

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;**
5 **and making findings, including environmental findings and findings of consistency**
6 **with the 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 ~~strikethrough normal~~.

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
13 Francisco 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
16 Commission in Resolution No. 18531 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
20 is on file with the Clerk of the Board of Supervisors in File No. 120300 and is incorporated
21 herein by reference. The Board finds that the proposed Planning Code amendments
22 contained in this ordinance are on balance 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 (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

1 in 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
5 reviewed the proposed Planning Code amendments and recommended that the Board of
6 Supervisors adopt some of the proposed amendments. On February 1, 2012 at a duly
7 noticed public hearing, the Historic Preservation Commission reviewed additional possible
8 amendments to Article 10, some of which have been incorporated into the proposed
9 Planning Code amendments, provided additional recommendations, and incorporated all of
10 its prior recommendations in Resolution No. 672, which supersedes its Resolution No. 666.
11 A copy of said Resolution 672 and any additional recommendations of the Historic
12 Preservation Commission are on file with the Clerk of the Board of Supervisors in File No.
13 120300.

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

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

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

25 Sec. 1001. Purposes.

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
20 Hearing; 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
5 national history, or which provide significant examples of architectural styles of the past or
6 are landmarks in the history of architecture, or which are unique and irreplaceable assets to
7 the City and its neighborhoods, or which provide for this and future generations examples of
8 the physical surroundings in which past generations lived;

9 (b) The development and maintenance of appropriate settings and environment
10 for 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
16 architectural and

17 (e) The enrichment of human life in its educational and cultural dimensions in
18 order to serve spiritual as well as material needs, by fostering knowledge of the living
19 heritage of the 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")
23 and the ~~Planning Commission~~ Historic Preservation Commission ("HPC") shall have and exercise
24 the powers and shall perform the duties set forth in this Section and elsewhere in this Article
25 10 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
6 in 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
9 and 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
12 application, 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,
15 and 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
20 of 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
6 matters 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
14 the General Plan and special area, neighborhood, and other plans designed to carry out the General
15 Plan, 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
23 reason to believe worthy of preservation;

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

1 in the protection, enhancement, perpetuation and use of landmarks, property in historic
2 districts, and 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
5 to 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~~
12 ~~historical preservation matters. The Advisory Board shall consist of nine voting members appointed~~
13 ~~by the Mayor and serving at his pleasure, without salary. Of the original appointments, five shall be~~
14 ~~for a four-year term and four for a two-year term; after the expiration of the said original terms, all~~
15 ~~appointments shall be for four-year terms. In addition, the Art Commission shall choose one of its~~
16 ~~members to be an ex officio member of the Advisory Board, without vote.~~

17 (a) ~~In making appointments, the Mayor may consult persons and organizations interested~~
18 ~~in historical preservation. Appointees to the Advisory board shall be persons specially qualified by~~
19 ~~reason of training or experience in the historic and cultural traditions of the City, and interested in~~
20 ~~the preservation of its historic structures, sites and areas. The voting members shall be residents of~~
21 ~~the 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
24 cultural resources, and take such other actions concerning historic preservation as may be
25 prescribed by this Code and other ordinances. Charter Section 4.135 sets forth the requirements for

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

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

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

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

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

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

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

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

1 characteristics of the landmark or historic district that justify its designation, and a
2 description of the particular features that should be preserved. Any such designation shall
3 be in furtherance of and in conformance with the purposes of this Article 10 and the
4 standards set forth herein.

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

9 (1) For a publicly-owned landmark, review of proposed changes to significant
10 interior architectural features.

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

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

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

20 (d) The Board of Supervisors may amend or rescind a designation at any time,
21 subject to all of the procedures set forth in this Article 10 for an original designation;
22 provided, however, that in the event that a landmark is accidentally destroyed or is
23 demolished or removed in conformity with the provisions of Section 1007, or is legally
24 demolished or relocated after compliance ~~has been had~~ with the provisions of ~~Section~~
25 ~~1006.2~~ this Article 10, the ~~Director of Planning~~ Director may request the ~~Planning~~

1 ~~Commission~~HPC to recommend to the Board of Supervisors that the designation be amended
2 or rescinded, and in such case the procedures for an original designation set forth in
3 Sections 1004.1; and 1004.2 ~~and 1004.3~~ hereof shall not apply.

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

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

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

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

20 (2) by resolution of the HPC; or

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

24 The Board of Supervisors and the HPC shall make findings in support of any initiation of
25 designation of a landmark site or historic district. The Board of Supervisors shall promptly refer any

1 ~~initiation of designation to the HPC for its review and recommendation. Any such application shall~~
2 ~~be filed with the Department upon forms prescribed by the Planning Commission, and shall be~~
3 ~~accompanied by all data required by the Planning Commission. Where such an application is~~
4 ~~submitted for designation of a historic district, the application must be subscribed by or on behalf of~~
5 ~~at least 66 percent of the property owners in the proposed district.~~

6 ~~SEC. 1004.2.—REFERRAL TO LANDMARKS PRESERVATION ADVISORY BOARD.~~

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

14 ~~SEC. 1004.3.—HEARING BY CITY PLANNING COMMISSION DECISION BY THE~~
15 ~~HISTORIC PRESERVATION COMMISSION.~~

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

21 (a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall
22 be given by at least one publication in a newspaper of general circulation in the City not less
23 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days
24 prior to the date of hearing to the owners of all property included in the proposed
25 designation, using for this purpose the names and addresses of the last known owners as

1 shown on the records of the ~~Assessor~~ Tax Collector and to the applicant, if any. Failure to send
2 notice by mail to any such property owner where the address of such owner is not a matter
3 of public record shall not invalidate any proceedings in connection with the proposed
4 designation. The Department may also give such other notice as it may deem desirable and
5 practicable.

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

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

19 (d) ~~In the event that a proposed designation has been initiated prior to July 18, 2006, and~~
20 ~~the Planning Commission has failed to act upon such proposed designation as of the effective date of~~
21 ~~this ordinance, the Board of Supervisors may act on the proposed designation notwithstanding the~~
22 ~~Planning Commission failure to act on the proposed designation. Referral of Proposed Designation.~~
23 If the HPC recommends approval of a landmark designation, it shall send its recommendation to the
24 Board of Supervisors, without referral to the Planning Commission. If the HPC recommends
25 approval of a historic district designation, it shall refer its recommendation to the Planning

1 Commission, which shall have 45 days to review and comment on the proposed designation, which
2 comments, if any, shall be sent by the Department to the Board of Supervisors with the HPC's
3 recommendation. The Planning Commission's comments shall be transmitted to the Board of
4 Supervisors as a resolution and shall (i) address the consistency of the proposed designation with the
5 policies embodied in the General Plan and the priority policies of Section 101.1, particularly the
6 provision of housing to meet the City's Regional Housing Needs Allocation, and the provision of
7 housing near transit corridors; (ii) identify any amendments to the General Plan necessary to
8 facilitate adoption of the proposed designation; and (iii) evaluate whether the district would conflict
9 with the Sustainable Communities Strategy for the Bay Area. If the HPC disapproves designation of a
10 landmark or historic district, that decision shall be final and shall not require referral unless
11 appealed as set forth below.

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

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

1 occupants in the proposed district. The property owners' and occupants' votes shall be
2 tallied separately and combined and shall be considered by the Board of Supervisors when
3 taking action on the proposed district.

4
5 SEC. ~~1004.5~~1004.4. APPEAL TO BOARD OF SUPERVISORS.

6 If the ~~Planning Commission~~HPC disapproves the proposed designation, such action
7 shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30
8 days by a protest subscribed by the owners of at least 20 percent of the property proposed
9 to be designated, or by any governmental body or agency, or by an organization with a
10 recognized interest in historical preservation; provided, however, that if the proposal was
11 initiated by the Board of Supervisors, the Clerk of the said Board shall be notified
12 immediately of the disapproval without the necessity for an appeal.

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

17 (b) Decision. The Board of Supervisors may overrule the ~~Planning Commission~~HPC
18 and approve, or modify and approve, the designation by a majority vote of all its members.

19 (c) Resubmission, Reconsideration. If a proposal initiated by application has been
20 disapproved by the ~~Planning Commission~~HPC or by the Board of Supervisors ~~on appeal~~, no
21 subsequent application that is the same or substantially the same may be submitted or
22 reconsidered for at least one year from the effective date of final action of the original
23 proposal.

24 SEC. ~~1004.6~~1004.5. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.
25

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

5 SEC. ~~1004.7~~1004.6. NOTICE OF AMENDMENT OR RESCISSION OF
6 DESIGNATION.

7 When a landmark or historic district designation has been amended or rescinded, the
8 Department shall promptly notify the owners of the property included therein, and shall
9 cause a copy of the appropriate ordinance, or notice thereof, to be recorded in the office of
10 the County Recorder.

11 SEC. 1005. CONFORMITY AND PERMITS.

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

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

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

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

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

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

14 (d) The Department shall maintain with the Central Permit Bureau a current record
15 of designated landmarks and historic districts. Upon receipt of any application for a permit to
16 carry out any construction, alteration, removal or demolition of a structure or any work
17 involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or
18 in a historic district, the Central Permit Bureau shall, unless the structure or feature
19 concerned has been declared unsafe or dangerous pursuant to Section 1007 of this Article
20 10, promptly forward such permit application to the Department.

21 (e) After receiving a permit application from the Central Permit Bureau in
22 accordance with the preceding subsection, the Department shall ascertain whether *Section*
23 ~~1006 requires~~ a Certificate of Appropriateness is required or has been approved for the work
24 proposed in such permit application. If ~~such a~~ Certificate of Appropriateness is required and
25 has been issued, and if the permit application conforms to ~~such~~ the work approved in the

1 Certificate of Appropriateness, the permit application shall be processed without further
2 reference to this Article 10. If ~~such a~~ Certificate of Appropriateness is required and has not
3 been issued, or if ~~in the sole judgment of the Department~~ the permit application does not ~~so~~
4 conform to what was approved, the permit application shall be disapproved or held by the
5 Department until such time as conformity does exist either through modifications to the
6 proposed work or through the issuance of an amended or new Certificate of Appropriateness; ~~the~~
7 ~~decision and action of the Department shall be final~~. Notwithstanding the foregoing, in the
8 following cases the Department shall process the permit application without further
9 reference to this Article 10:

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

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

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

23 (4) When the application is for a permit to maintain, repair, rehabilitate, or improve
24 streets and sidewalks, including sidewalk widening, accessibility, and bulb-outs, unless such streets
25 and sidewalks have been explicitly called out in a landmark's or district's designating ordinance as

1 ~~character defining features of the landmark or district. When the application is for a permit to comply~~
2 ~~with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the~~
3 ~~proposed work complies with the UMB Retrofit Architectural Design Guidelines, which guidelines~~
4 ~~shall be adopted by the Planning Commission.~~

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

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

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

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

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

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

19 (1) Where the mural is proposed to be added to a landmark or contributory
20 structure in a historic district, located on property owned by the City, no Certificate of
21 Appropriateness shall be required. On such structures, the Art Commission shall not
22 approve the mural until the ~~Advisory Board~~HPC has provided advice to the Art Commission
23 on the impact of the mural on the historical structure. The ~~Advisory Board~~HPC shall provide
24 advice to the Art Commission within ~~50~~45 days of receipt of a written request for advice and
25 information regarding the placement, size and location of the proposed mural;

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

7 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

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

12 (1) Any construction, alteration, removal or demolition of a structure or any work
13 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section
14 1005(g), or other appendage, for which a City permit is required, on a landmark site or in a
15 historic district;

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

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

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

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).~~ The procedures, requirements, controls and standards in Sections 1006
4 through 1006.8 shall apply to all applications for Certificates of Appropriateness; provided,
5 however, that the designating ordinance for a historic district, or for a City-owned park,
6 square, plaza or garden on a landmark site, may modify or add to these procedures,
7 requirements, controls and standards.

8 SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

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

14 (c) Content of Applications. The content of applications shall be in accordance
15 with the policies, rules and regulations of the Department and the ~~City Planning~~
16 ~~Commission~~HPC. All applications shall be upon forms prescribed therefore, and shall contain
17 or be accompanied by all information required to assure the presentation of pertinent facts
18 for proper consideration of the case and for the permanent record. In general, the
19 application shall be accompanied by plans and specifications showing the proposed exterior
20 appearance, including but not limited to color, texture of materials, and architectural design
21 and detail; drawings or photographs showing the property in the context of its surroundings
22 may also be required. The applicant may be required to file with ~~his~~ the application ~~the~~
23 additional information needed for the preparation and mailing of notices as specified in
24 Section 1006.3.
25

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

4 (e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code~~
5 ~~requires a conditional use authorization in addition to a Certificate of Appropriateness, the~~
6 ~~Department may combine the required applications, notices and hearings for administrative~~
7 ~~convenience and in the interests of the applicant and the public, to the extent deemed feasible and~~
8 ~~desirable by the Department.~~ Multiple Planning Approvals. For projects that require multiple
9 planning approvals, the HPC shall review and act on any Certificate of Appropriateness before any
10 other planning approval action. For projects that (1) require a conditional use authorization or
11 permit review under Section 309, et. seq. of the Code, and (2) do not concern an individually
12 landmarked property, the Planning Commission may modify any decision on a Certificate of
13 Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all
14 applicable historic resources provisions of the Code and take into account all relevant General Plan
15 and Planning Code policies, in addition to all applicable historic preservation provisions. For
16 projects located on vacant lots, the Planning Commission may modify any decision on a Certificate of
17 Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all
18 applicable historic resources provisions of the Planning Code and take into account all relevant
19 General Plan and Planning Code policies, in addition to all applicable historic preservation
20 provisions.

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

23 SEC. 1006.2. REVIEW BY PLANNING DEPARTMENT ~~OF CITY PLANNING AND CITY~~
24 ~~PLANNING COMMISSION.~~

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

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

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

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

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

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

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

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

5 (b) Administrative Certificates of Appropriateness. Upon receipt of a building permit
6 application, an Administrative Certificate of Appropriateness for Minor Alteration work may be
7 approved by the Department without a hearing before the HPC. The Department shall mail the
8 Department's written decision on an Administrative Certificate of Appropriateness to the applicant
9 and to any individuals or organizations who so request. Any Departmental decision on an
10 Administrative Certificate of Appropriateness may be appealed to the HPC within 15 days of the date
11 of the written decision. The HPC may also request review of any Departmental decision on an
12 Administrative Certificate of Appropriateness by its own motion within 20 days of the written
13 decision.

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

17 SEC. 1006.3.SCHEDULING AND NOTICE OF HEARING.

18 (a) ~~When an application for a Certificate of Appropriateness has been filed and Section~~
19 ~~1006.2 provides that the Planning Commission shall hold a public hearing thereon, If a public~~
20 ~~hearing before the HPC on a Certificate of Appropriateness is required, a timely appeal has been~~
21 ~~made of an Administrative Certificate of Appropriateness, or the HPC has timely requested review of~~
22 ~~an Administrative Certificate of Appropriateness,~~ the Department shall set a time and place for
23 said hearing within a reasonable period. Notice of the time, place and purpose of the
24 hearing shall be given by the Department as follows:

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

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

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

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

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

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

17 ~~(5) By posting notice on the site not less than 20 days prior to the date of the hearing; and~~

18 ~~(d)(6) Such other notice as the Department shall deem appropriate.~~

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

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

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

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

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

9 (a) Report and Recommendation. The Department shall make necessary
10 investigations and studies prior to the hearing of the ~~Planning Commission~~HPC. The
11 ~~Department shall provide its~~ report and recommendation ~~of the Director of Planning shall be~~
12 ~~submitted at the hearing~~ to the HPC.

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

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

21 (d) Decision. The HPC shall approve, disapprove, or approve with modifications
22 Certificates of Appropriateness for work to designated landmarks or within historic districts, except
23 where it delegates such decisions to Departmental staff under the provisions of Section 1006.2 above.
24 The decision of the ~~Planning Commission~~HPC shall be rendered within 30 days from the date
25 of conclusion of the hearing; failure of the ~~Commission~~ HPC to act within the prescribed time

1 shall be deemed to constitute disapproval of the application. The decision of the *Planning*
2 *CommissionHPC*, ~~in either approving or, disapproving the application pursuant to Section 1006.6,~~
3 shall be final except upon the filing of a valid appeal to the Board of Appeals or Board of
4 Supervisors as provided in Section ~~1006.8~~1006.7. ~~The decision of the Planning Commission, in~~
5 ~~suspending action on an application pursuant to Section 1006.6, shall be final.~~ If the *Planning*
6 *CommissionHPC*, or the Board of Appeals or Board of Supervisors on appeal, approves the
7 application, ~~or after the expiration of any suspension period imposed by the Commission,~~ the
8 Department shall issue a Certificate of Appropriateness to the applicant.

9 (e) Time Limit for Exercise. When approving an application for a Certificate of
10 Appropriateness as provided herein, the *Planning CommissionHPC* may impose a time limit
11 for submission of a permit application conforming to the Certificate; otherwise, such permit
12 application must be submitted within a reasonable time.

13 (f) Delegation of Hearing. The *Planning CommissionHPC* may delegate to a
14 committee of one or more of its members, or to the Director of Planning or his or her
15 designee, ~~or to the Advisory Board~~, or to any combination of the foregoing, the holding of the
16 hearing required by this Article 10 for a Certificate of Appropriateness. The delegate or
17 delegates shall submit to the *Planning CommissionHPC* a record of the hearing, together with
18 a report of findings and recommendations relative thereto, for the consideration of the
19 *CommissionHPC* in reaching its decision in the case.

20 (g) Reconsideration. Whenever an application has been disapproved by the
21 *Planning CommissionHPC*, or by the Board of Appeals or Board of Supervisors on appeal as
22 described in Section ~~1006.8~~1006.7, no application, the same or substantially the same as that
23 which was disapproved, shall be resubmitted to or reconsidered by the *Planning*
24 *CommissionHPC* within a period of one year from the effective date of final action upon the
25 earlier application.

1 SEC. ~~1006.6~~1006.5. NATURE OF ~~PLANNING~~HISTORIC PRESERVATION
2 COMMISSION DECISION.

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

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

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

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

24 (d) In the event action on an application to remove or demolish a structure is
25 suspended as provided in this Section, the ~~Planning Commission~~HPC, ~~with the advice and~~

1 ~~assistance of the Advisory Board,~~ may take such steps as it determines are necessary to
2 preserve the structure concerned, in accordance with the purposes of this Article 10. Such
3 steps may include, but shall not be limited to, consultations with civic groups, public
4 agencies, and interested citizens, recommendations for acquisition of property by public or
5 private bodies or agencies, and exploration of the possibility of moving one or more
6 structures or other features.

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

8 The ~~Planning Commission, HPC, the Department, and the Advisory Board, and, in the case~~
9 of multiple approvals under Section 1006.1(f), the Planning Commission, and any other
10 decisionmaking body shall be guided by the standards in this Section in their review of
11 applications for Certificates of Appropriateness for proposed work on a landmark site or in a
12 historic district. In appraising the effects and relationships mentioned herein, the ~~Planning~~
13 ~~Commission, the Department and the Advisory Board~~ decisionmaking body shall in all cases
14 consider the factors of architectural style, design, arrangement, texture, materials, color, and
15 any other pertinent factors.

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

18 (b) The proposed work shall comply with the Secretary of the Interior's Standards for the
19 Treatment of Historic Properties for individual landmarks and contributors within historic districts,
20 as well as any applicable guidelines, local interpretations, bulletins, or other policies. Development
21 of local interpretations and guidelines based on the Secretary of the Interior's Standards shall be led
22 by the Planning Department through a public participation process; such local interpretations and
23 guidelines shall be found in conformance with the General Plan and Planning Code by the Planning
24 Commission and shall be adopted by both the HPC and the Planning Commission. If either body
25 fails to act on any such local interpretation or guideline within 180 days of either body's initial

1 hearing where the matter was considered for approval, such failure to act shall constitute approval
2 by that body. In the case of any apparent inconsistency among the requirements of this Section,
3 compliance with the requirements of the designating ordinance shall prevail.

4 ~~(b)~~(c) For applications pertaining to landmark sites, the proposed work shall
5 preserve, enhance or restore, and shall not damage or destroy, the exterior architectural
6 features of the landmark and, where specified in the designating ordinance pursuant to
7 Section 1004(c), its major interior architectural features. The proposed work shall not
8 adversely affect the special character or special historical, architectural or aesthetic interest
9 or value of the landmark and its site, as viewed both in themselves and in their setting, nor
10 of the historic district in applicable cases.

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

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

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

7 (g) For applications pertaining to property in a historic district in a RH, RM, RTO, NC or
8 UMU district, the HPC, or the Planning Department if the scope of work has been delegated
9 pursuant to Section 1006.2(a), shall exempt such applications from the requirements of Section
10 1006.6 when compliance would create a significant economic hardship for the applicant, provided
11 that:

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

13 (2) The Planning Department has determined that the applicant meets the requirement
14 for economic hardship, such that the fees have been fully or partially waived pursuant to Section
15 1006.1 of this Code;

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

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

22 (5) The HPC, or the Planning Department if the scope of work has been delegated
23 pursuant to Section 1006.2(a), has confirmed that all requirements listed herein have been met, and
24 has determined, pursuant to Section 1006.4, that issuance of a Certificate of Appropriateness that
25

1 fully or partially waives the requirements of Section 1006.6 will not be detrimental to the integrity of
2 the district.

3 (h) For applications pertaining to residential projects within historic districts that are
4 receiving a direct financial contribution or funding from local, state, or federal sources for the
5 purpose of providing a subsidized for-sale housing unit or units to residents earning 120% and
6 below area median income or rental housing unit or units to residents earning 100% and
7 below area median income and where at least 80 percent of the units are so subsidized, the
8 HPC shall exempt such applications from the requirements of Section 1006.6 provided that:

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

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

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

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

20 SEC. ~~1006.8~~1006.7. APPEALS FROM PLANNING COMMISSION DECISION OF A
21 CERTIFICATE OF APPROPRIATENESS.

22 (a) Right of Appeal. The HPC's or the Planning Commission's decision on a Certificate
23 of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the
24 decision by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval
25 or is appealed to the Board of Supervisors as a conditional use authorization, the decision shall not

1 be appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the
2 decision by a majority vote. The action of the Planning Commission in approving or disapproving in
3 whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the
4 Board of Supervisors in accordance with this Section. An action of the Commission Any Certificate of
5 Appropriateness so appealed ~~from~~ shall not become effective unless and until approved by
6 the Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this
7 Section shall be construed to authorize the appeal of any decision under Section
8 ~~1006.6~~1006.5 of this Article 10 to suspend action on an application.

9 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing written
10 notice of appeal with the Board of Appeals or Clerk of the Board of Supervisors, whichever entity
11 is appropriate under the requirements of subsection (a), within 30 days after the date of action by
12 the ~~Planning Commission~~HPC or Planning Commission. ~~In the case of a historic district, the notice~~
13 ~~of appeal shall be subscribed by the owners of at least 20 percent of the property affected by the~~
14 ~~proposed Certificate of Appropriateness; for the purposes of this calculation, the property affected~~
15 ~~shall be deemed to be all property within the historic district. In the case of a landmark not in a~~
16 ~~historic district, the notice of appeal shall be subscribed by the property owner, or by any~~
17 ~~governmental body or agency, or by an organization with a recognized interest in historical~~
18 ~~preservation.~~

19 (c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed, t~~The Board
20 of Supervisors, the Board of Appeals or the Clerk(s) thereof shall set a time and place for
21 hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing.
22 The Board of Appeals or the Board of Supervisors must decide such appeal within 30 days of
23 the time set for the hearing thereon; provided that, if the full membership of the ~~Board~~board
24 hearing the appeal is not present on the last day on which ~~said the~~ appeal is set or continued
25 for hearing within said period, the ~~Board~~board may postpone ~~said the~~ hearing and decision

1 thereon until, but not later than, the full membership of the ~~Board~~board is present; provided,
2 further, that the latest date to which said hearing and decision may be so postponed shall be
3 not more than 90 days from the date of filing of the appeal. Failure of the Board of Appeals or
4 the Board of Supervisors to act within such time limit shall be deemed to constitute approval
5 by the Board of the ~~action~~decision of the HPC or Planning Commission.

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

8 (e) —Decisions Affecting City Hall. The provisions of this Subsection shall govern
9 decisions by the ~~City Planning Commission~~HPC on a Certificate of Appropriateness for
10 alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon
11 the approval or disapproval by the ~~City Planning Commission~~HPC of a Certificate of
12 Appropriateness for alteration of City Hall, the Secretary of the ~~City Planning Commission~~HPC
13 shall transmit to the Clerk of the Board of Supervisors written notification of the
14 ~~Commission~~HPC's decision. The Clerk shall set a time and place for hearing on the decision,
15 which shall be not less than 10 nor more than 30 days after receipt of such notification. The
16 Board of Supervisors may *either* approve, disapprove, or modify the ~~Commission's~~ HPC's
17 decision by majority vote. The Board of Supervisors must take this action within 30 days of
18 the time set for the hearing thereon, provided that, if the full membership of the Board is not
19 present on the last day on which said hearing is set or continued within said period, the
20 Board may postpone said hearing and decision thereon until, but not later than, the full
21 membership of the Board is present; provided further, that the latest date to which said
22 hearing and decision may be so postponed shall be not more than 90 days from the date of
23 the receipt of written notification. Failure of the Board of Supervisors to act within such time
24 limit shall be deemed to constitute approval by the Board of the action of the ~~City Planning~~
25 ~~Commission~~HPC.

1 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

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

14 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

15 The owner, lessee or other person in actual charge of a landmark, or of a structure in
16 ~~a~~ historic district, shall comply with all applicable codes, laws and regulations governing the
17 maintenance of the property. It is the intent of this Section to preserve from deliberate or
18 inadvertent neglect the exterior portions of such landmark or structure, the interior portions
19 thereof when subject to control as specified in the designating ordinance, and all interior
20 portions thereof whose maintenance is necessary to prevent deterioration and decay of any
21 exterior portion. Failure to comply with this Section shall be subject to enforcement and penalties
22 pursuant to Section 1013 below.

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

24 The ~~Advisory Board~~ HPC may, upon request of the property owner, render advice and
25 guidance with respect to any proposed work for which a Certificate of Appropriateness is not

1 required, on a designated landmark site or in a designated historic district. In rendering such
2 advice and guidance, the ~~Advisory Board~~HPC shall be guided by the purposes and standards
3 in this Article 10. This Section shall not be construed to impose any regulations or controls
4 upon any property.

5 SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

6 (a) The Department shall take appropriate steps to notify all public agencies
7 ~~which~~that own or may acquire property in the City; about the existence and character of
8 designated landmarks and historic districts; if possible, the Department shall cause a current
9 record of such landmarks and historic districts to be maintained in each such public agency.
10 In the case of any publicly owned property on a landmark site or in a historic district which is
11 not subject to the permit review procedures of the City, the agency owning the said property
12 shall seek the advice of the ~~Planning Commission~~HPC prior to approval or authorization of
13 any construction, alteration or demolition thereon; and the ~~Planning Commission, with the aid~~
14 ~~of the Advisory Board and~~HPC, in consultation with the Art Commission in appropriate cases,
15 shall render a report to the owner as expeditiously as possible, based on the purposes and
16 standards in this Article 10. ~~If Planning Commission review of a public project involving~~ In the
17 case of any publicly owned property on a landmark site or in a historic district that is subject to the
18 permit review procedures of the City under any other law or under the Charter, the agency owning
19 the property shall be subject to the provisions of this Article 10, and if the project involves
20 construction, alteration or demolition on a landmark site or in a historic district ~~is required~~
21 ~~under any other law, or under the Charter, the Planning Commission shall render the report referred~~
22 ~~to in this Section to such public agency without specific request therefor~~ a Certificate of
23 Appropriateness shall be required subject to the procedures set forth in this Article 10.
24
25

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

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

7 SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

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

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

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

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

5 SEC. 1012. Referral of Certain Matters.

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

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

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

18 (c) Referral Back of Proposed Amendments to the Municipal Code. In acting upon any
19 proposed amendment to the Municipal Code concerning historic preservation issues and historic
20 resources, the Board of Supervisors may modify said amendment but shall not take final action upon
21 any material modification that has not been referred to the HPC for its written report. Should the
22 Board of Supervisors adopt a motion proposing to modify the amendment while it is before the Board,
23 the amendment and the motion proposing modification shall be referred back to the HPC for its
24 written report. In all such cases of referral back, the amendment and the proposed modification shall
25 be heard by the HPC according to the requirement for a new proposal.

1 SEC. 1013. ENFORCEMENT AND PENALTIES.

2 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
3 Code.

4 SEC. 1014. APPLICABILITY.

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

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

18 Notwithstanding the above, the Department may approve a permit to construct, alter, or
19 demolish a structure or other feature on a proposed landmark site or in a proposed historic district
20 while proceedings are pending on a proposed designation if the property owner or authorized agent
21 of the property owner applies for and is granted approval of a Certificate of Appropriateness for such
22 work pursuant to the requirements of this Article 10.

23 (b) The provisions of this Article 10 shall be inapplicable to the construction,
24 alteration or demolition of any structure or other feature on a landmark site or in a historic
25 district, where a permit for the performance of such work was issued prior to the effective

1 date of the designation of the said landmark site or historic district, and where such permit
2 has not expired or been cancelled or revoked, provided that construction is started and
3 diligently prosecuted to completion in accordance with the Building Code.

4 SEC. 1015. - SEVERABILITY.

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

12
13 Section 3. The Appendices to Article 10 are not amended by this ordinance and thus
14 have not been included here for brevity.

15
16 Section 4. Effective Date. This ordinance shall become effective 30 days from the
17 date of passage.

18
19 Section 5. In enacting this Ordinance, the Board intends to amend only those words,
20 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts,
21 diagrams, or any other constituent part of the Planning Code that are explicitly shown in this
22 legislation as additions, deletions, Board amendment additions, and Board amendment
23 deletions in accordance with the "Note" that appears under the official title of the legislation.

24
25 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

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By:

Marlena G. Byrne
Deputy City Attorney