

**REVISED LEGISLATIVE DIGEST**

(5/8/12, Amended in Board)

[Planning Code - Article 10 - Landmarks Preservation]

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

Existing Law

Article 10 of the Planning Code, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," sets forth the requirements, procedures, and standards for designating and approving alterations and additions to and demolition of locally designated landmarks and historic districts. Article 10 establishes the various roles of the Landmarks Preservation Advisory Board (LPAB), the Planning Commission, and the Board of Supervisors, as well as the Planning Department, with regard to City-designated landmarks and historic districts. In addition to designating many individual landmarks, Article 10 includes designation of 12 local historic districts.

Once a property has been designated, either individually or as a property within a historic district, the procedures set forth in Article 10 apply to applications for permits to alter, add an addition to, or demolish designated properties, generally requiring a Certificate of Appropriateness be approved by the Planning Department or Planning Commission, with the advice of the LPAB, for such work. Article 10 includes noticing and public hearing procedures, and specific requirements for work to publicly owned structures, including City Hall.

Amendments to Current Law

The proposed ordinance would comprehensively amend Article 10 to remove reference to the former LPAB, remove most references to the Planning Commission, and add appropriate reference to the Historic Preservation Commission (HPC) to reflect that the LPAB no longer exists and that Charter Section 4.135 delegates all of the LPAB's and much of the Planning Commission's former responsibilities to the HPC.

The proposed ordinance would also make a number of changes to the procedures for designating City landmarks and historic districts and for approving Certificates of Appropriateness for designated properties, including, among others, the following:

- Only the Board of Supervisors or the HPC may initiate designation of a landmark or historic district. Under the current Code, these bodies, as well as the Planning Commission and the Art Commission may do so. (See new Section 1004.1(b).)
- The Planning Department must conduct certain types of outreach to any area proposed to be designated as a new historic district. (See new Section 1004.3.)
- The Planning Department may approve "Administrative Certificates of Appropriateness" for work to designated landmarks or properties within historic district where the work proposed is considered a "Minor Alteration," as defined by the HPC. Such work would not require the approval of the HPC unless the Department's decision is appealed to the HPC. (See new Section 1006.2.)
- In order to receive a Certificate of Appropriateness for work to a designated landmark or a contributor to a historic district, the work must comply with the *Secretary of the Interior's Standards for Treatment of Historic Properties* ("Secretary's Standards"). The Planning Department will develop local interpretations and guidelines based on the Secretary's Standards, which interpretations and guidelines shall be adopted by both the HPC and the Planning Commission. (See new Section 1006.6(b).)
- For property within a historic district in certain zoning districts, compliance with the standards for review of Certificates of Appropriateness, including the Secretary's Standards, shall not be required when it would result in a significant economic hardship, subject to certain conditions. (See new Section 1006.6(g).)
- For residential properties within a historic district that are providing government subsidized for-sale or rental housing, compliance with the standards for review of Certificates of Appropriateness, including the Secretary's Standards, shall not be required subject to certain conditions. (See new Section 1006.6(h).)
- Publicly-owned properties designated as landmarks or historic districts under Article 10 and subject to the permit review procedures of the City shall comply with the Certificate of Appropriateness procedures. (See Section 1010.)
- Once landmark or historic district designation has been initiated by the Board of Supervisors or the HPC, no permit for work to such property may be approved for 180 days or until the designation is approved or denied, whichever comes first, unless the project receives a Certificate of Appropriateness. (See Section 1014.)

#### Background Information

Article 10 has not been amended since the voter-approved passage of San Francisco Charter Section 4.135 in November of 2008, which abolished the LPAB, created the HPC, and removed the Planning Commission and Department from much of their prior roles in approving landmark and historic district designations and approving Certificates of Appropriateness. Because the LPAB ceased to exist on December 31, 2008, the Code has been interpreted since then as referring to the HPC whenever the LPAB is mentioned.