been issued, and if the permit application conforms to ~~such~~ the work approved in the Certificate
20 of Appropriateness, the permit application shall be processed without further reference to this
21 Article 10. If ~~such a~~ Certificate of Appropriateness is required and has not been issued, or if ~~it~~
22 ~~the sole judgment of the Department~~ the permit application does not ~~so~~ conform to what was
23 approved, the permit application shall be disapproved or held by the Department until such
24 time as conformity does exist either through modifications to the proposed work or through the
25 issuance of an amended or new Certificate of Appropriateness; the decision and action of the

1 ~~Department shall be final.~~ Notwithstanding the foregoing, in the following cases the Department
2 shall process the permit application without further reference to this Article 10:

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

5 (2) When the application is for a permit to make interior alterations only on a
6 privately-owned structure or on a publicly-owned structure, unless the designating ordinance
7 requires review of such alterations to the privately- or publicly-owned structure pursuant to
8 Section 1004(c) hereof. Notwithstanding the foregoing, if any proposed interior alteration requiring
9 a permit would result in any significant visual or material impact to the exterior of the subject building,
10 a Certificate of Appropriateness shall be required to address such exterior effects.

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

15 (4) When the application is for a permit to maintain, repair, rehabilitate, or improve streets
16 and sidewalks, including sidewalk widening, accessibility, and bulb-outs, unless such streets and
17 sidewalks have been explicitly called out in a landmark's or district's designating ordinance as
18 character defining features of the landmark or district. ~~When the application is for a permit to comply~~
19 ~~with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed~~
20 ~~work complies with the UMB Retrofit Architectural Design Guidelines, which guidelines shall be~~
21 ~~adopted by the Planning Commission.~~

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

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

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~~HPC has provided advice to the Art Commission on the impact of the mural
15 on the historical structure. The ~~Advisory Board~~HPC shall provide advice to the Art Commission
16 within ~~50-45~~ days of receipt of a written request for advice and information regarding the
17 placement, 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 that is not owned by the City, a Certificate of
20 Appropriateness shall be required. The ~~Advisory Board~~HPC shall not act on the Certificate of
21 Appropriateness until the Art Commission has provided advice to the ~~Advisory Board~~HPC on
22 the mural. The Art Commission shall provide advice to the ~~Advisory Board~~HPC within 50 days
23 of receipt of a written request for advice and information regarding the proposed mural.

24 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.
25

1 A Certificate of Appropriateness shall be required and shall govern review of permit
2 applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set forth in
3 Section 1005(e), for the following types of work affecting the character-defining features as listed
4 pursuant to Section 1004(b) of the Code: ~~In the case of:~~

5 (1) Any construction, alteration, removal or demolition of a structure or any work
6 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section
7 1005(g), or other appendage, for which a City permit is required, on a landmark site or in a
8 historic district;

9 (2) Exterior changes in a historic district visible from a public street or other public
10 place, where the designating ordinance requires approval of such changes pursuant to the
11 provisions of this Article 10; ~~and~~

12 (3) The addition of a mural to any landmark or contributory structure in a historic
13 district, which is not owned by the City or located on property owned by the City, as set forth
14 in Planning Code Section 1005(g), regardless of whether or not a City permit is required for
15 the mural; ~~and or~~

16 (4) Alterations to City-owned parks, squares, plazas or gardens on a landmark site,
17 where the designating ordinance identifies the alterations that require approval under this
18 Article 10.

19 ~~A Certificate of Appropriateness shall be required and shall govern review of permit~~
20 ~~applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set forth in~~
21 ~~Section 1005(e).~~The procedures, requirements, controls and standards in Sections 1006
22 through 1006.8 shall apply to all applications for Certificates of Appropriateness; provided,
23 however, that the designating ordinance for a historic district, or for a City-owned park,
24 square, plaza or garden on a landmark site, may modify or add to these procedures,
25 requirements, controls and standards.

1 SEC. 1006.1.APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

2 (a) Who May Apply. An application for a Certificate of Appropriateness may be filed
3 by the owner, or authorized agent for the owner, of the property for which the Certificate is
4 sought.

5 (b) Where to File. Applications shall be filed in the office of the Planning Department
6 ~~of City Planning~~.

7 (c) Content of Applications. The content of applications shall be in accordance with
8 the policies, rules and regulations of the Department and the ~~City Planning Commission~~HPC. All
9 applications shall be upon forms prescribed therefore, and shall contain or be accompanied
10 by all information required to assure the presentation of pertinent facts for proper
11 consideration of the case and for the permanent record. In general, the application shall be
12 accompanied by plans and specifications showing the proposed exterior appearance,
13 including but not limited to color, texture of materials, and architectural design and detail;
14 drawings or photographs showing the property in the context of its surroundings may also be
15 required. The applicant may be required to file with ~~his~~ the application ~~the~~ additional information
16 needed for the preparation and mailing of notices as specified in Section 1006.3.

17 (d) Verification. Each application filed by or on behalf of one or more property
18 owners shall be verified by at least one such owner or his authorized agent attesting to the
19 truth and correctness of all facts, statements and information presented.

20 (e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires~~
21 ~~a conditional use authorization in addition to a Certificate of Appropriateness, the Department may~~
22 ~~combine the required applications, notices and hearings for administrative convenience and in the~~
23 ~~interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~
24 Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC shall
25 review and act on any Certificate of Appropriateness before any other planning approval action. For

1 projects that (1) require a conditional use authorization or permit review under Section 309, et. seq. of
2 the Code, and (2) do not concern an individually landmarked property, the Planning Commission may
3 modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the
4 Planning Commission shall apply all applicable historic resources provisions of the Code and take into
5 account all relevant General Plan and Planning Code policies, in addition to all applicable historic
6 preservation provisions. For projects located on vacant lots, the Planning Commission may modify any
7 decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning
8 Commission shall apply all applicable historic resources provisions of the Planning Code and take into
9 account all relevant General Plan and Planning Code policies, in addition to all applicable historic
10 preservation provisions.

11 (f) Permit and Application Fee Waivers. In cases of economic hardship, an applicant may
12 be partially or fully exempt from paying fees pursuant to Section 350(e)(2).

13 SEC. 1006.2. REVIEW BY PLANNING DEPARTMENT OF CITY PLANNING AND CITY
14 PLANNING COMMISSION.

15 (a) Cases Other Than Construction, Removal or Demolition.

16 (1) In the case of any alteration of a structure or any work involving a sign, awning,
17 marquee, canopy or other appendage, or exterior changes in a historic district visible from a public
18 street or other public place, or alterations to a City-owned park, square, plaza or garden on a
19 landmark site, where a Certificate of Appropriateness is required, the application for said Certificate
20 shall be reviewed by the Department with the advice of the Advisory Board. The department, with the
21 advice of the Advisory Board, shall determine within 20 days after the application is accepted for filing,
22 whether or not the proposal would have a significant impact upon, or is potentially detrimental to, the
23 landmark site or historic district; and the Department shall notify the applicant of the determination
24 made. If it is determined that there would be no such significant impact or potential detriment, the
25 Department shall issue a Certificate of Appropriateness to the applicant.

1 (2) ~~— If it is determined that the proposal would have a significant impact upon, or is~~
2 ~~potentially detrimental to, the landmark site or historic district, or upon request of the Planning~~
3 ~~Commission, the Planning Commission shall hold a public hearing on the application.~~

4 (b) ~~— Construction, Removal or Demolition. The Planning Commission shall hold a public~~
5 ~~hearing on the application for a Certificate of Appropriateness for any construction, removal or~~
6 ~~demolition of a structure, except as may be otherwise provided in the designating ordinance for a~~
7 ~~historic district or for City-owned park, square, plaza or garden on a landmark site.~~

8 The Department shall review an application for a Certificate of Appropriateness and determine
9 within 30 days of submittal whether the application is complete or whether additional information is
10 required.

11 (a) Minor Alterations. The HPC may define certain categories of work as Minor Alterations
12 and delegate approval of an Administrative Certificate of Appropriateness for such Minor Alterations
13 to Department staff. If the HPC delegates such approvals to Department staff, Minor Alterations shall
14 include the following categories of work:

15 (1) Work the sole purpose and effect of which is to comply with the Unreinforced Masonry
16 Building (UMB) Seismic Retrofit Ordinance and where the proposed work complies with the UMB
17 Retrofit Architectural Design Guidelines adopted by the HPC; or

18 (2) Any other work so delegated to the Department by the HPC.

19 (b) Administrative Certificates of Appropriateness. Upon receipt of a building permit
20 application, an Administrative Certificate of Appropriateness for Minor Alteration work may be
21 approved by the Department without a hearing before the HPC. The Department shall mail the
22 Department's written decision on an Administrative Certificate of Appropriateness to the applicant and
23 to any individuals or organizations who so request. Any Departmental decision on an Administrative
24 Certificate of Appropriateness may be appealed to the HPC within 15 days of the date of the written
25

1 decision. The HPC may also request review of any Departmental decision on an Administrative
2 Certificate of Appropriateness by its own motion within 20 days of the written decision.

3 (c) Applications for a Certificate of Appropriateness that are not Minor Alterations
4 delegated to Department staff shall be scheduled for hearing by the HPC pursuant to Sections 1006.3
5 and 1006.4 below.

6 SEC. 1006.3.SCHEDULING AND NOTICE OF HEARING.

7 (a) When an application for a Certificate of Appropriateness has been filed and Section
8 1006.2 provides that the Planning Commission shall hold a public hearing thereon, If a public hearing
9 before the HPC on a Certificate of Appropriateness is required, a timely appeal has been made of an
10 Administrative Certificate of Appropriateness, or the HPC has timely requested review of an
11 Administrative Certificate of Appropriateness, the Department shall set a time and place for said
12 hearing within a reasonable period. Notice of the time, place and purpose of the hearing shall
13 be given by the Department as follows:

14 (a)(1) By mail to the applicant not less than 20 days prior to the date of the hearing;

15 (b) By mail not less than 10 days prior to the date of the hearing to the owners of all real
16 property that is the subject of the application and, if said property is in a historic district, to the owners
17 of all real property within the historic district, using for this purpose the names and addresses of the
18 owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to
19 send notice by mail to any such property owner where the address of such owner is not shown on such
20 assessment roll shall not invalidate any proceedings in connection with such action;

21 (c) By publication at least once in a newspaper of general circulation in the City not less
22 than 20 days prior to the date of the hearing;

23 (2) By mail to any interested parties who so request in writing to the Department;

1 (3) For landmark sites: by mail not less than 20 days prior to the date of the hearing to all
2 owners and occupants of the subject property and owners and occupants of properties within 150 feet
3 of the subject property;

4 (4) For buildings located in historic districts: by mail not less than 20 days prior to the date
5 of the hearing to all owners and occupants of the subject property, all owners of properties within 300
6 feet of the subject property, and all occupants of properties within 150 feet of the subject property.

7 (5) By posting notice on the site not less than 20 days prior to the date of the hearing; and
8 ~~(d)~~(6) Such other notice as the Department ~~shall~~ deem_s appropriate.

9 (b) For the purposes of mailed notice, the latest citywide assessment roll for names and
10 addresses of owners shall be used, and all efforts shall be made to the extent practical, to notify
11 occupants of properties in the notification area. Failure to send notice by mail to any such property
12 owner where the address of such owner is not shown on such assessment roll shall not invalidate any
13 proceedings in connection with such action.

14 SEC. 1006.4. ~~REFERRAL TO ADVISORY BOARD PRIOR TO HEARING.~~

15 ~~Where a public hearing before the Planning Commission has been scheduled thereon, the~~
16 ~~application for a Certificate of Appropriateness shall be promptly referred to the Advisory Board and~~
17 ~~shall be considered by the Advisory Board at its next regular meeting, or at a special meeting called for~~
18 ~~that specific purpose. The Advisory Board shall render a report to the Planning Commission at or prior~~
19 ~~to the scheduled public hearing; failure of the Advisory Board to consider the application or to render~~
20 ~~a report shall not constitute grounds for continuation of the public hearing.~~

21 ~~SEC. 1006.5~~ CONDUCT OF HEARING; DECISION.

22 Where a public hearing before the ~~Planning Commission~~HPC has been scheduled:

23 (a) Report and Recommendation. The Department shall make necessary
24 investigations and studies prior to the hearing of the ~~Planning Commission~~HPC. The Department
25

1 ~~shall provide its~~ report and recommendation ~~of the Director of Planning shall be submitted at the~~
2 ~~hearing to the HPC.~~

3 (b) Record. A record shall be kept of the pertinent information presented at the
4 hearing, and such record shall be maintained as a part of the permanent public records of the
5 Department. A verbatim record may be made if permitted or ordered by the ~~Planning~~
6 ~~Commission~~HPC.

7 (c) Continuations. The ~~Planning Commission~~HPC shall determine the instances in
8 which cases scheduled for hearing may be continued or taken under advisement. In such
9 cases, new notice need not be given of the further hearing date, provided such date is
10 announced at the scheduled hearing.

11 (d) Decision. The HPC shall approve, disapprove, or approve with modifications
12 Certificates of Appropriateness for work to designated landmarks or within historic districts, except
13 where it delegates such decisions to Departmental staff under the provisions of Section 1006.2 above.
14 The decision of the ~~Planning Commission~~HPC shall be rendered within 30 days from the date of
15 conclusion of the hearing; failure of the ~~Commission~~ HPC to act within the prescribed time shall
16 be deemed to constitute disapproval of the application. The decision of the ~~Planning~~
17 ~~Commission~~HPC, ~~in either approving or, disapproving the application pursuant to Section 1006.6,~~
18 shall be final except upon the filing of a valid appeal to the Board of Appeals or Board of
19 Supervisors as provided in Section ~~1006.8~~1006.7. ~~The decision of the Planning Commission, in~~
20 ~~suspending action on an application pursuant to Section 1006.6, shall be final.~~ If the ~~Planning~~
21 ~~Commission~~HPC, or the Board of Appeals or Board of Supervisors on appeal, approves the
22 application, ~~or after the expiration of any suspension period imposed by the Commission,~~ the
23 Department shall issue a Certificate of Appropriateness to the applicant.

24 (e) Time Limit for Exercise. When approving an application for a Certificate of
25 Appropriateness as provided herein, the ~~Planning Commission~~HPC may impose a time limit for

1 submission of a permit application conforming to the Certificate; otherwise, such permit
2 application must be submitted within a reasonable time.

3 (f) Delegation of Hearing. The ~~Planning Commission~~HPC may delegate to a
4 committee of one or more of its members, or to the Director of Planning or his or her designee,
5 ~~or to the Advisory Board~~, or to any combination of the foregoing, the holding of the hearing
6 required by this Article 10 for a Certificate of Appropriateness. The delegate or delegates shall
7 submit to the ~~Planning Commission~~HPC a record of the hearing, together with a report of
8 findings and recommendations relative thereto, for the consideration of the ~~Commission~~HPC in
9 reaching its decision in the case.

10 (g) Reconsideration. Whenever an application has been disapproved by the
11 ~~Planning Commission~~HPC, or by the Board of Appeals or Board of Supervisors on appeal as
12 described in Section ~~1006.8~~1006.7, no application, the same or substantially the same as that
13 which was disapproved, shall be resubmitted to or reconsidered by the ~~Planning~~
14 ~~Commission~~HPC within a period of one year from the effective date of final action upon the
15 earlier application.

16 SEC. ~~1006.6~~1006.5. NATURE OF PLANNING~~HISTORIC PRESERVATION~~ COMMISSION
17 DECISION.

18 The decision of the ~~Planning Commission~~HPC after its public hearing shall be in
19 accordance with the following provisions:

20 (a) If the application for a Certificate of Appropriateness proposes construction or
21 alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other
22 appendage, or exterior changes in a historic district visible from a public street or other public
23 place, the ~~Planning Commission~~HPC shall approve ~~or~~, disapprove, or modify the application in
24 whole or in part.

1 (b) If the application proposes removal or demolition of a structure on a designated
2 landmark site, the ~~Planning Commission~~HPC may disapprove or approve the application, or
3 may suspend action on it for a period not to exceed 180 days; provided that the Board of
4 Supervisors by resolution may, for good cause shown, extend the suspension for an
5 additional period not to exceed 180 days, if the said Board acts not more than 90 days and
6 not less than 30 days prior to the expiration of the original 180-day period.

7 (c) If the application proposes removal or demolition of a structure in a designated
8 historic district, other than on a designated landmark site, the ~~Planning Commission~~HPC may
9 disapprove or approve the application, or may suspend action on it for a period not to exceed
10 90 days, subject to extension by the Board of Supervisors as provided in the preceding
11 subsection; provided, however, that the designating ordinance for the historic district may
12 authorize the suspension of action for an alternate period which shall in no event exceed 90
13 days, without extension, and in such event the provision of the designating ordinance shall
14 govern.

15 (d) In the event action on an application to remove or demolish a structure is
16 suspended as provided in this Section, the ~~Planning Commission~~HPC, ~~with the advice and~~
17 ~~assistance of the Advisory Board~~, may take such steps as it determines are necessary to
18 preserve the structure concerned, in accordance with the purposes of this Article 10. Such
19 steps may include, but shall not be limited to, consultations with civic groups, public agencies,
20 and interested citizens, recommendations for acquisition of property by public or private
21 bodies or agencies, and exploration of the possibility of moving one or more structures or
22 other features.

23 SEC. ~~1006.7~~1006.6. STANDARDS FOR REVIEW OF APPLICATIONS.

24 The ~~Planning Commission~~HPC, the Department, ~~and the Advisory Board~~, ~~and, in the case of~~
25 ~~multiple approvals under Section 1006.1(f), the Planning Commission, and any other decisionmaking~~

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

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

9 (b) The proposed work shall comply with the Secretary of the Interior's Standards for the
10 Treatment of Historic Properties for individual landmarks and contributors within historic districts, as
11 well as any applicable guidelines, local interpretations, bulletins, or other policies. Development of
12 local interpretations and guidelines based on the Secretary of the Interior's Standards shall be led by
13 the Planning Department through a public participation process; such local interpretations and
14 guidelines shall be found in conformance with the General Plan and Planning Code by the Planning
15 Commission and shall be adopted by both the HPC and the Planning Commission. If either body fails
16 to act on any such local interpretation or guideline within 180 days of either body's initial hearing
17 where the matter was considered for approval, such failure to act shall constitute approval by that
18 body. In the case of any apparent inconsistency among the requirements of this Section, compliance
19 with the requirements of the designating ordinance shall prevail.

20 ~~(b)(c)~~ For applications pertaining to landmark sites, the proposed work shall preserve,
21 enhance or restore, and shall not damage or destroy, the exterior architectural features of the
22 landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its
23 major interior architectural features. The proposed work shall not adversely affect the special
24 character or special historical, architectural or aesthetic interest or value of the landmark and
25

1 its site, as viewed both in themselves and in their setting, nor of the historic district in
2 applicable cases.

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

13 ~~(d)~~(e) For applications pertaining to all property in historic districts, the proposed work
14 shall also conform to such further standards as may be embodied in the ordinance
15 designating the historic district.

16 ~~(e)~~(f) For applications pertaining to the addition of murals on a landmark or
17 contributory structure in a historic district, ~~the Advisory Board and the Planning Commission~~HPC
18 shall consider only the placement, size and location of the mural, to determine whether the
19 mural covers or obscures significant architectural features of the landmark or contributory
20 structure. For purposes of review under this Article 10, the City shall not consider the content
21 or artistic merit of the mural.

22 (g) For applications pertaining to property in a historic district in a RH, RM, RTO, NC or
23 UMU district, the HPC, or the Planning Department if the scope of work has been delegated pursuant
24 to Section 1006.2(a), shall exempt such applications from the requirements of Section 1006.6 when
25 compliance would create a significant economic hardship for the applicant, provided that:

1 (1) The scope of the work does not constitute a demolition pursuant to Section 1005(f);

2 (2) The Planning Department has determined that the applicant meets the requirement for
3 economic hardship, such that the fees have been fully or partially waived pursuant to Section 1006.1 of
4 this Code;

5 (3) The Zoning Administrator has determined that in all other aspects the project is in
6 conformance with the requirements of the Planning Code;

7 (4) The applicant and the Department have demonstrated that the project utilizes materials,
8 construction techniques, and regulations, such as the California Historic Building Code, to best
9 achieve the goal of protecting the integrity of the district, while reducing costs to the applicant; and

10 (5) The HPC, or the Planning Department if the scope of work has been delegated pursuant
11 to Section 1006.2(a), has confirmed that all requirements listed herein have been met, and has
12 determined, pursuant to Section 1006.4, that issuance of a Certificate of Appropriateness that fully or
13 partially waives the requirements of Section 1006.6 will not be detrimental to the integrity of the
14 district.

15 (h) For applications pertaining to residential projects within historic districts that are
16 receiving a direct financial contribution or funding from local, state, or federal sources for the purpose
17 of providing a subsidized for-sale or rental housing unit, the HPC shall exempt such applications from
18 the requirements of Section 1006.6 provided that:

19 (1) The scope of the work does not constitute a demolition pursuant to Section 1005(f);

20 (2) The applicant and the Department have demonstrated that the project utilizes materials,
21 construction techniques, and regulations, such as the California Historic Building Code, to best
22 achieve the goal of protecting the integrity of the district;

23 (3) The applicant has demonstrated that the project has considered all local, state, and
24 federal rehabilitation incentives and taken advantage of those incentives as part of the project, when
25 possible and practical; and

1 (4) The HPC has confirmed that all requirements listed herein have been met, and has
2 determined, pursuant to Section 1006.4 of this Code, that issuance of a Certificate of Appropriateness
3 that fully or partially waives the requirements of Section 1006.6 will not be detrimental to the integrity
4 of the district and furthers the City's housing goals.

5 SEC. ~~1006.8~~1006.7. ~~APPEALS FROM PLANNING COMMISSION DECISION OF A~~
6 ~~CERTIFICATE OF APPROPRIATENESS.~~

7 (a) Right of Appeal. The HPC's or the Planning Commission's decision on a Certificate of
8 Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision
9 by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or is
10 appealed to the Board of Supervisors as a conditional use authorization, the decision shall not be
11 appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the
12 decision by a majority vote. ~~The action of the Planning Commission in approving or disapproving in~~
13 ~~whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the~~
14 ~~Board of Supervisors in accordance with this Section. An action of the Commission~~ Any Certificate of
15 Appropriateness so appealed ~~from~~ shall not become effective unless and until approved by the
16 Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this
17 Section shall be construed to authorize the appeal of any decision under Section ~~1006.6~~1006.5
18 of this Article 10 to suspend action on an application.

19 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing written
20 notice of appeal with the Board of Appeals or Clerk of the Board of Supervisors, whichever entity
21 is appropriate under the requirements of subsection (a), within 30 days after the date of action by
22 the ~~Planning Commission~~HPC or Planning Commission. In the case of a historic district, the notice of
23 appeal shall be subscribed by the owners of at least 20 percent of the property affected by the proposed
24 Certificate of Appropriateness; for the purposes of this calculation, the property affected shall be
25 deemed to be all property within the historic district. In the case of a landmark not in a historic district,

1 ~~the notice of appeal shall be subscribed by the property owner, or by any governmental body or~~
2 ~~agency, or by an organization with a recognized interest in historical preservation.~~

3 (c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed, t~~The Board of
4 Supervisors, ~~the Board of Appeals~~ or the Clerk(s) thereof shall set a time and place for hearing
5 such appeal, which shall be not less than 10 nor more than 30 days after such filing. The
6 ~~Board of Appeals or the~~ Board of Supervisors must decide such appeal within 30 days of the
7 time set for the hearing thereon; provided that, if the full membership of the ~~Board~~board hearing
8 ~~the appeal~~ is not present on the last day on which ~~said the~~ appeal is set or continued for hearing
9 within said period, the ~~Board~~board may postpone ~~said the~~ hearing and decision thereon until,
10 but not later than, the full membership of the ~~Board~~board is present; provided, further, that the
11 latest date to which said hearing and decision may be so postponed shall be not more than 90
12 days from the date of filing of the appeal. Failure of the ~~Board of Appeals or the~~ Board of
13 Supervisors to act within such time limit shall be deemed to constitute approval by the Board
14 of the ~~action~~decision of the ~~HPC or~~ Planning Commission.

15 (d) ~~Decision. In acting upon any such appeal, the Board of Supervisors may disapprove the~~
16 ~~action of the Planning Commission only by a vote of not less than of all members of the Board.~~

17 (e) —Decisions Affecting City Hall. The provisions of this Subsection shall govern
18 decisions by the ~~City Planning Commission~~HPC on a Certificate of Appropriateness for
19 alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the
20 approval or disapproval by the ~~City Planning Commission~~HPC of a Certificate of
21 Appropriateness for alteration of City Hall, the Secretary of the ~~City Planning Commission~~HPC
22 shall transmit to the Clerk of the Board of Supervisors written notification of the
23 ~~Commission~~HPC's decision. The Clerk shall set a time and place for hearing on the decision,
24 which shall be not less than 10 nor more than 30 days after receipt of such notification. The
25 Board of Supervisors may ~~either~~ approve, disapprove, or modify the ~~Commission's~~ HPC's

1 decision by majority vote. The Board of Supervisors must take this action within 30 days of the
2 time set for the hearing thereon, provided that, if the full membership of the Board is not
3 present on the last day on which said hearing is set or continued within said period, the Board
4 may postpone said hearing and decision thereon until, but not later than, the full membership
5 of the Board is present; provided further, that the latest date to which said hearing and
6 decision may be so postponed shall be not more than 90 days from the date of the receipt of
7 written notification. Failure of the Board of Supervisors to act within such time limit shall be
8 deemed to constitute approval by the Board of the action of the ~~City Planning Commission~~HPC.

9 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

10 None of the provisions of this Article 10 shall be construed to prevent any measures of
11 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition
12 of any structure, other feature, or part thereof, where such condition has been declared
13 unsafe or dangerous by the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building
14 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the
15 proposed measures have been declared necessary, by such official, to correct the ~~said~~
16 condition; provided, however, that only such work as is absolutely necessary to correct the
17 unsafe or dangerous condition may be performed pursuant to this Section. In the event any
18 structure or other feature shall be damaged by fire, or other calamity, or by Act of God or by
19 the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot
20 reasonably be repaired and restored, it may be removed in conformity with normal permit
21 procedures and applicable laws.

22 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

23 The owner, lessee or other person in actual charge of a landmark, or of a structure in
24 a ~~an~~ historic district, shall comply with all applicable codes, laws and regulations governing the
25 maintenance of the property. It is the intent of this Section to preserve from deliberate or

1 inadvertent neglect the exterior portions of such landmark or structure, the interior portions
2 thereof when subject to control as specified in the designating ordinance, and all interior
3 portions thereof whose maintenance is necessary to prevent deterioration and decay of any
4 exterior portion. Failure to comply with this Section shall be subject to enforcement and penalties
5 pursuant to Section 1013 below.

6 SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

7 The ~~Advisory Board~~HPC may, upon request of the property owner, render advice and
8 guidance with respect to any proposed work for which a Certificate of Appropriateness is not
9 required, on a designated landmark site or in a designated historic district. In rendering such
10 advice and guidance, the ~~Advisory Board~~HPC shall be guided by the purposes and standards
11 in this Article 10. This Section shall not be construed to impose any regulations or controls
12 upon any property.

13 SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

14 (a) The Department shall take appropriate steps to notify all public agencies
15 ~~which~~that own or may acquire property in the City, about the existence and character of
16 designated landmarks and historic districts; if possible, the Department shall cause a current
17 record of such landmarks and historic districts to be maintained in each such public agency. In
18 the case of any publicly owned property on a landmark site or in a historic district which is not
19 subject to the permit review procedures of the City, the agency owning the said property shall
20 seek the advice of the ~~Planning Commission~~HPC prior to approval or authorization of any
21 construction, alteration or demolition thereon; and the ~~Planning Commission, with the aid of the~~
22 ~~Advisory Board and~~HPC, in consultation with the Art Commission in appropriate cases, shall
23 render a report to the owner as expeditiously as possible, based on the purposes and
24 standards in this Article 10. ~~If Planning Commission review of a public project involving~~ In the case
25 of any publicly owned property on a landmark site or in a historic district that is subject to the permit

1 review procedures of the City under any other law or under the Charter, the agency owning the
2 property shall be subject to the provisions of this Article 10, and if the project involves construction,
3 alteration or demolition on a landmark site or in a historic district ~~is required under any other law,~~
4 ~~or under the Charter, the Planning Commission shall render the report referred to in this Section to~~
5 ~~such public agency without specific request therefor~~ a Certificate of Appropriateness shall be required
6 subject to the procedures set forth in this Article 10.

7 (b) All officers, boards, commissions and departments of the City shall cooperate
8 with the ~~Advisory Board and the Planning Commission~~HPC in carrying out the spirit and intent of
9 this Article 10.

10 (c) Nothing in this Article 10 shall be construed to impose~~d~~ any regulations or
11 controls upon designated landmarks owned or controlled by the Golden Gate Bridge Highway
12 and Transportation District.

13 SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

14 (a) The ~~Advisory Board may recommend, and the Planning Commission~~HPC may
15 approve, a list of structures of historical, architectural or aesthetic merit ~~which~~ that have not
16 been designated as landmarks and are not situated in designated historic districts. ~~The~~
17 ~~said~~This list may be added to from time to time. The purpose of this list shall be to recognize
18 and encourage the protection, enhancement, perpetuation and use of such structures. The
19 ~~Advisory Board and the Planning Commission~~HPC shall maintain a record of historic structures in
20 the City ~~which~~that have been officially designated by agencies of the State or federal
21 government, and shall cause such structures to be added to the aforesaid list.

22 (b) Nothing in this Article 10 shall be construed to impose any regulations or
23 controls upon such structures of merit included on ~~the said~~such a list and neither designated as
24 landmarks nor situated in historic districts.

1 (c) The ~~Planning Commission, with the advice of the Advisory Board,~~HPC may authorize
2 such steps as it deems desirable to recognize the merit of, and to encourage the protection,
3 enhancement, perpetuation and use of any such listed structure, or of any designated
4 landmark or any structure in a designated historic district, including but not limited to the
5 issuance of a certificate of recognition and the authorization of a plaque to be affixed to the
6 exterior of the structure; and the ~~Planning Commission~~HPC shall cooperate with appropriate
7 State and federal agencies in such efforts.

8 (d) The ~~Planning Commission, with the advice of the Advisory Board,~~HPC may make
9 recommendations to the Board of Supervisors and to any other body or agency responsible,
10 to encourage giving names pertaining to San Francisco history to streets, squares, walks,
11 plazas and other public places.

12 SEC. 1012. Referral of Certain Matters.

13 Prior to passage by the Board of Supervisors, the following matters shall be submitted to the
14 HPC for its written report regarding effects upon historic or cultural resources: ordinances and
15 resolutions concerning historic preservation issues and historic resources; redevelopment project
16 plans; and waterfront land use and project plans.

17 (a) Time Period for Review. The HPC shall submit any written report to the Board of
18 Supervisors within 90 days of the date of referral. Failure of the HPC to act within the prescribed time
19 shall be deemed to constitute a recommendation of disapproval, except that the Board of Supervisors
20 may, by resolution, extend the prescribed time within which the HPC is to render its report.

21 (b) Report to Planning Commission. If the Planning Commission is required to take action
22 on the matter, the HPC shall submit any report to the Planning Commission as well as to the Board of
23 Supervisors.

24 (c) Referral Back of Proposed Amendments to the Municipal Code. In acting upon any
25 proposed amendment to the Municipal Code concerning historic preservation issues and historic

1 resources, the Board of Supervisors may modify said amendment but shall not take final action upon
2 any material modification that has not been referred to the HPC for its written report. Should the
3 Board of Supervisors adopt a motion proposing to modify the amendment while it is before the Board,
4 the amendment and the motion proposing modification shall be referred back to the HPC for its written
5 report. In all such cases of referral back, the amendment and the proposed modification shall be heard
6 by the HPC according to the requirement for a new proposal.

7 SEC. 1013. ENFORCEMENT AND PENALTIES.

8 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
9 Code.

10 SEC. 1014. APPLICABILITY.

11 (a) No application for a permit to construct, alter or demolish any structure or other
12 feature on a proposed landmark site or in a proposed historic district, filed subsequent to the
13 day that ~~an application has been filed or~~ a resolution adopted to initiate designation or a
14 resolution adopted to confirm initiation of designation of the ~~said~~ proposed landmark site or historic
15 district, shall be approved by the Department while proceedings are pending on such
16 designation; ~~provided however, that after 180 days have elapsed from the date of initiation of said~~
17 ~~designation, if final action on such designation has not been completed, the permit application may be~~
18 ~~approved.~~ for 180 days after a resolution is passed initiating designation or confirming nomination of
19 designation.

20 The HPC or the Board of Supervisors may approve by resolution a one-time extension of up to
21 90 days of the above-time period. The Board of Supervisors may approve by resolution one further
22 extension of up to 90 days. If final action on such designation has not been completed before the end of
23 the relevant time period, the permit application may be approved.

24 Notwithstanding the above, the Department may approve a permit to construct, alter, or
25 demolish a structure or other feature on a proposed landmark site or in a proposed historic district

1 while proceedings are pending on a proposed designation if the property owner or authorized agent of
2 the property owner applies for and is granted approval of a Certificate of Appropriateness for such
3 work pursuant to the requirements of this Article 10.

4 (b) The provisions of this Article 10 shall be inapplicable to the construction,
5 alteration or demolition of any structure or other feature on a landmark site or in a historic
6 district, where a permit for the performance of such work was issued prior to the effective date
7 of the designation of the said landmark site or historic district, and where such permit has not
8 expired or been cancelled or revoked, provided that construction is started and diligently
9 prosecuted to completion in accordance with the Building Code.

10 SEC. 1015. - SEVERABILITY.

11 If any Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase of this
12 Article 10 or any part thereof, is for any reason held to be unconstitutional or invalid, such
13 decision shall not affect the validity of the remaining portions of this Article 10 or any part
14 thereof. The Board of Supervisors hereby declares that it would have passed each Section,
15 Subsection, Subdivision, Paragraph, sentence, clause or phrase thereof, and any amendments
16 thereto, irrespective of the fact that any one or more Sections, Subsections, Subdivisions,
17 Paragraphs, sentences, clauses or phrases be declared unconstitutional.

18
19 Section 3. The Appendices to Article 10 are not amended by this ordinance and thus
20 have not been included here for brevity.

21
22 Section 4. Effective Date. This ordinance shall become effective 30 days from the
23 date of passage.

1 Section 5. In enacting this Ordinance, the Board intends to amend only those words,
2 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
3 or any other constituent part of the Planning Code that are explicitly shown in this legislation
4 as additions, deletions, Board amendment additions, and Board amendment deletions in
5 accordance with the "Note" that appears under the official title of the legislation.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 Marlena G. Byrne
11 Deputy City Attorney
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