



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Proposed Planning Code Amendments to Articles 10 and 11

HEARING DATE: DECEMBER 8, 2011

Project Name: **Planning Code Amendments: Articles 10 & 11**
Case Number: 2011.0167T
Staff Contact: Sophie Hayward, Legislative Affairs
sophie.hayward@sfgov.org
Reviewed by: Tim Frye, Preservation Coordinator
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Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

This case concerns the Planning Code Amendments to Articles 10 and 11.

On July 8, 2010, the Planning Commission initiated a text change to the Planning Code as part of the regular "Code Clean-Up" legislation. Included in this initiation were Planning Code changes intended to make the Code consistent with Charter Section 4.135, which establishes the Historic Preservation Commission. As noted in the July 8, 2010 initiation packet:

The Historic Preservation Commission ("HPC") was created in the fall of 2008. Articles 10 and 11 are the Planning Code chapters that outline the designation and permit review processes for historic buildings and have not been updated and do not conform to Charter Section 4.135. At the request of the Planning Commission and the HPC, the Department is proposing amendments to these two Articles. These revisions will simply make them consistent with Charter Section 4.135. There will not be any substantive changes to the Planning Code; the amendments will only remove references to the former Landmarks Preservation Advisory Board and where appropriate, the Planning Commission, to reflect the Charter.¹

In order to provide more time for discussion regarding proposed changes to Articles 10 and 11, the Planning Commission severed Articles 10 and 11 from the so-called "Code Clean Up" legislation. The Code Clean-Up legislation moved on to the Board of Supervisors without addressing proposed changes to Articles 10 and 11.

A parallel review process was initiated by the Historic Preservation Commission (HPC) in July, 2010. During a series of public hearings between July and December, 2010, the HPC drafted revisions to

¹ "Case No. 2010.0080T Executive Summary for Initiation of Planning Code Changes," available online at: <http://sf-planning.org/ftp/files/Commission/CPCPackets/2010.0080t.pdf> (October 18, 2011)

Planning Code Articles 10 and 11. The City Attorney's office has reviewed the amendments to both Articles 10 and 11 as drafted by the HPC and has made suggested revisions on the drafts in order to approve them as-to-form. At its October 19, 2011 hearing, the HPC passed Resolution Number 666 recommending approval of Article 10 as amended. At its November 2, 2011 hearing, the HPC passed Resolution Number 667 recommending approval of Article 11 as amended. In addition, Supervisor Wiener has proposed additional amendments – not all of which have been reviewed by the HPC at this time – to Articles 10 and 11.

The Way It Is Now:

The proposed Ordinance would significantly amend Articles 10 and 11 of the Planning Code (hereafter referred to as "Code") in order to conform to Charter Section 4.135, which established the Historic Preservation Commission. The proposed Ordinance would replace all references to the former Landmarks Preservation Advisory Board (LPAB) with the Historic Preservation Commission, would amend procedures such as noticing, recommendations to the Board of Supervisors, and landmark and landmark district designation processes, as well as re-classification of buildings subject to Article 11. Below is a summary of the primary topics proposed for amendment, which includes:

- Designations, review of applications, scheduling and notice, appeals, and applicability;
- Economic hardship and fee waivers for Certificates of Appropriateness;
- Community input for historic district designations;
- Local interpretations of the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.

The full extent of the proposed changes is included in the attached redlined draft Ordinances for Articles 10 and 11. The attached draft Ordinances show both the amendments proposed by the HPC, and the additional amendments proposed by Supervisor Wiener. Please note that for the most part, when changes have been made to Article 10 that are also applicable to Article 11,

- **Section 1004.1 – Initiation of Designation, Section 1004.2 Referral Landmarks Preservation Advisory Board, Section 1004.3 – Hearing by the City Planning Commission, Section 1004.4 – Designation by the Board of Supervisors.**

The existing Article 10 allows for the initiation of an individual landmark by five bodies: the Board of Supervisors, the Planning Commission, the Arts Commission, the Landmarks Preservation Advisory Board, or the individual property owner. Historic districts may be initiated by a similar list of sponsors: the Board of Supervisors, the Planning Commission, the Arts Commission, the Landmarks Preservation Advisory Board, or 66% of property owners in the proposed district. Any initiation is forwarded to the LPAB for their recommendation, which is then forwarded to the Planning Commission for its recommendation to the Board of Supervisors. The Board of Supervisors may approve or modify and approve the designation.

- **Section 1006.1 – Applications for Certificate of Appropriateness**

The existing Section 1006.1(e) allows the Department to combine applications, notices, and hearings for projects that require both Conditional Use Authorization and a Certificate of Appropriateness. These projects are to be heard by the Planning Commission.

- **Section 1006.2 – Review by Department of City Planning and City Planning Commission**

Under the current Article 10, the Department reviews with the LPAB applications for alterations to individual landmarks or to buildings within historic districts. If the LPAB finds that the proposal would be a significant impact, it refers the permit to the Planning Commission for its review. For applications for demolition or new construction, the permit is referred to the Planning Commission.

- **Section 1006.3 – Scheduling and Notice of Hearing**

Currently, no notice is required, except for applications for Certificates of Appropriateness that are referred to the Planning Commission. In those cases, a 20-day newspaper ad is required, as is a mailed notice to owners 10-days prior to the hearing.

- **Section 1006.7 – Standards for Review of Applications**

The current version of Article 10 requires that the Planning Commission and the Department, in their consideration of applications for Certificates of Appropriateness, be guided by standards that are outlined in this section, that focus on compatibility. There is no explicit reference to the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.

- **Section 1006.8 – Appeals from Planning Commission Decision**

Decisions made by the Planning Commission regarding Certificates of Appropriateness may be appealed to the Board of Supervisors within 30 days of the date of action.

- **Section 1014 – Applicability**

In the existing Article 10, no application for a permit to construct, alter, or demolish any structure on a proposed landmark site may be approved once an application has been filed to designated the site or district in which it is located.

- **Section 1111.7 – Permits for Signs**

In the existing Article 11, this Section relates to permits for new signs. The HPC has proposed modifications that would re-write this Section so that it addresses applications for demolition.

The Way It Would Be:

Below is a summary of how the proposed Ordinance would amend the following major Sections within the Code:

- **Section 1004.1 – Nomination and Initiation of Designation Landmark and Historic District Designation, 1004.2 – Decision by the Historic Preservation Commission, and 1004.3 – Designation by the Board of Supervisors.**

The HPC-proposed amendment would allow the Planning Department, property owner, or any member of the public to request that the HPC vote to initiate landmark designation. Supervisor Wiener's proposed amendment would retain the requirement outlined in the existing Article 10, which requires, in the case of a proposed historic district designation, that the nomination be subscribed by 66% of the property owners in the proposed historic district. As outlined in the HPC-proposed amendment, the initiation of a designation may be made by resolution of the Board of Supervisors or by resolution of the HPC.

If the HPC, at its initiation hearing, recommends approval of an **individual landmark designation**, that recommendation will be forwarded directly to the Board of Supervisors for its consideration, and will not be forwarded to the Planning Commission. If the HPC, at its initiation hearing, recommends approval of an **historic district designation**, that recommendation will be forwarded first to the Planning Commission for its recommendation, and then on to the Board of Supervisors for its consideration.

Supervisor Wiener has proposed an additional modification, which would require that in its review of an historic district designation, the Planning Commission's recommendation will include findings regarding the district's consistency with the General Plan, and specifically policies that encourage the production of housing and transit-oriented development.

If the HPC, at its initiation hearing, disapproves designation of an individual landmark or historic district, that decision is final unless it is appealed.

The Board of Supervisors will consider any initiated designation of an individual landmark or historic district, and may approve, modify and approve, or disapprove the designation. Supervisor Wiener has recommended a modification that would require, in the case of proposed historic districts that the Planning Department conduct outreach to invite all property owners to express their opinion on the nomination, with a goal of obtaining the participation of at least 50% of property owners within the proposed district.

- **Section 1005(e)(4)**

This is a new subsection proposed by Supervisor Wiener, which states that when an application is made for a permit for work on a sidewalk or street within a designated historic district, the processes outlined in Article 10 do not apply unless the streets and sidewalks of the district have been explicitly called out as character-defining features in the designating ordinance.

- **Section 1006.1 – Applications for Certificate of Appropriateness**

As amended by the HPC, Section 1006.1(e) would require that for projects that require multiple approvals in addition to the Certificate of Appropriateness, the HPC would first review and act on the Certificate of Appropriateness prior to any other planning approval. For projects that require Conditional Use Authorization or permit review under Section 309, and that do **not** concern individually designated structures (i.e., for projects that are located within historic districts), the Planning Commission may modify the decision of the HPC on the Certificate of Appropriateness with a 2/3 vote.

Supervisor Wiener has proposed a further amendment that would require that, when the Planning Commission modifies decisions by the HPC in the cases outlined above, the Planning Commission takes into account all relevant General Plan and Planning Code policies in addition to all applicable historic resource provisions of the Code.

In addition, Supervisor Wiener has proposed a new subsection 1006.1(f) that would establish Permit and Application Fee Waivers to waive all or part of fees associated with Certificates of Appropriateness in cases of economic hardship.

- **Section 1006.2 – Review by Planning Department**

The revised Article 10 outlines a process by which the HPC may delegate to the Department specific scopes of work to the Planning Department for its review and approval. These

“Administrative” Certificates of Appropriateness do not require notification or a public hearing before the HPC. This function is currently not allowed under the existing Article 10 but is allowed under Article 11.

- **Section 1006.3 – Scheduling and Notice of Hearing**

The revised Article 10, as outlined above, eliminates the requirement that Certificates of Appropriateness for alteration permits be referred to the Planning Commission. In addition, the revised Article 10 consolidates the notification procedures and timeline for HPC hearings for Certificates of Appropriateness, and eliminates the requirement for notice in the newspaper.

The HPC-proposed amendments would provide mailed notice for applications within historic districts to owners and occupants within 300 feet of the subject property. Supervisor Wiener’s proposed amendment would require notification to owners within 300 feet of the subject property, and to occupants within 150 feet of the subject property.

- **Section 1006.6 Standards for Review of Applications.**

This section has been re-numbered from 1006.7 to 1006.6. The HPC-proposed amendments require that the HPC, the Department, and in the case of multiple approvals, the Planning Commission, shall ensure that applications for proposed work are consistent with the *Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties*.

Supervisor Wiener has recommended alternative language that would require that the HPC or Planning Commission shall consider whether the proposed work is consistent with the *Standards*, as interpreted by the Department in Guidelines, Interpretations, or Bulletins adopted by the HPC and the Planning Commission. Development of these local interpretations of the *Standards* would be a public process led by the Planning Department.

In addition, Supervisor Wiener has proposed the addition of new subsections 1006.6(g) and (h), which would further address economic hardship. The proposed new subsection 1006.6(g) would require that, for projects proposed by public agencies or for City-owned properties, the Department and the HPC shall consider the relevant public agency’s mission and operational needs in considering the application.

The new subsection 1006.6(h) would apply to applications for permits within historic districts in RH, RM, RTO, and NC zoning districts, and affordable housing projects in designated historic districts in and would allow an exemption from the requirements of Section 1006.6 (conformance with the *Standards*) when conformance would create a significant economic hardship, provided that the scope of the project does not include demolition, fees have been waived pursuant to Section 1006.1, the Zoning Administrator has determined that all other aspects of the project are Code-complying, and the HPC has determined that the proposal is not detrimental to the landmark or the district.

- **Section 1006.7 – Appeals of a Certificate of Appropriateness**

This section has been renumbered from 1006.8 to 1006.7. The HPC has proposed modifying this section such that decisions on Certificates of Appropriateness may be appealed to the Board of Appeals rather than the Board of Supervisors. In cases that include Conditional Use

Authorizations or approval by the Board of Supervisors, the decision may be appealed to the Board of Supervisors, which may modify the decision by a majority vote.

- **Section 1014 – Applicability**

As revised by the HPC, no permit may be approved for one year after a resolution is passed initiating designation or confirming nomination of a proposed landmark or district. The HPC or the Board of Supervisors may further extend this time period for up to 180 days. However, work may be approved on such sites with pending designations, provided a Certificate of Appropriateness is granted for the work.

Supervisor Wiener has proposed an amendment to the changes recommended by the HPC, which would prohibit work on sites with pending designations for 180 days, rather than one year. His amendments would allow the Board of Supervisors to extend this period for up to 90 days.

- **Section 1111.7 – Standards and Requirements for Review of Applications for Demolition**

The existing Article 11 outlines a higher level of review for the demolition of Significant Buildings (Categories I and II buildings within the C-3 zoning districts). However, for Contributory Buildings that **have not sold TDR** (Categories III and IV buildings within the C-3 zoning districts), the criteria were less stringent. Under the existing Article 11 if a Contributory Building **has sold its TDR**, it is reviewed with the same criteria as if it were a Significant Building (since the property owner has already received a financial gain through the sale of their TDR).

The HPC has proposed modifications that would change the criteria for evaluation of permits to demolish. The criteria remains the same for Significant Buildings (Categories I and II) and for Contributory Buildings (Categories III and IV) that have sold their TDR, the HPC may approve the demolition provided it makes findings that the property retains no substantial market or reasonable use, or if an imminent safety hazard has been identified with demolition as the only feasible means to secure public safety.

For Contributory Buildings (Categories III and IV) from which no TDR has been transferred, a demolition may be approved using the same findings as those listed above, or findings that because of the physical condition of the structure, rehabilitation and reuse will not meet the goals and objectives of the project, that the replacement building is compatible with the district in which the structure is located, and that specific economic, social, and other benefits of the replacement building outweigh the benefit conferred through the historic preservation of the structure. Finally, for any Category V (Not Rated) building within a conservation district, demolition may be approved if the building has not gained historic significance since the time of its rating and that the proposed replacement building is compatible with the district.

REQUIRED COMMISSION ACTIONS

The proposed Ordinance is before the Commission so that it may approve or disapprove the proposed Planning Code Amendments, and forward its recommendation on to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

ENVIRONMENTAL REVIEW

The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

Since the distribution of correspondence with the October 27, 2011 informational hearing packets, the Department has received two additional letters, one from San Francisco Architectural Heritage, and one from SPUR. Both letters have been included in your packets.

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| RECOMMENDATION: Recommendation of Approval to forward to the Board of Supervisors |
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Attachments:

- Exhibit A: Draft Ordinances for Articles 10 and 11
- Exhibit B: Draft Planning Commission Resolutions: Recommending Approval of Amendments to the Planning Code Articles 10 and 11
- Exhibit C: Correspondence



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

Planning Code Text Changes: Article 10

HEARING DATE: DECEMBER 8, 2011

Project Name: Proposed Amendments to Article 10
Case Number: 2011.0167T
Staff Contact: Sophie Hayward, Legislative Affairs
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Reviewed by: Tim Frye, Acting Preservation Coordinator
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Recommendation: Approve Article 10 Amendments with Modifications

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND PLANNING CODE SECTION 101.1 FINDINGS.

PREAMBLE

Whereas, on February 3, 2010, the Planning Director requested that amendments be made to the Planning Code under Case Number 2010.0080T; and

Whereas, the proposed Planning Code text changes would amend several sections of the Code and in particular, to Articles 10 and 11; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on July 8, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18133 initiating amendments to the Planning Code on July 8, 2010; and

WHEREAS, pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission (“HPC”) for review and recommendation to the Board of Supervisors; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance on August 5, 2010 and October 27, 2011; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Historic Preservation Commission conducted a duly noticed public hearings to consider the proposed amendments to Articles 10 & 11 on July 21st, August 4th, 18th, September 1st, 15th, 29th, October 6th and 15th, November 3rd and 17th, and December 1 2010 and August 17, 2011 and September 7, 2011, September 21st, 2011, October 5th, October 19, 2011, November 2, and November 16th 2011;

WHEREAS, the Historic Preservation Commission has transmitted its recommendation and the draft Ordinance to the Planning Commission for their re-review; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commisison has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors *approve* the proposed Ordinance for Article 10 detailed in the draft dated December 1, 2011.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. This Historic Preservation Commission was created in the fall of 2008 when the voters passed amendments to the San Francisco Charter establishing Section 4.135.
2. Article 10 (Preservation of Historical and Architectural and Aesthetic Landmarks) and Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) are the Planning Code chapters that outline the designation and permit review processes for historic buildings.
3. These Articles have not been updated and do not conform to Charter Section 4.135. The proposed revisions will simply make them consistent with Charter Section 4.135.
4. Therefore, the Planning Commission recommends *approval of Article 10 of the proposed Ordinance, which includes edits recommended by the City Attorney in order to approve the proposed Ordinance as-to-form, as well as modifications made by Supervisor Wiener.*

5. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

III. DOWNTOWN ELEMENT

THE DOWNTOWN PLAN GROWS OUT OF AN AWARENESS OF THE PUBLIC CONCERN IN RECENT YEARS OVER THE DEGREE OF CHANGE OCCURRING DOWNTOWN — AND OF THE OFTEN CONFLICTING CIVIC OBJECTIVES BETWEEN FOSTERING A VITAL ECONOMY AND RETAINING THE URBAN PATTERNS AND STRUCTURES WHICH COLLECTIVELY FOR THE PHYSICAL ESSENCE OF SAN FRANCISCO.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The goal of the proposed Ordinance is to make typographical and clerical errors to the Planning Code, as well as to update Articles 10 and 11 to make it conform to Charter Section 4.135.

6. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Historic Preservation Commission on December 8, 2011.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 8, 2011

Exhibit A: Draft Ordinance with amendments to Article 10

FILE NO.

ORDINANCE NO.

[Planning Code—Article 10]

**Ordinance amending Article 10 of the San Francisco Planning Code in its entirety;
making environmental findings and findings of consistency with the General Plan and
Planning Code Section 101.1(b).**

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

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

(a) General Plan and Planning Code Findings.

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

(2) Pursuant to Planning Code Section 302, the Board finds that the proposed ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____, which reasons are incorporated herein by reference as though fully set forth.

1 (b) Historic Preservation Commission Findings. On _____ at a duly
2 noticed public hearing, the Historic Preservation Commission in Resolution No.
3 _____ recommended that the Board of Supervisors adopt the proposed Planning
4 Code amendments. A copy of said Resolution is on file with the Clerk of the Board of
5 Supervisors in File No. _____ and is incorporated herein by reference.

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

11
12 Section 2. The San Francisco Planning Code is hereby amended by amending Article
13 10, to read as follows:

14 ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND
15 AESTHETIC LANDMARKS

16 Sec. 1001. Purposes.

17 Sec. 1002. Powers and Duties of Planning Department ~~of City Planning~~ and ~~City~~
18 ~~Planning~~ Historic Preservation Commission.

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

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

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

22 Sec. 1004.2. ~~Referral to Landmarks Preservation Advisory Board~~ Decision by the Historic
23 Preservation Commission.

24 Sec. 1004.3. ~~Hearing by City Planning Commission~~ ~~Sec. 1004.4~~ Designation by Board of
25 Supervisors.

- 1 Sec. ~~1004.5~~1004.4. Appeal to Board of Supervisors.
- 2 Sec. ~~1004.6~~1004.5. Notice of Designation by Board of Supervisors.
- 3 Sec. ~~1004.7~~1004.6. Notice of Amendment or Rescission of Designation.
- 4 Sec. 1005. Conformity and Permits.
- 5 Sec. 1006. Certificate of Appropriateness Required.
- 6 Sec. 1006.1. Applications for Certificate of Appropriateness.
- 7 Sec. 1006.2. Review by Planning Department ~~of City Planning and City Planning~~
- 8 ~~Commission~~.
- 9 Sec. 1006.3. Scheduling and Notice of Hearing.
- 10 Sec. 1006.4. ~~Referral to Advisory Board Prior to Hearing~~. Sec. ~~1006.5~~. Conduct of Hearing;
- 11 Decision.
- 12 Sec. ~~1006.6~~1006.5. Nature of ~~Planning~~ Historic Preservation Commission Decision.
- 13 Sec. ~~1006.7~~1006.6. Standards for Review of Applications.
- 14 Sec. ~~1006.8~~1006.7. Appeals ~~from Planning Commission Decision~~ of a Certificate of
- 15 Appropriateness.
- 16 Sec. 1007. Unsafe or Dangerous Conditions.
- 17 Sec. 1008. Compliance with Maintenance Requirements.
- 18 Sec. 1009. Advice and Guidance to Property Owners.
- 19 Sec. 1010. Property Owned by Public Agencies.
- 20 Sec. 1011. Recognition of Structures of Merit.
- 21 Sec. 1012. Referral of Certain Matters.
- 22 Sec. 1013. Enforcement and Penalties.
- 23 Sec. 1014. Applicability.
- 24 Sec. 1015. Severability.
- 25 Appendix A List of Designated Landmarks.

- 1 Appendix B Jackson Square Historic District.
- 2 Appendix C Webster Street Historic District.
- 3 Appendix D Northeast Waterfront Historic District.
- 4 Appendix E Alamo Square Historic District.
- 5 Appendix F Liberty-Hill Historic District.
- 6 Appendix G Telegraph Hill Historic District.
- 7 Appendix H Blackstone Court Historic District.
- 8 Appendix I South End Historic District.
- 9 Appendix J Civic Center Historic District.
- 10 Appendix K Bush Street-Cottage Row Historic District.
- 11 Appendix L Dogpatch Historic District.

12

13 SEC. 1001. PURPOSES.

14 It is hereby found that structures, sites and areas of special character or special
15 historical, architectural or aesthetic interest or value have been and continue to be
16 unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further
17 found that the prevention of such needless destruction and impairment is essential to the
18 health, safety and general welfare of the public. The purpose of this legislation is to promote
19 the health, safety and general welfare of the public through:

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

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

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

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

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

12
13 SEC. 1002. POWERS AND DUTIES OF PLANNING DEPARTMENT ~~OF CITY~~
14 ~~PLANNING AND CITY PLANNING~~ HISTORIC PRESERVATION-COMMISSION.

15 The Planning Department ~~of City Planning~~ (*hereinafter referred to as the "Department"*)
16 and the ~~Planning Commission~~ Historic Preservation Commission ("HPC") shall have and exercise
17 the powers and shall perform the duties set forth in this Section and elsewhere in this Article
18 10 with respect to historical preservation. ~~The Department and the Planning Commission shall be~~
19 ~~advised in the exercise and performance of their powers and duties by the Landmarks Preservation~~
20 ~~Advisory Board hereinafter created.~~

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

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

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

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

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

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

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

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

19 (8) Shall have the authority to oversee and direct the survey and inventory of historic
20 properties which surveys shall be carried out with robust community engagement and pursuant
21 to clearly set out, broadly available published procedures;

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

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

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

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

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

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

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

18 (4) May disseminate information to the public concerning those structures, sites and
19 areas deemed worthy of preservation, and may encourage and advise property owners in the
20 protection, enhancement, perpetuation and use of landmarks, property in historic districts, and
21 other officially recognized property of historical interest;

22 (5) May consider methods other than those provided for in this Article 10 for
23 encouraging and achieving historical preservation, and make appropriate recommendations to
24 the Board of Supervisors and to other bodies and agencies, both public and private; and
25

1 (6) May establish such policies, rules and regulations as they deem necessary to
2 administer and enforce this Article 10 and Charter Section 4.135 establishing the HPC.
3

4 SEC. 1003. ~~LANDMARKS PRESERVATION ADVISORY BOARD~~ HISTORIC
5 PRESERVATION COMMISSION.

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

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

18 In November of 2008, the electorate approved Charter Section 4.135, creating the HPC to
19 advise the City on historic preservation matters, participate in processes involving historic and cultural
20 resources, and take such other actions concerning historic preservation as may be prescribed by this
21 Code and other ordinances. Charter Section 4.135 sets forth the requirements for membership to the
22 HPC, as well as applicable nomination procedures and term limits for Commissioners. Additionally,
23 Charter Section 4.135 establishes staffing for the HPC and sets forth the HPC's role in the Planning
24 Department's budget process and establishment of rates, fees, and similar charges. Additional
25

1 requirements, including those related to the establishment of rules and regulations for the HPC's
2 organization and procedure, are set forth in Charter Sections 4.100 through 4.104.

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

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

7
8 SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

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

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

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

19 (b) Each such designating ordinance shall include, or shall incorporate by reference
20 to the pertinent resolution of the ~~Planning Commission~~HPC then on file with the Clerk of the
21 Board of Supervisors, as though fully set forth in such designating ordinance, the location and
22 boundaries of the landmark site or historic district, a description of the characteristics of the
23 landmark or historic district that justify its designation, and a description of the particular
24 features that should be preserved. Any such designation shall be in furtherance of and in
25 conformance with the purposes of this Article 10 and the standards set forth herein.

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

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

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

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

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

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

1 SEC. 1004.1. NOMINATION AND INITIATION OF LANDMARK AND HISTORIC DISTRICT
2 DESIGNATION.

3 (a) Nomination. The Department, or property owner(s), or member(s) of the public may
4 request that the HPC initiate designation of a landmark site or historic district. When a nomination is
5 submitted by property owners for designation of a historic district, the nomination must be
6 subscribed by or on behalf of at least 66 percent of the property owners in the proposed
7 district. A nomination for initiation shall be in the form prescribed by the HPC and shall contain
8 supporting historic, architectural, and/or cultural documentation, as well as any additional information
9 the HPC may require. The HPC shall hold a hearing to consider the nomination no later than 45 days
10 from the receipt of the nomination request.

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

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

16 (2) by resolution of the HPC; or

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

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

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

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

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

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

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

1 any such property owner where the address of such owner is not a matter of public record
2 shall not invalidate any proceedings in connection with the proposed designation. The
3 Department may also give such other notice as it may deem desirable and practicable.

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

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

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

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

11
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 to
14 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. Prior
17 to the Board of Supervisors' vote on a proposed historic district, the Planning Department
18 shall conduct thorough outreach to affected property owners. The Planning Department shall
19 invite all property owners in the proposed district area to express their opinion in writing on the
20 proposed designation, be it in the form of a vote or a survey. Such invitation shall advise
21 owners of the practical consequences of the adoption of the district, including the availability
22 of preservation incentives, the types of work requiring a Certificate of Appropriateness, the
23 process and fees for obtaining a Certificate of Appropriateness, and the types of work that is
24 generally ineligible to receive a Certificate of Appropriateness. The Department's goal shall
25 be to obtain the participation of at least half of all property owners in the proposed district.

1 The property owners' vote shall be considered by the Board of Supervisors when taking action
2 on the proposed district.

3
4 SEC. ~~1004.5~~1004.4. APPEAL TO BOARD OF SUPERVISORS.

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

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

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

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

23
24 SEC. ~~1004.6~~1004.5. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.

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, to
4 be recorded in the office of the County Recorder.

5
6 SEC. ~~1004.7~~1004.6. NOTICE OF AMENDMENT OR RESCISSION OF 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 cause
9 a copy of the appropriate ordinance, or notice thereof, to be recorded in the office of the
10 County Recorder.

11
12 SEC. 1005. CONFORMITY AND PERMITS.

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

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

21 (2) The Central Permit Bureau shall not issue, and no other City department or
22 agency shall issue, any permit for construction, alteration, removal or demolition of a structure
23 or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage
24 on a landmark site or in an ~~Historic District~~ historic district, except in conformity with the
25

1 provisions of this Article 10. In addition, no such permit shall be issued unless all other
2 applicable laws and regulations have been complied with.

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

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

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

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

23 (e) After receiving a permit application from the Central Permit Bureau in
24 accordance with the preceding subsection, the Department shall ascertain whether *Section*
25 ~~1006 requires~~ a Certificate of Appropriateness is required or has been approved for the work

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

11 (1) When the application is for a permit to construct on a landmark site where the
12 landmark has been lawfully demolished and the site is not within a designated historic 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 requiring
17 a permit would result in any significant visual or material impact to the exterior of the subject
18 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 bulbouts, unless such
25

1 streets and sidewalks have been explicitly called out in a landmark or district's designating
2 ordinance as character defining features of the landmark or district;

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

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

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

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

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

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

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

21 (1) Where the mural is proposed to be added to a landmark or contributory structure
22 in a historic district, located on property owned by the City, no Certificate of Appropriateness
23 shall be required. On such structures, the Art Commission shall not approve the mural until
24 the ~~Advisory Board~~HPC has provided advice to the Art Commission on the impact of the mural
25 on the historical structure. The ~~Advisory Board~~HPC shall provide advice to the Art Commission

1 within ~~50~~45 days of receipt of a written request for advice and information regarding the
2 placement, size and location of the proposed mural;

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

9
10 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

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

15 (1) Any construction, alteration, removal or demolition of a structure or any work
16 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section
17 1005(g), or other appendage, for which a City permit is required, on a landmark site or in a
18 historic district;

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

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

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

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

11
12 SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

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

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

1 required. The applicant may be required to file with ~~his~~ the application ~~the~~ additional information
2 needed for the preparation and mailing of notices as specified in Section 1006.3.

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

6 (e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires~~
7 ~~a conditional use authorization in addition to a Certificate of Appropriateness, the Department may~~
8 ~~combine the required applications, notices and hearings for administrative convenience and in the~~
9 ~~interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~

10 Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC shall
11 review and act on any Certificate of Appropriateness before any other planning approval action. For
12 projects that (1) require a conditional use authorization or permit review under Section 309, et. seq. of
13 the Code, and (2) do not concern an individually landmarked property, the Planning Commission may
14 modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the
15 Planning Commission shall apply all applicable historic resources provisions of the Code, and take
16 into account all relevant General Plan and Planning Code policies, in addition to all applicable
17 historic preservation provisions. For projects located on vacant lots, the Planning Commission may
18 modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the
19 Planning Commission shall apply all applicable historic resources provisions of the Planning Code,
20 and take into account all relevant General Plan and Planning Code policies, in addition to all
21 applicable historic preservation provisions.

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

1 SEC. 1006.2.REVIEW BY PLANNING DEPARTMENT OF CITY PLANNING AND CITY
2 PLANNING COMMISSION.

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

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

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

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

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

24 (a) Minor Alterations. The HPC may define certain categories of work as Minor Alterations
25 and delegate approval of an Administrative Certificate of Appropriateness for such Minor Alterations

1 to Department staff. If the HPC delegates such approvals to Department staff, Minor Alterations shall
2 include the following categories of work:

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

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

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

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

18 SEC. 1006.3.SCHEDULING AND NOTICE OF HEARING.

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

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

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

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

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

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

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

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

19 ~~(d)(6)~~ Such other notice as the Department ~~shall~~ deems appropriate.

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

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

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

8
9 SEC. ~~1006.5~~1006.4. CONDUCT OF HEARING; DECISION.

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

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

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

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

23 (d) Decision. The HPC shall approve, disapprove, or approve with modifications
24 Certificates of Appropriateness for work to designated landmarks or within historic districts, except
25 where it delegates such decisions to Departmental staff under the provisions of Section 1006.2 above.

1 The decision of the *Planning Commission*HPC shall be rendered within 30 days from the date of
2 conclusion of the hearing; failure of the *Commission* HPC to act within the prescribed time shall
3 be deemed to constitute disapproval of the application. The decision of the *Planning*
4 *Commission*HPC, ~~in either approving or, disapproving the application pursuant to Section 1006.6,~~
5 shall be final except upon the filing of a valid appeal to the Board of Appeals or Board of
6 Supervisors as provided in Section ~~1006.8~~1006.7. ~~The decision of the Planning Commission, in~~
7 ~~suspending action on an application pursuant to Section 1006.6, shall be final.~~ If the *Planning*
8 *Commission*HPC, or the Board of Appeals or Board of Supervisors on appeal, approves the
9 application, ~~or after the expiration of any suspension period imposed by the Commission,~~ the
10 Department shall issue a Certificate of Appropriateness to the applicant.

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

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

22 (g) Reconsideration. Whenever an application has been disapproved by the
23 *Planning Commission*HPC, or by the Board of Appeals or Board of Supervisors on appeal as
24 described in Section ~~1006.8~~1006.7, no application, the same or substantially the same as that
25 which was disapproved, shall be resubmitted to or reconsidered by the *Planning*

1 ~~Commission~~HPC within a period of one year from the effective date of final action upon the
2 earlier application.

3
4 SEC. ~~1006.6~~1006.5. NATURE OF ~~PLANNING~~HISTORIC PRESERVATION COMMISSION
5 DECISION.

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

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

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

19 (c) If the application proposes removal or demolition of a structure in a designated
20 historic district, other than on a designated landmark site, the ~~Planning Commission~~HPC may
21 disapprove or approve the application, or may suspend action on it for a period not to exceed
22 90 days, subject to extension by the Board of Supervisors as provided in the preceding
23 subsection; provided, however, that the designating ordinance for the historic district may
24 authorize the suspension of action for an alternate period which shall in no event exceed 90
25

1 days, without extension, and in such event the provision of the designating ordinance shall
2 govern.

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

11
12 SEC. ~~1006.7~~1006.6. STANDARDS FOR REVIEW OF APPLICATIONS.

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

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

23 ~~(b) The proposed work shall comply with the Secretary of the Interior's Standards~~
24 ~~for the Treatment of Historic Properties. The proposed work's compliance with the Secretary~~
25 ~~of Interior's Standards for specific application in San Francisco pursuant to Guidelines.~~

1 Interpretations, Bulletins, or other policies (collectively, “San Francisco Interpretation of the
2 Secretary’s Standards”) shall be considered. Development of the San Francisco
3 Interpretation of the Secretary’s Standards shall be led by the Planning Department, through a
4 public participation process, determination of conformance with the General Plan and
5 Planning Code by the Planning Commission, and adoption by both the HPC and the Planning
6 Commission.

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

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

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

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

10 (g) For applications pertaining work to City-owned properties, the Department and
11 the HPC shall consider the relevant public agency's mission and operational needs.

12 (h) Applications for permits in historic districts (i) within RH, RM, RTO, and NC
13 districts, and (ii) for residential projects where 80% or more of the units are designated for
14 households with an income of 150% or less than the area median income, shall be exempt
15 from the requirements of Section 1006.6 when compliance with said requirements would
16 create a significant economic hardship for the applicant, provided that:

17 1. The scope of the work does not constitute a demolition pursuant to Section
18 1005(f) of this Code;

19 2. The Planning Department has determined that the applicant meets the
20 requirement for economic hardship, such that the fees have been fully or partially waived
21 pursuant to Section 1006.1 of this Code;

22 3. The Zoning Administrator has determined that in all other aspects the work
23 associated with the application is in conformance with Planning Code requirements; and

24 4. The HPC has confirmed that all requirements listed herein have been met, and
25 has determined, pursuant to Section 1006.4 of this Code, that the requirements of Section

1 1006.6 may be fully or partially waived due to economic hardship and that completion of the
2 scope of work will not be detrimental to the integrity of the district or the individual landmark.

3 When this exemption applies, the applicant shall work with Planning Department staff
4 to use materials and construction techniques that would best achieve the goal of protecting
5 the integrity of the district or landmark, while reducing costs to the applicant.

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

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

21 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing written
22 notice of appeal with the Board of Appeals or Clerk of the Board of Supervisors, whichever entity
23 is appropriate under the requirements of subsection (a), within 30 days after the date of action by
24 the ~~Planning Commission~~HPC or Planning Commission. ~~In the case of a historic district, the notice of~~
25 appeal shall be subscribed by the owners of at least 20 percent of the property affected by the proposed

1 ~~Certificate of Appropriateness; for the purposes of this calculation, the property affected shall be~~
2 ~~deemed to be all property within the historic district. In the case of a landmark not in a historic district,~~
3 ~~the notice of appeal shall be subscribed by the property owner, or by any governmental body or~~
4 ~~agency, or by an organization with a recognized interest in historical preservation.~~

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

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

19 (e) —Decisions Affecting City Hall. The provisions of this Subsection shall govern
20 decisions by the ~~City Planning Commission~~HPC on a Certificate of Appropriateness for
21 alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the
22 approval or disapproval by the ~~City Planning Commission~~HPC of a Certificate of
23 Appropriateness for alteration of City Hall, the Secretary of the ~~City Planning Commission~~HPC
24 shall transmit to the Clerk of the Board of Supervisors written notification of the
25 ~~Commission~~HPC's decision. The Clerk shall set a time and place for hearing on the decision,

1 which shall be not less than 10 nor more than 30 days after receipt of such notification. The
2 Board of Supervisors may ~~either~~ approve, disapprove, or modify the ~~Commission's~~ HPC's
3 decision by majority vote. The Board of Supervisors must take this action within 30 days of the
4 time set for the hearing thereon, provided that, if the full membership of the Board is not
5 present on the last day on which said hearing is set or continued within said period, the Board
6 may postpone said hearing and decision thereon until, but not later than, the full membership
7 of the Board is present; provided further, that the latest date to which said hearing and
8 decision may be so postponed shall be not more than 90 days from the date of the receipt of
9 written notification. Failure of the Board of Supervisors to act within such time limit shall be
10 deemed to constitute approval by the Board of the action of the ~~City Planning Commission~~HPC.

11

12 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

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

25

1 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

10
11 SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

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

18
19 SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

20 (a) The Department shall take appropriate steps to notify all public agencies
21 ~~which~~that own or may acquire property in the City, about the existence and character of
22 designated landmarks and historic districts; if possible, the Department shall cause a current
23 record of such landmarks and historic districts to be maintained in each such public agency. In
24 the case of any publicly owned property on a landmark site or in a historic district which is not
25 subject to the permit review procedures of the City, the agency owning the said property shall

1 seek the advice of the ~~Planning Commission~~HPC prior to approval or authorization of any
2 construction, alteration or demolition thereon; and the ~~Planning Commission, with the aid of the~~
3 ~~Advisory Board and~~HPC, in consultation with the Art Commission in appropriate cases, shall
4 render a report to the owner as expeditiously as possible, based on the purposes and
5 standards in this Article 10. ~~If Planning Commission review of a public project involving~~ In the case
6 of any publicly owned property on a landmark site or in a historic district that is subject to the permit
7 review procedures of the City under any other law or under the Charter, the agency owning the
8 property shall be subject to the provisions of this Article 10, and if the project involves construction,
9 alteration or demolition on a landmark site or in a historic district ~~is required under any other law,~~
10 ~~or under the Charter, the Planning Commission shall render the report referred to in this Section to~~
11 ~~such public agency without specific request therefor~~ a Certificate of Appropriateness shall be required
12 subject to the procedures set forth in this Article 10.

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

16 (c) Nothing in this Article 10 shall be construed to imposed any regulations or
17 controls upon designated landmarks owned or controlled by the Golden Gate Bridge Highway
18 and Transportation District.

19

20 SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

21 (a) The ~~Advisory Board may recommend, and the Planning Commission~~HPC may
22 approve, a list of structures of historical, architectural or aesthetic merit ~~which~~ that have not
23 been designated as landmarks and are not situated in designated historic districts. ~~The~~
24 ~~said~~This list may be added to from time to time. The purpose of this list shall be to recognize
25 and encourage the protection, enhancement, perpetuation and use of such structures. The

1 ~~Advisory Board and the Planning Commission~~HPC shall maintain a record of historic structures in
2 the City ~~which~~that have been officially designated by agencies of the State or federal
3 government, and shall cause such structures to be added to the aforesaid list.

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

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

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

18
19 SEC. 1012. Referral of Certain Matters.

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

24 (a) Time Period for Review. The HPC shall submit any written report to the Board of
25 Supervisors within 90 days of the date of referral. Failure of the HPC to act within the prescribed time

1 shall be deemed to constitute a recommendation of disapproval, except that the Board of Supervisors
2 may, by resolution, extend the prescribed time within which the HPC is to render its report.

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

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

14
15 SEC. 1013. ENFORCEMENT AND PENALTIES.

16 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
17 Code.

18
19 SEC. 1014. APPLICABILITY.

20 (a) No application for a permit to construct, alter or demolish any structure or other
21 feature on a proposed landmark site or in a proposed historic district, filed subsequent to the
22 day that ~~an application has been filed or~~ a resolution adopted to initiate designation or a
23 resolution adopted to confirm initiation of designation of the ~~said~~ proposed landmark site or historic
24 district, shall be approved by the Department while proceedings are pending on such
25 designation; ~~provided however, that after 180 days have elapsed from the date of initiation of said~~

1 *designation, if final action on such designation has not been completed, the permit application may be*
2 *approved. for the following time periods:*

3 *(1) For proposed landmark sites: for 180 days after a resolution is passed initiating*
4 *designation or confirming nomination of designation; or*

5 *(2) For historic districts: for ~~one year~~ 180 days after a resolution is passed initiating*
6 *designation or confirming nomination of designation.*

7 *The HPC or the Board of Supervisors may approve by resolution a one-time extension of up to*
8 *~~180~~ 90 days of either of the above-time periods. The Board of Supervisors may approve by*
9 *resolution one further extension of up to 90 days of either of the above time periods. If final*
10 *action on such designation has not been completed before the end of the relevant time period, the*
11 *permit application may be approved.*

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

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

23
24 SEC. 1015. - SEVERABILITY.
25

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

8
9 Section 3. The Appendices to Article 10 are not amended by this ordinance and thus
10 have not been included here for brevity.

11
12 Section 4. In enacting this Ordinance, the Board intends to amend only those words,
13 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams
14 or any other constituent part of the Planning Code that are explicitly shown in this legislation
15 as additions, deletions, Board amendment additions, and Board amendment deletions in
16 accordance with the "Note" that appears under the official title of the legislation. This
17 Ordinance shall not be construed to effectuate any unintended amendments. Any additions or
18 deletions not explicitly shown as described above, omissions, or other technical and non-
19 substantive differences between this Ordinance and the Planning Code that are contained in
20 this legislation are purely accidental and shall not effectuate an amendment to the Planning
21 Code. The Board hereby authorizes the City Attorney, in consultation with affected City
22 departments, to make those necessary adjustments to the published Planning Code, including
23 non-substantive changes such as renumbering or relettering, to ensure that the published
24 version of the Planning Code is consistent with the laws that this Board enacts.

1 Section 5. Effective Date. This ordinance shall become effective 30 days from the date
2 of passage.

3
4 Section 4 . Effective Date. This ordinance shall become effective 30 days from the
5 date of passage.

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

9 By: _____
10 Andrea Ruiz-Esquide
11 Deputy City Attorney

FILE NO.

ORDINANCE NO.

[Planning Code—Article 11]

**Ordinance amending Article 11 of the San Francisco Planning Code in its entirety;
making environmental findings and findings of consistency with the General Plan and
Planning Code Section 101.1(b).**

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

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

(a) General Plan and Planning Code Findings.

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

(2) Pursuant to Planning Code Section 302, the Board finds that the proposed ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____, which reasons are incorporated herein by reference as though fully set forth.

1 (b) Historic Preservation Commission Findings. On _____ at a duly
2 noticed public hearing, the Historic Preservation Commission in Resolution No.
3 _____ recommended that the Board of Supervisors adopt the proposed Planning
4 Code amendments. A copy of said Resolution is on file with the Clerk of the Board of
5 Supervisors in File No. _____ and is incorporated herein by reference.

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

11 Section 2. The San Francisco Planning Code is hereby amended by amending Article
12 11, to read as follows:

13 ARTICLE 11: PRESERVATION OF BUILDINGS AND DISTRICTS OF
14 ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS

15 Sec. 1101. Findings and Purposes.

16 Sec. 1102. Standards for Designation of Buildings.

17 Sec. 1102.1. Designation of Buildings.

18 Sec. 1103. Standards for Designation of Conservation Districts.

19 Sec. 1103.1. Conservation District Designations.

20 Sec. 1104. ~~Notice of Designation.~~ Intentionally Left Blank.

21 Sec. 1105. ~~Reconsideration of Designation.~~ Intentionally Left Blank.

22 Sec. 1106. Procedures for Change of Designation: and Designation of Additional
23 Significant and Contributory Buildings.
24
25

1 Sec. 1107. Procedures for Designation of Additional Conservation Districts or
Boundary Change of Conservation Districts.

2 Sec. 1108. Notice of Designation.

3 Sec. 1109. Preservation Lots: Eligibility for Transfer of Development Rights.

4 Sec. 1110. Construction, Alteration or Demolition of Significant or Contributory Buildings
5 or Buildings in Conservation Districts.

6 Sec. 1111. Applications for Permits to Alter, Permits to Demolish, and Permits for New
7 Construction in Conservation Districts.

8 Sec. 1111.1. Determination of Minor and Major Alterations.

9 Sec. 1111.2. ~~Referral of Applications for Major Alterations to Landmarks Preservation~~
10 ~~Advisory Board: Review by the Department of City Planning~~ Sign Permits.

11 Sec. 1111.3. ~~Recommendation by the Director of Planning~~ Review by the Planning
12 Department.

13 Sec. 1111.4. ~~Consideration and Decision by the City Planning Commission~~ Scheduling and
14 Notice of Historic Preservation Commission Hearings.

15 Sec. 1111.5. Decision by the ~~City Planning~~ Historic Preservation Commission.

16 Sec. 1111.6. Standards and Requirements for Review of Applications for Alterations.

17 Sec. 1111.7. ~~Permits for Signs~~ Standards and Requirements for Review of Applications for
18 Permits to Demolish.

19 Sec. 1112. ~~Demolition of Significant and Contributory Buildings and Buildings in~~
20 ~~Conservation Districts~~ Intentionally Left Blank..

21 ~~Sec. 1112.1. Applications for a Permit to Demolish.~~

22 ~~Sec. 1112.2. Disposition of Applications to Demolish Contributory Buildings and Unrated~~
23 ~~Buildings in Conservation Districts.~~

1 ~~Sec. 1112.3. Applications to Demolish Significant Buildings or Contributory Buildings from~~
2 ~~which TDR Have Been Transferred; Acceptance and Notice.~~

3 ~~Sec. 1112.4. Referral to the Landmarks Preservation Advisory Board Prior to Hearing; Review~~
4 ~~by the Director of Planning.~~

5 ~~Sec. 1112.5. Planning Commission Hearing and Decision.~~

6 ~~Sec. 1112.6. Decision of the Planning Commission.~~

7 ~~Sec. 1112.7. Standards and Review of Applications to Demolish.~~

8 Sec. 1113. Standards of Review for New and Replacement Construction in
9 Conservation.

10 Sec. 1114. Modification of a Decision of the Historic Preservation Commission.

11 Sec. 1115. Appeal.

12 Sec 1116. Unlawful Alteration or Demolition.

13 Sec. ~~1115~~1117. Conformity with Other City Permit Processes.

14 Sec. ~~1116~~1118. Unsafe or Dangerous Conditions.

15 Sec. ~~1117~~1119. Maintenance Requirements and Enforcement Thereof.

16 Sec. ~~1119~~1120. Enforcement and Penalties.

17 Sec. ~~1120~~1121 Relationship to Article 10.

18 Sec. ~~1121~~1122. Notice of Amendment.

19 Sec. ~~1122~~1123. Notice Procedure.

20 Sec. ~~1123~~1124. Time Provisions.

21 Sec. ~~1124~~1125. Severability.

22 Appendix A Category I Buildings.

23 Appendix B Category II Buildings.

24 Appendix C Category III Buildings.

25 Appendix D Category IV Buildings.

1 Appendix E Kearny-Market-Mason-Sutter Conservation District.

2 Appendix F New Montgomery-Second Street Conservation District.

3 Appendix G Commercial-Leidesdorff Conservation District.

4 Appendix H Front-California Conservation District.

5 Appendix I Kearny-Belden Conservation District.

6 Appendix J Pine-Sansome Conservation District.

7
8 SEC. 1101. FINDINGS AND PURPOSES.

9 (a) It is hereby found that a substantial number of the buildings in the C-3 District
10 have a special architectural, historical, and aesthetic value. These buildings contribute
11 substantially to San Francisco's reputation throughout the United States as a City of
12 outstanding beauty and physical harmony. A substantial number of these special buildings
13 have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of
14 preserving and continuing their use, and without adequate consideration for the irreplaceable
15 loss to the people of the City of their aesthetic, cultural, historic and economic value.

16 (b) It is further found that distinct and definable subareas within the C-3 District
17 possess concentrations of buildings that together create a unique historic, architectural, and
18 aesthetic character which contributes to the beauty and attractiveness of the City. The quality
19 of these geographic areas has been and continues to be degraded by the unnecessary
20 demolition of buildings of substantial architectural and aesthetic merit, by their replacement
21 with buildings which conflict with the character and scale of the area, and by alteration of
22 buildings in a manner which conflicts with the character and scale of the area.

23 (c) It is therefore declared that the protection, enhancement, and perpetuation of
24 buildings and definable subareas of special architectural, historical, and aesthetic interest is
25

necessary to promote the health, safety, prosperity and welfare of the people of the City.

Accordingly, the purposes of this Article are:

(1) The protection, enhancement, and perpetuation of structures and subareas of special architectural, historical, and aesthetic character which contribute to the urban environment;

(2) The maintenance and improvement of a healthy economy for the City by enhancing both property values and the City's attractiveness as a place to do business;

(3) The protection and improvement of the City's attractiveness to tourists and other visitors, and the stimulus to business provided thereby;

(4) The enrichment of the educational, cultural, aesthetic and spiritual life of the inhabitants of the City by fostering knowledge of the heritage of the City's past and retaining the quality of the City's urban environment.

(d) It is further found that the use of Transferable Development Rights ("TDR") as provided herein is necessary to promote the urban planning and design goals of the *Master General Plan* by (1) maintaining appropriate overall development capacities in each zoning district within the C-3 area, as defined by applicable floor area, height, bulk and other parameters; (2) encouraging and directing development into the Special Development District in order to maintain a compact downtown financial district; and (3) facilitating the retention of Significant Buildings; and ~~encouraging the retention of~~ Contributory Buildings, and the compatible replacement or alteration of Unrated buildings in Conservation Districts, as defined herein.

SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

The buildings in the C-3 Districts are divided into five categories according to the Building Rating methodology as set forth and explained in the Preservation of the Past section

1 of the Downtown Plan, a component of the ~~Master~~ General Plan. Those categories are as
2 follows:

3 (a) Significant Buildings - Category I. Buildings ~~which~~ that:

4 (1) Are at least 40 years old; and

5 (2) Are judged to be Buildings of Individual Importance; and

6 (3) Are rated Excellent in Architectural Design or are rated Very Good in both

7 Architectural Design and Relationship to the Environment.

8 (b) Significant Buildings - Category II. Buildings:

9 (1) ~~Which~~ That meet the standards in Section 1102(a) above; and

10 (2) To which, because of their depth and relationship to other structures, it is
11 feasible to add different and higher replacement structures or additions to height at the rear of
12 the structure, even if visible when viewing the principal facades, without affecting their
13 architectural quality or relationship to the environment and without affecting the appearance of
14 the retained portions as separate structures when viewing the principal facades. The
15 designation of Category II Buildings shall identify for each building the portion of the building
16 beyond which such additions may be permitted.

17 (c) Contributory Buildings - Category III. Buildings ~~which~~ that:

18 (1) Are located outside a designated Conservation District; and

19 (2) Are at least 40 years old; and

20 (3) Are judged to be Buildings of Individual Importance; and

21 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in

22 Relationship to the Environment.

23 (d) Contributory Buildings - Category IV. Buildings ~~which~~ that:

24 (1) Are located in a designated Conservation District; and

25 (2) Are at least 40 years old; and

1 (3) Are judged to be Buildings of Individual Importance, and are rated either Very
2 Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.

3 (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in
4 Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

5 (e) Unrated Buildings - Category V. Buildings ~~which~~ that are not designated as
6 Significant or Contributory.

7
8 SEC. 1102.1. DESIGNATION OF BUILDINGS.

9 The buildings in the C-3 District are classified as follows:

10 (a) Significant Buildings - Category I. The buildings listed in Appendix A to this
11 Article 11 are hereby designated as Significant Buildings - Category I.

12 (b) Significant Buildings - Category II. The buildings listed in Appendix B to this
13 Article 11 are hereby designated as Significant Buildings - Category II.

14 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to this
15 Article 11 are hereby designated as Contributory Buildings - Category III.

16 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to this
17 Article 11 are hereby designated as Contributory Buildings - Category IV.

18 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise
19 designated in this Section are hereby designated as Unrated - Category V.

20
21 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.

22 Portions of the C-3 District may be designated as Conservation Districts if they contain
23 substantial concentrations of buildings that together create subareas of special architectural
24 and aesthetic importance. Such areas shall contain substantial concentrations of Significant
25

1 and Contributory Buildings and possess substantial overall architectural, aesthetic or historic
2 qualities justifying additional controls in order to protect and promote those qualities.

3 SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS.

4 The following Conservation Districts are hereby designated for the reasons indicated in
5 the appropriate Appendix:

6 (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as
7 set forth in Appendix E.

8 (b) The New Montgomery-Second Street Conservation District is hereby designated
9 as set forth in Appendix F.

10 (c) The Commercial-Leidesdorff Conservation District is hereby designated as set
11 forth in Appendix G.

12 (d) The Front-California Conservation District is hereby designated as set forth in
13 Appendix H.

14 (e) The Kearny-Belden Conservation District is hereby designated as set forth in
15 Appendix I.

16 (f) The Pine-Sansome Conservation District is hereby designated as set forth in
17 Appendix J.

18
19 SEC. 1104. INTENTIONALLY LEFT BLANK. NOTICE OF DESIGNATION.

20 (a) ~~The Zoning Administrator shall notify by mail the owners of every building designated~~
21 ~~by this ordinance as a Significant or Contributory Building and every building within a conservation~~
22 ~~district as established by this ordinance.~~

23 (b) ~~With respect to buildings designated Significant or Contributory by this ordinance,~~
24 ~~notice shall also be given by posting each such building in a conspicuous place as well as by~~
25

1 *publication pursuant to the provisions of California Government Code Section 6064. The notice shall*
2 *state that the owner of every building so designated has the right to request a change of designation*
3 *and the time permitted for making such a request.*

4 *(c) — The Zoning Administrator shall cause a copy of this ordinance, or notice thereof, to be*
5 *recorded in the office of the County Recorder for properties designated as Significant or Contributory,*
6 *and for properties designated within a conservation district, by this ordinance.*

7
8 **SEC. 1105. INTENTIONALLY LEFT BLANK. RECONSIDERATION OF DESIGNATION.**

9 *(a) — Request for Reconsideration. Within 45 days of the effective date of this ordinance, a*
10 *request for reconsideration and change of a designation may be filed by any affected property owner,*
11 *by any organization or group which has historic preservation stated as one of its goals in its bylaws or*
12 *articles of incorporation, or the application of at least 50 registered voters of the City, based on the*
13 *grounds that under the standards contained in Section 1102 the designation set forth in this ordinance*
14 *is incorrect. Such a request shall be filed with the Department of City Planning on forms provided for*
15 *that purpose. The Department of City Planning shall not accept or act upon any application filed after*
16 *45 days have passed. Once a request for reconsideration has been made as to any building, no*
17 *additional requests shall be accepted as to that building; however, another applicant may seek a*
18 *change of designation different from that sought in the original reconsideration request. Any property*
19 *owner who contends that the designation applicable to its property deprives the owner of a*
20 *constitutionally protected property right, or that, by reason of such application, the property owner is*
21 *entitled to compensation, shall assert such argument in connection with and in aid of the application*
22 *filed under this Section and provide all evidence in the property owner's possession in support of such*
23 *contention.*

24 *(b) — Referral to the Landmarks Preservation Advisory Board; Review by the Department of*
25 *City Planning. Upon determination by the Zoning Administrator that an application is complete, the*

1 ~~Zoning Administrator shall promptly refer the matter to the Landmarks Preservation Advisory Board~~
2 ~~for review and recommendation, and the Department of City Planning shall undertake a study of the~~
3 ~~reconsideration request and prepare a report and recommendation. The Landmarks board shall~~
4 ~~recommend approval, disapproval, or approval with modifications of the application within 30 days of~~
5 ~~receiving it; provided, however, that if more than 30 applications are received within any 15-day~~
6 ~~period at the Department of City Planning, the Zoning Administrator may extend the time for Advisory~~
7 ~~Board action with respect to those applications for an additional period of time not to exceed 45 days,~~
8 ~~and if more than 50 applications are received within such time, for an additional period of time deemed~~
9 ~~necessary to allow sufficient time for Board review. If the Landmarks Board fails to respond within the~~
10 ~~allowed time the City Planning Commission shall proceed without a recommendation from the~~
11 ~~Landmarks Board.~~

12 (c) ~~— Submittal to the Planning Commission. Upon completion of the study by the Department~~
13 ~~of City Planning and recommendation by the Landmarks Advisory Board, the matter shall be scheduled~~
14 ~~for public hearing before the Planning Commission; provided, however, that in no event shall it be~~
15 ~~scheduled later than 30 days after the Advisory Board has made its recommendation unless the~~
16 ~~applicant consents to an extension of this time limit. Notice of the hearing shall be given by mail to the~~
17 ~~applicant and to any other persons requesting notice.~~

18 (d) ~~— City Planning Commission Decision. The Planning Commission may approve,~~
19 ~~disapprove, or approve with modifications the reconsideration application. The building shall be~~
20 ~~deemed to be designated according to the decision of the Planning Commission and the provisions of~~
21 ~~this Article II applicable to that designation shall apply to the building notwithstanding another~~
22 ~~designation of the building in Appendices A, B, C or D to this Article.~~

23 SEC. 1106. PROCEDURES FOR CHANGE OF DESIGNATION; AND DESIGNATION
24 OF ADDITIONAL SIGNIFICANT AND CONTRIBUTORY BUILDINGS.
25

1 Buildings may be designated as Significant or Contributory or their designation may be
2 changed through amendment of Appendices A, B, C and D of this Article. Such designation or
3 change of designation shall be governed by the following provisions in lieu of the provisions of
4 Section 302:

5 (a) Initiation. The designation or change of designation of a Significant or
6 Contributory building may be initiated by motion of the Board of Supervisors, by resolution of
7 the ~~Planning Commission or the Landmarks Preservation Advisory Board~~ Historic Preservation
8 Commission, by the verified application of the owner or authorized agent of the affected
9 property, by the application of any organization or group ~~which~~ that has historic preservation
10 stated as one of its goals in its bylaws or articles of incorporation, or by the application of at
11 least 50 registered voters of the City. Except in the case of initiation by governmental bodies,
12 any such application shall contain historic, architectural, and/or cultural documentation to support
13 the initiation or change of designation as well as any additional information that may be required by
14 the application procedures and policies established by the Historic Preservation Commission. ~~be filed~~
15 ~~with the Department of City Planning upon forms prescribed by the Department of City Planning, and~~
16 ~~shall be accompanied by all data required by the Department.~~ If initiated by motion of the Board of
17 Supervisors, the Clerk of the Board of Supervisors shall refer the matter to the Historic Preservation
18 Commission for its review and recommendation prior to passage by the Board of Supervisors, without
19 referral to the Planning Commission.

20 (b) Notice; ~~Referral to the Landmarks Preservation Advisory Board;~~ Referral to the
21 Historic Preservation Commission; Review by the Planning ~~Department of City Planning~~. Upon
22 determination by the ~~Zoning Administrator~~ Department that a verified application is complete and
23 contains all necessary information or upon receipt of the motion or resolution of one of the
24 governmental bodies set forth in Subsection (a) above, the ~~Zoning Administrator~~ Department
25 shall: (1) promptly schedule a hearing before the Historic Preservation Commission on the proposed

1 ~~designation or change of designation; and (2) send notice of the proposed designation or change of~~
2 ~~designation hearing by mail no less than 20 days prior to the date of the hearing to the owner(s) of~~
3 ~~the affected property, unless the application is that of the owner,; the applicant(s), if any, for the~~
4 ~~designation or change in designation; to the owners of all properties within 150 feet of the affected~~
5 ~~property; and to any interested parties who so request in writing to the Department. and (2) promptly~~
6 ~~refer the matter to the Landmarks Preservation Advisory Board for review and the submittal of a~~
7 ~~recommendation. The Department of City Planning shall also undertake a study of the proposed~~
8 ~~designation or change of designation.~~

9 (c) Action by the Planning Historic Preservation Commission. ~~Upon completion of the~~
10 ~~review of the~~The proposed designation or change of designation ~~by the Department of City~~
11 ~~Planning and the submittal of the report by the Landmarks Board, the matter~~ shall be placed on the
12 agenda of the Planning Historic Preservation Commission for public hearing. The Planning
13 Historic Preservation Commission shall determine the appropriate designation or change in
14 designation of the building. If the Planning Historic Preservation Commission approves or
15 modifies the proposed designation or change of designation in whole or in part, it shall transmit
16 ~~the proposal~~ its recommendation, together with a copy of the resolution ~~of approval~~, to the Clerk
17 of the Board of Supervisors without referral to the Planning Commission.

18 (d) Designation by Board of Supervisors. The Board of Supervisors, or a committee
19 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of
20 Supervisors may approve, modify and approve, or disapprove the designation or change of
21 designation by a majority vote of all its members.

22 (e) Appeal to Board of Supervisors. If the Planning Historic Preservation Commission
23 disapproves the proposed designation or change of designation, such action shall be final
24 except upon the filing of a notice of appeal to the Board of Supervisors within 30 days by the
25 applicant or any of the persons, organizations or groups listed in Section 1106(a); provided,

1 however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the *said*
2 Board shall be notified immediately of the disapproval without the necessity for an appeal.

3 (f) Hearing and Decision By the Board of Supervisors. The Board of Supervisors, or a
4 committee thereof, shall hold a public hearing on any such proposal appealed to it or initiated
5 by it. The Board of Supervisors may uphold the Planning Historic Preservation Commission,
6 overrule the Planning Historic Preservation Commission and approve, or modify and approve,
7 the designation or change of designation by a majority vote of all its members.

8 (g) Notice of Board of Supervisors Proceedings. Notice of the hearing scheduled
9 before the ~~Planning Commission and~~ Board of Supervisors, and of the availability of applicable
10 reports, shall be given by mail no less than 20 days prior to the date of the hearing to the initiators
11 of the designation or change of designation, to the ~~owners~~ owner(s) of any affected building, to
12 any appellants, and to any other interested person or organization who so requests in writing to
13 the Department requesting notice.

14 (h) Grounds for Designation or Change of Designation. The designation of a
15 building may be changed if (1) changes in the area in the vicinity of a building located outside
16 a Conservation District warrant a change in the rating of the building with respect to its
17 relationship to the environment and therefore place it in a different category, pursuant to
18 Section 1102; or (2) changes in Conservation District boundaries make a building of
19 Contextual Importance fall outside a Conservation District and therefore no longer eligible for
20 designation as a Contributory building, or, conversely, make a building of Contextual
21 Importance fall within a Conservation District and therefore eligible for designation as a
22 Contributory Building; or (3) changes in the physical features of the building due to
23 circumstances beyond the control of the owner, or otherwise permitted by this Article, warrant
24 placing the building in a different category pursuant to the standards set forth in Section 1102;
25 or (4) restoration of the building to its original quality and character warrants placing the

1 building in a different category pursuant to the standards set forth in Section 1102; or (5) by
2 the passage of time, the building has become at least 40 years old, making it eligible to be
3 considered for designation as a Significant or Contributory building, pursuant to Section 1102;
4 or (6) the discovery of new factual information (for example, information about the history of
5 the building) makes the building eligible for rating as a Building of Individual or Contextual
6 Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

7
8 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION
9 DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

10 A Conservation District may be designated or its boundary changed through
11 amendment of Section 1103.1 of this Article 11. The Historic Preservation Commission may
12 recommend approval, disapproval, or modification of Conservation District designations or boundary
13 changes to the Board of Supervisors. Such designation or boundary change shall be governed by
14 the following provisions in lieu of the provisions of Section 302.

15 (a) Initiation of Designation or Boundary Change. The designation of an area of the
16 C-3 District as a Conservation District or the change of District boundaries may be initiated by
17 motion of the Board of Supervisors, by resolution of the ~~Planning~~Historic Preservation
18 ~~Commissioner the Landmarks Preservation Advisory Board~~, upon the verified application of the
19 owners or other authorized agents of greater than 25 percent of the structures in the area
20 proposed for designation (or, as to an alteration, 25 percent of the structures of the proposed
21 new district unless it would be an area smaller than the existing district, in which case it shall
22 be 25 percent of the structures of the existing district), upon the verified application of any
23 organization or group ~~which~~that has historic preservation stated as one of its goals in its
24 bylaws or articles of incorporation, or upon the verified application of at least 150 registered
25 voters of the City. Except in case of an initiation by governmental bodies, any such application

1 shall contain historic, architectural, and/or cultural documentation to support the designation or
2 boundary change as well as any additional information that may be required by the application
3 procedures and policies established by the Historic Preservation Commission ~~be filed with the~~
4 ~~Department of City Planning upon forms prescribed by the Department of City Planning, and shall be~~
5 ~~accompanied by all data required by said Department.~~

6 (b) Notice; Referral to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation
7 Commission; Review by the Planning Department of City Planning. ~~Notice, referral to the~~
8 ~~Landmarks Board and review by the Department of City Planning shall be as provided in Section~~
9 ~~1106(b) of this Article. If a proposed Conservation District designation or boundary change is initiated~~
10 ~~by the Board of Supervisors, the Clerk of the Board shall refer the matter to the Historic Preservation~~
11 ~~Commission for its review and recommendation. Upon determination by the Planning Department that~~
12 ~~a verified application is complete and contains all necessary information or upon receipt of a motion or~~
13 ~~resolution by the Board of Supervisors or the Historic Preservation Commission initiating designation~~
14 ~~or a change in designation, the Department shall (1) promptly schedule a hearing before the Historic~~
15 ~~Preservation Commission on the proposed district or boundary change; and (2) send notice of the~~
16 ~~Historic Preservation Commission hearing by mail no less than 20 days prior to the date of the hearing~~
17 ~~to the initiators of the designation or boundary change, to the owners of all lots within the proposed~~
18 ~~new district or the district being modified, and to any interested parties who make a request in writing~~
19 ~~to the Department.~~

20 (c) ~~Submittal to the Planning Commission. Submittal to and action by the Planning~~
21 ~~Commission shall be as set forth in Section 1106(e) of this Article. Action by the Historic Preservation~~
22 ~~Commission. The proposed designation or boundary change shall be placed on the agenda of the~~
23 ~~Historic Preservation Commission for public hearing. If the Historic Preservation Commission~~
24 ~~approves or modifies the proposed designation or boundary change in whole or in part, the~~
25 ~~Department shall transmit the Historic Preservation Commission's recommendation together with a~~

1 copy of the Historic Preservation Commission's resolution and with any comments of the Planning
2 Commission, as set forth in subsection (d) below, to the Clerk of the Board of Supervisors.

3 (d) Review by the Planning Commission. Following action by the Historic Preservation
4 Commission, the Department shall promptly refer the Historic Preservation Commission's
5 recommendation on the proposed Conservation District designation or boundary change to the
6 Planning Commission, which shall have 45 days to review and comment on the proposed designation
7 or boundary change. The Planning Commission's comments, if any, shall be forwarded to the Board of
8 Supervisors together with the Historic Preservation Commission's recommendation. Notice of the
9 Planning Commission hearing shall be given as provided in Section 1107(b) of this Article. The
10 Planning Commission's comments shall be transmitted to the Board of Supervisors as a
11 resolution and shall (i) address the consistency of the proposed boundary change with the
12 policies embodied in the General Plan and the priority policies of Section 101.1, particularly
13 the provision of housing to meet the City's Regional Housing Needs Allocation, and the
14 provision of housing near transit corridors; (ii) identify any amendments to the General Plan
15 necessary to facilitate adoption of the proposed boundary change; and (iii) evaluate whether
16 the proposed boundary change would conflict with the Sustainable Communities Strategy for
17 the Bay Area.

18 (e) Designation by Board of Supervisors. The Board of Supervisors, or a committee
19 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of
20 Supervisors may approve, modify and approve, or disapprove the designation or boundary
21 change by a majority vote of all its members. Prior to the Board of Supervisors' vote on a
22 boundary change, the Planning Department shall conduct thorough outreach to affected
23 property owners. The Planning Department shall invite all property owners in the area
24 covered by the proposed boundary change to express their opinion in writing on the proposed
25 boundary change, be it in the form of a vote or a survey, with the goal of obtaining the

1 participation of at least half of all property owners in the area. Such invitation shall advise
2 owners of the practical consequences of the adoption of the proposed boundary change,
3 including the availability of preservation incentives, the types of work requiring a Permit to
4 Alter, the process and fees for obtaining a Permit to Alter, and the types of work that is
5 generally ineligible to receive a Permit to Alter. The property owners' vote shall be considered
6 by the Board of Supervisors when taking action on the proposed boundary change.

7 (e)(f) Appeal to Board of Supervisors. If the *Planning Historic Preservation* Commission
8 disapproves the proposed designation or boundary change, such action shall be final except
9 upon the filing of a notice of appeal to the Board of Supervisors within 30 days by the
10 applicant or any of the persons, organizations, or groups listed in Section 1107(a); provided,
11 however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the ~~said~~
12 ~~Board~~ shall be notified immediately of the disapproval without the necessity for an appeal.

13 (f)(g) Hearing and Decision by the Board of Supervisors. The Board of Supervisors, or a
14 committee thereof, shall hold a public hearing on any such proposal appealed to it or initiated
15 by it. The Board of Supervisors may uphold the *Planning Historic Preservation* Commission,
16 overrule the *Planning Historic Preservation* Commission and approve, or modify and approve,
17 the designation or boundary change by a majority vote of all its members.

18 (g)(h) Notice of Board of Supervisors Proceedings. Notice of the hearing scheduled
19 pursuant to this Section before the ~~Planning Commission~~ shall be given by mail no less than 20 days
20 prior to the date of the hearing to: the ~~initiators of applicants for~~ the designation or alteration, if
21 any; the owners of all lots within ~~300 feet of~~ the proposed new district or ~~of that portion of~~ the
22 district being altered; ~~;~~ appellants, if any; as well as and to interested individuals or organizations
23 who request such notice in writing to the Department.

24 (h)(i) Standards Applicable to Designation or Boundary Change. The standards
25 governing the designation and change of District boundaries are those set forth in Section

1 1103. Areas may be removed from Conservation Districts if the character of the area has
2 changed such that the area no longer qualifies under the standards set forth in Section 1103.

3 SEC. 1108. NOTICE OF DESIGNATION.
4

5 When a building has been designated Significant or Contributory or its designation is
6 changed pursuant to Section 1106, or when a new Conservation District is established or the
7 boundary of a Conservation District changed pursuant to Section 1107, the ~~Zoning~~
8 ~~Administrator~~ Planning Department shall notify each affected property owner by mail and shall
9 cause a copy of the ordinance, or notice thereof, to be recorded ~~in the office of~~ with the County
10 Recorder. The Department shall file in its permanent records any new designation or change of
11 designation of a Significant or Contributory Building or a new Conservation District or change of a
12 Conservation District boundary and shall notify the Central Permit Bureau pursuant to Section 1117 of
13 this Article.

14 SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF
15 DEVELOPMENT RIGHTS.
16

17 ~~For the purpose of transfer of development rights (TDR) as provided in Section 128 of this~~
18 ~~Code, Lots on which are located Significant or Contributory Buildings, or Category V Buildings~~
19 in those certain Conservation Districts and portions thereof as indicated in Section 8 of the
20 Appendix relating to that District are eligible preservation lots as provided in Section 128 of this
21 Code for the purposes of Transferable Development Rights ("TDR"), as provided in this Section:

22 (a) Significant Buildings. Lots on which are located buildings designated as
23 Significant Buildings - Category I or Category II - are eligible to transfer the difference
24 between the allowable gross floor area permitted on the lot by Section 124 of this Code and
25 the gross floor area of the development on the lot, if all the requirements for transfer set forth

1 in Section 128 are met. Lots on which are located Significant Buildings which have been
2 altered in conformance with the provisions of this Article retain eligibility for the transfer of
3 TDR.

4 (b) Contributory Buildings. Lots on which are located buildings designated as
5 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference
6 between the allowable gross floor area permitted on the lot by Section 124 of ~~the~~ this Code
7 and the gross floor area of the development on the lot, if all the requirements for transfer set
8 forth in Section 128 are met. Alteration or demolition of such a building in violation of Section
9 1110 ~~or Section 1112~~, or alterations or demolitions made without a permit issued pursuant to
10 Sections 1111 through 1111.67, eliminates eligibility for the transfer of TDR; provided,
11 however, that such eligibility may nonetheless be retained or acquired again if, pursuant to
12 Section ~~1114(b)~~1116(b): the property owner demonstrates as to any alteration that it was ~~not~~
13 ~~major, or if the property owner restores the demolished or altered building~~ a Minor Alteration as
14 defined herein and has applied for a Permit for Minor Alteration pursuant to Section 1111.1; or that
15 the property owner has obtained a Permit to Alter to restore the original distinguishing qualities and
16 character-defining features that were altered. Once any TDR have been transferred from a
17 Contributory Building, the building is subject to the same restrictions on demolition and
18 alteration as a Significant Building. These restrictions may not be removed by the transfer of
19 TDR back to the building.

20 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in
21 Section 8 of the Appendix establishing a Conservation District, lots located in such a District
22 on which are located Category V Buildings (designated as neither Significant nor Contributory)
23 are eligible to transfer the difference between the allowable gross floor area permitted on the
24 lot under Section 124 of the Code and the gross floor area of the development on the lot, if all
25 the requirements for transfer set forth in Section 128 are met; provided, however, that a lot is

1 eligible as a Preservation Lot pursuant to this Section only if: (1) the exterior of the building is
2 substantially altered so as to make it compatible with the scale and character of the Significant
3 and Contributory Buildings in the district, including those features described in Sections 6 and
4 7 of the Appendix to Article 11 describing the relevant district, and has thus been determined
5 by the Historic Preservation Commission to be a Compatible Rehabilitation, and the building
6 meets or has been reinforced to meet the standards for seismic loads and forces of the 1975
7 Building Code; or (2) the building on the lot is new, having replaced a Category V Building,
8 and has received approval by the Historic Preservation Commission as a Compatible
9 Replacement Building, pursuant to Section 1113. ~~The procedures governing these determinations
10 are set forth in Section 309.~~

11 SEC. 1110. CONSTRUCTION, ALTERATION OR DEMOLITION OF SIGNIFICANT OR
12 CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS.

13 ~~With respect to a designated Significant or Contributory Building or any Category V Building
14 in a Conservation District, no person shall carry out or cause to be carried out any alteration to the
15 exterior of a building for which a permit is required pursuant to the Building Code unless the permit is
16 approved pursuant to the provisions of Sections 1111 through 1111.6 of this Article; provided,
17 however, that this approval is not required with respect to the owner of a Contributory Building of
18 Category III who has not transferred any TDR and who elects to proceed with a major alteration
19 without reference to Sections 1111 through 1111.6. Election to proceed without a permit pursuant to
20 this Section may be made at the time that the Zoning Administrator determines that the proposed
21 alteration is major pursuant to Section 1111.1. If no election is made at the time of the Zoning
22 Administrator's determination that an alteration is major, the applicant may make such election at any
23 time thereafter. Review under Sections 1111 through 1111.6 shall cease after such election has been
24 made and the permit shall be processed without regard to the requirements of that Section. Election
25~~

1 ~~shall be made in writing on a form provided by the Zoning Administrator. Where an owner elects not to~~
2 ~~proceed pursuant to Sections 1111 through 1111.6, the proposed alteration for which the application is~~
3 ~~filed shall be deemed not to meet the requirements of Section 1111.6, and if the alteration permit is~~
4 ~~issued and work commenced thereunder, the Zoning Administrator shall not issue a Statement of~~
5 ~~Eligibility for the lot on which the building is located.~~

6 (a) No person shall carry out or cause to be carried out any construction, alteration,
7 removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural, or
8 other appendage, or any new or replacement construction for which a permit is required pursuant to
9 the Building Code, on any designated Significant or Contributory Building or any building in a
10 Conservation District unless a permit for such work has been approved pursuant to the provisions of
11 this Article 11. Notwithstanding the foregoing, when the application is for a permit to maintain,
12 repair, rehabilitate, or improve streets and sidewalks, including sidewalk widening,
13 accessibility, and bulbouts, the Department shall process the permit application without further
14 reference to this Article 11, unless such streets and sidewalks have been explicitly called out
15 in a conservation district's designating ordinance as character-defining features of the district.

16 (b) The Historic Preservation Commission shall approve, disapprove, or modify all
17 applications for permits to alter or demolish any Significant or Contributory Buildings or buildings
18 within Conservation Districts, and permits for any new and replacement construction within
19 Conservation Districts, subject to appeal as provided in Section 1115 of this Article 11. The Historic
20 Preservation Commission shall review and act on such permits prior to any other Planning approval
21 action(s). Buildings or areas within the C-3 District designated pursuant to the provisions of both
22 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case of
23 conflict, the more restrictive provisions shall apply.

24 (c) If the proposed work would constitute a demolition as defined in Section 1005(f) of this
25 Code, such work shall, in addition to any other requirements, be subject to the provisions of this Article

1 11 governing demolitions and shall require a "Permit to Demolish." All other proposed construction
2 or alteration of a structure, including any new or replacement construction, or any work involving a
3 sign, awning, marquee, canopy, mural, or other appendage work, but excepting ordinary maintenance
4 and repairs, shall require a "Permit to Alter."

5 (d) No person shall demolish or cause to be demolished a Significant or Contributory
6 Building or any building in a Conservation District without obtaining a Permit to Demolish and, if
7 located within a Conservation District, a permit for a Compatible Replacement Building.

8 (e) If at any time following the approval of a Permit to Alter, changes are proposed to the
9 scope of work such that the proposed new scope of work, if approved, would constitute a demolition as
10 defined herein, the owner shall file a new application for a Permit to Demolish and shall obtain such
11 approval prior to proceeding with the proposed new scope of work.

12 (f) A building permit application or amendment for any work that exceeds the scope of
13 work of an approved Permit to Alter or Permit to Demolish shall be referred to the Planning
14 Department by the Central Permit Bureau for Historic Preservation Commission review and approval
15 pursuant to this Article 11 before the permit may be approved or issued.

16 (g) Notwithstanding the foregoing, in the following cases the Department may process the
17 permit application without further reference to this Article 11:

18 (1) When the application is for a permit for ordinary maintenance and repairs only. For
19 the purpose of this Article 11, "ordinary maintenance and repairs" shall mean any work, the sole
20 purpose and effect of which is to correct deterioration, decay or damage of existing materials,
21 including repair of damage caused by fire or other disaster.

22 (2) When the application is for a permit to construct any new or replacement structures on a
23 site where a Significant or Contributory Building has been lawfully demolished pursuant to this Code
24 and the site is not within a designated Conservation District; or

1 (3) When the application is for a permit to make interior alterations only and does not
2 constitute a demolition as defined herein, unless the Department has determined that the proposed
3 interior alterations may result in any visual or material impact to the exterior of the building or when
4 the designating ordinance or applicable Appendix in this Article requires review of such interior
5 alterations.

6 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER, PERMITS TO DEMOLISH,
7 AND PERMITS FOR NEW CONSTRUCTION IN CONSERVATION DISTRICTS.

8 ~~The Zoning Administrator may define categories of alterations which are deemed to be minor~~
9 ~~alterations and individual permits falling within those categories shall be reviewed and acted upon~~
10 ~~without referral to the Zoning Administrator for review pursuant to Sections 1111 through 1111.6. All~~
11 ~~other applications for permits to undertake any alteration of a building designated Significant or~~
12 ~~Contributory or a building in any Conservation District shall be referred to the Zoning Administrator~~
13 ~~by the Central Permit Bureau within five days of receipt. An applicant for a major alteration permit for~~
14 ~~a Category V Building in any of the Conservation Districts which provides for such eligibility may~~
15 ~~request on the application a determination that if the proposed alteration is completed as approved, the~~
16 ~~building will be deemed a Compatible Rehabilitation under Section 1109(e) so that the lot on which the~~
17 ~~building is located becomes eligible as a Preservation Lot for the transfer of TDR.~~

18 Upon receipt of any application for a building permit, demolition permit, site permit, alteration
19 permit, or any other permit relating to a Significant or Contributory Building or a building within a
20 Conservation District, the Central Permit Bureau shall forward such application to the Planning
21 Department for determination as to whether the application is subject to the provisions of this Article
22 and, if so, for approval under this Article. An application for a Permit to Alter or Permit to Demolish
23 or for new and replacement construction in any Conservation District shall be filed by the owner or
24 authorized agent for the owner of the property for which the permit is sought with the Planning
25

1 Department. Each application shall be verified by at least one property owner or his or her authorized
2 agent attesting to the truth and correctness of all facts, statements and information presented.

3 (a) Content of Applications. The content of applications shall be in accordance with the
4 policies, rules and regulations of the Department and the Historic Preservation Commission. All
5 applications shall be upon forms prescribed therefore and shall contain or be accompanied by all
6 information required to assure the presentation of all pertinent facts for proper consideration of the
7 case and for the permanent record. Applications shall include the following information:

8 (1) Plans, sections and elevations showing all existing and proposed work, including but not
9 limited to color, texture of materials, architectural design, profile, and detail;

10 (2) All demolition calculations and associated detail drawings showing all interior and
11 exterior alterations associated with the proposed scope of work, including but not limited to any
12 changes to the exterior and internal structural framework, floor plates, removal of interior walls, or
13 changes to the foundation;

14 (3) Specifications describing the means and methods associated with the proposed scope of
15 work, including any technical specifications for all exterior restoration or cleaning work;

16 (4) Photographs showing the property and the context of its surroundings;

17 (5) Any other information that the Department determines may be necessary for the
18 particular scope of work proposed; and

19 (6) Information needed for the preparation and mailing of notices as specified in Section
20 1111.4.

21 (b) In addition to the contents specified for applications in (1) above, any application for a
22 Permit to Demolish a Significant building or a Contributory building for which TDR have been
23 transferred shall also contain the following information:

1 (1) An updated historic resource evaluation and conditions assessment report that includes
2 any pertinent information on the condition of the building and historical, architectural, and cultural
3 documentation about the building;

4 (2) The amount paid for the property;

5 (3) The date of purchase, the party from whom purchased, and a description of the business
6 or family relationship, if any, between the owner and the person from whom the property was
7 purchased;

8 (4) The cost of any improvements since purchase by the applicant and date the
9 improvements were made;

10 (5) The assessed value of the land, and improvements thereon, according to the most recent
11 assessments;

12 (6) Real estate taxes for the previous five years;

13 (7) Annual debt service, if any, for the previous five years;

14 (8) All appraisals obtained within the previous five years by the owner or applicant in
15 connection with his or her purchase, financing or ownership of the property;

16 (9) Any listing of the property for sale or rent, price asked and offers received, if any;

17 (10) Any consideration by the owner for profitable and adaptive uses for the property,
18 including renovation studies, plans, and bids, if any;

19 (11) If it is a Preservation Lot eligible to transfer TDR, the amount and value of such
20 untransferred TDR;

21 (12) Annual gross income from the property for the previous five years;

22 (13) Itemized operating and maintenance expenses for the previous five years;

23 (14) Annual cash flow for the previous four years; and

24 (15) Building plans, elevations, sections, detail drawings, and any other information required
25 for the Replacement Building.

1 (c) — For Permits to Demolish buildings from which TDR have been transferred the
2 application shall contain the following information in addition to that set forth in (a) and (b)
3 above:

4 ~~(1)-(16)~~ The Statement of Eligibility as set forth in Section 128;

5 ~~(2)-(17)~~ An itemized list of the amount of TDR that has been transferred from the
6 property;

7 ~~(3)~~ — A list of the amount of untransferred TDR rights remaining on the property;

8 ~~(4)-(18)~~ The amount received for rights transferred;

9 ~~(5)-(19)~~ The transferee(s); and

10 ~~(6)-(20)~~ A copy of each document effecting a transfer of such rights.

11 (d) An application for a Permit to Demolish any building located in a Conservation District
12 or an application for new construction on vacant lots shall include plans, specifications and elevations
13 showing the proposed exterior appearance, including but not limited to color, texture of materials, and
14 architectural design and detail, for the replacement construction.

15 (e) Category V Buildings (Unrated). The owner or owner's representative of a Category V
16 building located in a Conservation District may apply for one of the following:

17 (1) Compatible Rehabilitation. An applicant for a Permit to Alter a Category V Building
18 (Unrated) may request on the application a determination by the Historic Preservation Commission
19 that if the proposed alteration is completed as approved, the building will be deemed a Compatible
20 Rehabilitation under Section 1109(c) so that the lot on which the building is located becomes eligible
21 as a Preservation Lot for the transfer of TDR.

22 (2) Compatible Replacement Building. An applicant for new construction in a Conservation
23 District on a lot where a Category V Building (Unrated) has been lawfully demolished may request on
24 the application a determination by the Historic Preservation Commission that if the proposed new
25 construction is completed as approved, the new building will be deemed a Compatible Replacement

1 Building under Section 1109(c) so that the lot on which the building is located becomes eligible as a
2 Preservation Lot for the transfer of TDR.

3 (f) Permit and Application Fee Waivers. In cases of economic hardship an
4 applicant may be partially or fully exempt from paying fees pursuant to Section 350(e)(2) of
5 the Planning Code.

6 (g) Applications for permits in historic districts for residential projects where 80% or
7 more of the units are designated for households with an income of 150% or less than the area
8 median income, shall be exempt from the requirements of Section 1006.6 when compliance
9 with said requirements would create a significant economic hardship for the applicant,
10 provided that:

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

13 2. The Planning Department has determined that the applicant meets the
14 requirement for economic hardship, such that the fees have been fully or partially waived
15 pursuant to Section 350(e)(2) of this Code;

16 3. The Zoning Administrator has determined that in all other aspects the work
17 associated with the application is in conformance with Planning Code requirements; and

18 4. The HPC has confirmed that all requirements listed herein have been met, and
19 has determined that the requirements of Section 1111 may be fully or partially waived due to
20 economic hardship and that completion of the scope of work will not be detrimental to the
21 integrity of the conservation district or the Significant or Contributory building.

22 When this exemption applies, the applicant shall work with Planning staff to use
23 materials and construction techniques that would best achieve the goal of protecting the
24 integrity of the conservation district or the Significant or Contributory building, while reducing
25 costs to the applicant.

1 Residential projects where 80% or more of the units are designated for households
2 with an income of 150% or less than the area median income shall be exempt from the
3 requirements of Section 1111.

4 SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.

5 *Within 10 days after referral by the Central Permit Bureau, the Zoning Administrator shall*
6 *determine in writing if the proposed alteration is a Major Alteration or a Minor Alteration.*

7 (a) — *An alteration is considered Major if any of the following apply:*

8 (1) — *The alteration will substantially change, obscure or destroy exterior character defining*
9 *spaces, materials, features or finishes; or*

10 (2) — *The alteration would affect all or any substantial part of a building's structural*
11 *elements, exterior walls or exterior ornamentation; or*

12 (3) — *The alteration occurs by virtue of construction which results in a substantial addition of*
13 *height above the height of the building.*

14 (b) — *An alteration is considered minor if:*

15 (1) — *The criteria set forth in Subsection (a) do not apply; or*

16 (2) — *It is an alteration of the ground-floor display areas within the architectural frame (piers*
17 *and lintels) of the building to meet the needs of first-floor commercial uses; or*

18 (a) The Historic Preservation Commission shall determine if a proposed alteration is a
19 Major Alteration or a Minor Alterations and may delegate approval of Minor Alteration to Department
20 staff, whose decisions may be appealed to the Historic Preservation Commission pursuant to
21 subsection 1111.1(b). All work not determined to be a Minor Alteration shall be a Major Alteration
22 and subject to Historic Preservation Commission approval. If so delegated to Department staff, the
23 categories of Minor Alteration shall include but are not limited to the following:
24

1 ~~(3)(1) The Alterations whose~~ sole purpose and effect ~~of the alteration~~ is to comply with the
2 UMB Seismic Retrofit Ordinances and ~~the Zoning Administrator determines that the proposed work~~
3 ~~that comply~~ ~~complies~~ with the UMB Retrofit Architectural Design Guidelines, which guidelines
4 shall be adopted by the ~~Planning~~Historic Preservation Commission; ~~or~~

5 (2) Any other work so delegated to the Department by the Historic Preservation
6 Commission.

7 (b) Minor Alterations delegated to Department staff shall be approved, approved with
8 modifications, or disapproved as a Permit for Minor Alteration by the Department without a hearing
9 before the Historic Preservation Commission. The Department shall mail its written decision
10 approving a Permit for Minor Alteration to the applicant and any individuals or organizations who
11 have so requested in writing to the Department. The Department's decision may be appealed to the
12 Historic Preservation Commission within 15 days of the date of the written decision. The Historic
13 Preservation Commission may also review the decisions of the Department by its own motion if such
14 motion is made within 20 days of the date of the written decision.

15 (c) All applications for a Permit to Alter that are not Minor Alterations delegated to
16 Department staff shall be approved, approved with modifications, or disapproved by the Historic
17 Preservation Commission pursuant to the procedures in Section 1111.4 and 1111.5 below.

18 ~~(e) The Zoning Administrator shall mail to the applicant and any individuals or~~
19 ~~organizations who so request the written determination as to the category of the proposed alteration.~~
20 ~~Decisions of the Zoning Administrator may be appealed to the Board of Permit Appeals within 10 days~~
21 ~~of the written determination in the manner provided in Section 308.2.~~

22 ~~(d) Permits determined to be for minor alterations shall be returned, with that~~
23 ~~determination noted, to the Central Permit Bureau for further processing; provided, however, that the~~
24 ~~Zoning Administrator may take any action with respect to the application otherwise authorized.~~

1 SEC. 1111.2. ~~REFERRAL OF APPLICATIONS FOR MAJOR ALTERATIONS TO~~
2 ~~LANDMARKS PRESERVATION ADVISORY BOARD: REVIEW BY THE DEPARTMENT OF CITY~~
3 ~~PLANNING.~~

4 (a) ~~— Upon determination that the proposed alteration is a major alteration, the Director of~~
5 ~~Planning shall refer applications for permits to alter Significant and Contributory Buildings to the~~
6 ~~Landmarks Preservation Advisory Board for its report and recommendation, which shall be rendered~~
7 ~~within 30 days. Said time limit for the Board to render its report may be extended by the Department of~~
8 ~~City Planning for an additional 30 days to render its report in the case of complex alterations, multiple~~
9 ~~hearings, or upon request of the applicant. If the Board fails to submit a report and recommendation~~
10 ~~within the time allowed, the matter may be considered without reference to such report and~~
11 ~~recommendation.~~

12 (b) ~~— Simultaneously with the proceedings before the Landmarks Board, the application shall~~
13 ~~be reviewed by the Department of City Planning.~~

14 (c) ~~— Applications for permits to alter any Category V building in a Conservation District~~
15 ~~which alteration is determined to be major shall be governed by the standards of Section 111.6(e) and~~
16 ~~the procedures set forth in Section 309. —SIGN PERMITS.~~

17 (a) New general advertising signs are prohibited in any Conservation District or on any
18 historic property regulated by this Article 11.

19 (b) If a permit for a sign is required pursuant to Article 6 of this Code, the requirements of
20 this Section shall apply to such permit in addition to those of Article 6.

21 (c) Apart from and in addition to the requirements of Article 6, an application for a
22 business sign, general advertising sign, identifying sign, or nameplate to be located on a Significant or
23 Contributory Building or any building in a Conservation District shall be subject to review by the
24 Historic Preservation Commission pursuant to the provisions of this Article. The Historic Preservation
25 Commission shall disapprove the application or approve it with modifications if the proposed location,

1 materials, typeset, size of lettering, means of illumination, method of replacement, or the attachment
2 would adversely affect the special architectural, historical or aesthetic significance of the subject
3 building or the Conservation District. No application shall be denied on the basis of the content of the
4 sign.

5 SEC. 1111.3. ~~RECOMMENDATION BY THE DIRECTOR OF PLANNING.~~

6 ~~After considering any report and recommendation submitted by the Landmarks Preservation~~
7 ~~Advisory Board, the Director of Planning shall make a determination on the application and shall~~
8 ~~submit a written recommendation containing findings to the Planning Commission. The~~
9 ~~recommendation may be to approve, to approve with conditions, or disapprove the application for~~
10 ~~alteration, and, where applicable, the application for a determination that the building is a Compatible~~
11 ~~Rehabilitation. The Commission, the applicant and any other person who so requests shall be supplied~~
12 ~~with a copy of reports and recommendations of the Landmarks Preservation Advisory Board and the~~
13 ~~findings and recommendations of the Director of Planning.~~ REVIEW BY THE PLANNING

14 DEPARTMENT.

15 The Department shall review all applications and shall determine within 30 days after the
16 application is filed whether the application is complete. Applications for Minor Alterations that have
17 been delegated to Department staff may be approved by the Department pursuant to Section 1111.1
18 without a hearing before the Historic Preservation Commission. Upon acceptance as complete of any
19 other application under this Article or upon appeal to or a request by the Historic Preservation
20 Commission to exercise its review powers over a Minor Permit to Alter as set forth in 1111.1, the
21 Historic Preservation Commission shall hold a hearing and approve, approve with modifications, or
22 disapprove the application in accordance with the procedures set forth in this Section 1111.
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SEC. 1111.4. ~~CONSIDERATION AND DECISION BY THE CITY PLANNING~~

~~COMMISSION.~~

~~(a) — The recommendation of the Director of Planning shall be placed on the consent calendar of the City Planning Commission; provided, however, that upon the request of the applicant or of any person prior to the City Planning Commission meeting or by a member of the Commission at the meeting, the matter may be removed from the consent calendar and calendared for a public hearing before the Planning Commission at a later meeting, which shall be the next regular meeting of the Commission unless the applicant otherwise consents.~~

~~(b) — Notice of the time, place and purpose of the hearing before the City Planning Commission shall begin given as follows:~~

~~(1) — By mail to the applicant;~~

~~(2) — When the application is for alteration of a building located in a Conservation District, by mail not less than 10 days prior to the date of the hearing to the owners of all real property within 300 feet of property that is the subject of the application.~~ SCHEDULING AND NOTICE OF HISTORIC

PRESERVATION COMMISSION HEARINGS

If a public hearing before the Historic Preservation Commission is required under this Section 1111, the Department shall set a time and place for the hearing within a reasonable period. Notice of the time, place, and purpose of the hearing shall be given by the Department not less than 20 days prior to the date of the hearing as follows:

(a) — By mail to the owner of the subject property;

(b) — By mail to the applicant;

(c) — By mail to any interested parties who make a request in writing to the Department;

(d) — For applications for a building located in a Conservation District, by mail to the owners of all real property within 300 feet of the subject property;

1 (e) For applications for a building not located in a Conservation District, by mail to the
2 owners of all real property within 150 feet of the subject property;

3 (f) By posting notice on the site; and

4 (g) By any other means as the Department deems appropriate.

5 Notice for Historic Preservation Commission review of Minor Permits to Alter. A hearing for
6 the Historic Preservation Commission to exercise its review powers over a Minor Permit to Alter shall
7 be noticed:

8 (a) By mail not less than 10 days prior to the date of the hearing to the applicant, all owners
9 within 150 feet of the subject property, as well as to any other interested parties who so request in
10 writing to the Department; and

11 (b) By posted notice on the site not less than 10 days prior to the date of the hearing.

12 SEC. 1111.5. DECISION BY THE ~~CITY PLANNING~~ HISTORIC PRESERVATION
13 COMMISSION.

14 (a) The ~~Planning~~Historic Preservation Commission may approve, disapprove, or
15 approve with conditions an application for ~~an alteration permit~~ a Permit to Alter or a Permit to
16 Demolish and, where applicable ~~for new or replacement construction~~, for a determination that the
17 building is a Compatible Rehabilitation ~~under Section 1113 or a Compatible Replacement Building~~
18 under Section 1109(c), and shall make findings in support of its decision. ~~If the Planning~~
19 Commission approves the recommendation of the Director of Planning, it may adopt or modify the
20 findings of the Director of Planning as appropriate. ~~Where the Planning Commission disapproves the~~
21 recommendations of the Director of Planning, it shall make findings supporting its decision. ~~If the~~
22 Commission disapproves the application for a permit to alter, it shall recommend disapproval to the
23 Central Permit Bureau which shall deny the application. ~~The Planning Commission's determination~~
24 that a building qualifies or fails to qualify as a Compatible Rehabilitation is a final administrative
25

1 ~~decision. Any decision of the Planning Commission rendered pursuant to this Section shall be rendered~~
2 ~~within 30 days from the date of conclusion of the hearing.~~

3 (b) For applications for a Permit to Demolish, the applicant has the burden of establishing
4 that the criteria governing the approval of applications set forth in Section 1111.7 have been met.

5 (c) The decisions of the Historic Preservation Commission shall be final except upon
6 modification by the Planning Commission as provided in Section 1114 or upon the filing of a timely
7 appeal to the Board of Appeals or Board of Supervisors as provided in Section 1115.

8
9 SEC. 1111.6. STANDARDS AND REQUIREMENTS FOR REVIEW OF
10 APPLICATIONS FOR ALTERATIONS.

11 The Historic Preservation Commission, the Board of ~~Permit~~ Appeals, the Board of
12 Supervisors, the ~~City~~ Planning Commission and the Department, the Director of Planning, and the
13 Landmarks Board shall be governed by the following standards in the review of applications for
14 major alteration permits Permits to Alter. In the case of conflict with other requirements, including the
15 requirements of Article 10, the more restrictive standards shall apply.

16 (a) The proposed alteration shall be consistent with and appropriate for the
17 effectuation of the purposes of this Article 11.

18 (b) The proposed work shall comply with the Secretary of the Interior's Standards
19 for the Treatment of Historic Properties, including any guidelines, interpretations, bulletins, or
20 other materials that the Historic Preservation Commission has adopted. The proposed
21 work's compliance with the Secretary of Interior's Standards for specific application in San
22 Francisco pursuant to Guidelines, Interpretations, Bulletins, or other policies (collectively,
23 "San Francisco Interpretation of the Secretary's Standards") shall be considered.
24 Development of the San Francisco Interpretation of the Secretary's Standards shall be led by
25 the Planning Department, through a public participation process, determination of

1 conformance with the General Plan and Planning Code by the Planning Commission, and
2 adoption by both the HPC and the Planning Commission.

3 ~~(b)~~(c) For Significant Buildings - Categories I and II, and for Contributory Buildings -
4 Categories III and IV, proposed alterations of structural elements and exterior features shall
5 be consistent with the architectural character of the building, and shall comply with the
6 following specific requirements:

7 (1) The distinguishing original qualities or character of the building may not be
8 damaged or destroyed. Any distinctive architectural feature which affects the overall
9 appearance of the building shall not be removed or altered unless it is the only feasible means
10 to protect the public safety.

11 (2) The integrity of distinctive stylistic features or examples of skilled craftsmanship
12 that characterize a building shall be preserved.

13 (3) Distinctive architectural features which are to be retained pursuant to Paragraph
14 (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In
15 the event replacement is necessary, the new material shall match the material being replaced
16 in composition, design, color, texture and other visual qualities. Repair or replacement of
17 missing architectural features shall be based on accurate duplication of features,
18 substantiated by historic, physical or pictorial evidence, if available, rather than on conjectural
19 designs or the availability of different architectural elements from other buildings or structures.
20 Replacement of nonvisible structural elements need not match or duplicate the material being
21 replaced.

22 (4) Contemporary design of alterations is permitted, provided that such alterations
23 do not destroy significant exterior architectural material and that such design is compatible
24 with the size, scale, color, material and character of the building and its surroundings.
25

1 (5) The degree to which distinctive features need be retained may be less when the
2 alteration is to exterior elements not constituting a part of a principal facade or when it is an
3 alteration of the ground-floor frontage in order to adapt the space for ground-floor uses.

4 (6) In the case of Significant Buildings - Category I, any additions to height of the
5 building (including addition of mechanical equipment) shall be limited to one story above the
6 height of the existing roof, shall be compatible with the scale and character of the building,
7 and shall in no event cover more than 75 percent of the roof area.

8 (7) In the case of Significant Buildings - Category II, a new structure or addition,
9 including one of greater height than the existing building, may be permitted on that portion of
10 the lot not restricted in Appendix B even if such structure or addition will be visible when
11 viewing the principal facades at ground level, provided that the structure or addition does not
12 affect the appearance of the retained portion as a separate structure when so viewing the
13 principal facades and is compatible in form and design with the retained portion. Alteration of
14 the retained portion of the building is permitted as provided in Paragraphs (1) through (6) of
15 this Subsection ~~(b)~~(c).

16 ~~(e)~~(d) Within Conservation Districts, all major exterior alterations, of Category V
17 Buildings, shall be compatible in scale and design with the District as set forth in Sections 6
18 and 7 of the Appendix which describes the District.

19 (e) If TDR have been transferred from any Contributory Building, the building shall be
20 subject to the same restrictions on alterations as a Significant Building. These restrictions may not be
21 removed by the transfer of TDR back to the building.

22 SEC. 1111.7. ~~PERMITS FOR SIGNS.~~

23 ~~(a) — Installation of a new general advertising sign is prohibited in any Historic District or~~
24 ~~Conservation District or on any historic property regulated by this Article 11.~~

1 (b) — ~~Wherever a permit for a sign is required pursuant to Article 6 of this Code, an~~
2 ~~application for such permit shall be governed by the provisions of this Section in addition to those of~~
3 ~~Article 6.~~

4 (c) — ~~Apart from and in addition to any grounds for approval or disapproval of the~~
5 ~~application under Article 6, an application involving a permit for a business sign, or general~~
6 ~~advertising sign, identifying sign, or nameplate to be located on a Significant or Contributory Building~~
7 ~~or any building in a Conservation District may be disapproved, or approved subject to conditions if the~~
8 ~~proposed location, materials, means of illumination or method or replacement of attachment would~~
9 ~~adversely affect the special architectural, historical or aesthetic significance of the building or the~~
10 ~~Conservation District. No application shall be denied on the basis of the content of the sign.~~

11 (d) — ~~The Director of Planning shall make the determination required pursuant to Subsection~~
12 ~~(b). Any permit applicant may appeal the determination of the Director of Planning to the City~~
13 ~~Planning Commission by filing a notice of appeal with the Secretary of the Commission within 10 days~~
14 ~~of the determination. The City Planning Commission shall hear the appeal and make its determination~~
15 ~~within 30 days of the filing of the notice of appeal.~~ STANDARDS AND REQUIREMENTS FOR

16 REVIEW OF APPLICATIONS FOR DEMOLITION.

17 (a) The Historic Preservation Commission, Planning Commission, Board of Appeals, and
18 the Board of Supervisors (each referred to as a "Decisionmaker" for the purposes of this Section) shall
19 apply the following standards in their review of applications for a Permit to Demolish a Significant or
20 Contributory Building or building within a Conservation District. No demolition permit may be
21 approved unless:

22 (1) For Significant Buildings (Category I and II); Contributory Buildings (Category III);
23 and Contributory Buildings in a Conservation District (Category III and IV) from which TDR have
24 been transferred:

1 (A) The Decisionmaker determines and makes written findings based on substantial
2 evidence in the record that the property retains no substantial remaining market value or reasonable
3 use, taking into account the value of any TDR that have been transferred or which may be available to
4 transfer from the property and the cost of rehabilitation to meet the requirements of the Building Code
5 or City, State and federal laws. Costs necessitated by alterations or demolition made in violation of
6 Article 10 or 11, or by failure to maintain the property in violation of Section 1119 , may not be
7 included in the calculation of rehabilitation costs; or

8 (B) The Director of the Department of Building Inspection or the Chief of the Bureau of Fire
9 Prevention and Public Safety determines after consultation, to the extent feasible with the Historic
10 Preservation Commission and the Planning Department, that an imminent safety hazard exists and that
11 demolition of the structure is the only feasible means to secure the public safety.

12 (2) For Contributory Buildings in a Conservation District (Category IV) from which no
13 TDR has been transferred:

14 (A) The Decisionmaker determines and makes written findings based on substantial
15 evidence in the record that the property retains no substantial remaining market value or reasonable
16 use, taking into account the value of any TDR that may be available to transfer from the property and
17 costs of rehabilitation to meet the requirements of the Building Code or City, State and federal laws.
18 Costs necessitated by alterations or demolition made in violation of Article 10 or 11, or by failure to
19 maintain the property in violation of Section 1119, may not be included in the calculation of
20 rehabilitation costs;

21 (B) The Director of the Department of Building Inspection or the Chief of the Bureau of Fire
22 Prevention and Public Safety determines, after consultation to the extent feasible with the Historic
23 Preservation Commission and the Planning Department, that an imminent safety hazard exists and that
24 demolition of the structure is the only feasible means to secure the public safety; or

25 (C) The Decisionmaker determines based on substantial evidence in the record that:

1 (i) Because of physical conditions specific to the Contributory Building or site, the
2 rehabilitation and reuse of the building will not meet most of the goals and objectives of the proposed
3 replacement project;

4 (ii) The proposed replacement project is compatible with the Conservation District in which
5 the property is located; and

6 (iii) Specific economic, social, or other benefits of the proposed replacement project
7 significantly outweigh the benefit conferred from the historic preservation of the particular structure or
8 feature.

9 (3) For Category V Buildings (Not Rated) in Conservation Districts: The Decisionmaker
10 determines that: (A) the building has not gained additional historical or architectural significance that
11 may make it eligible for classification as a Category I, II, or IV building; and (B) the proposed
12 Replacement Building is compatible with the Conservation District in which the property is located. If
13 the Decisionmaker determines based on new documentation presented that a Category V building has
14 gained significance such that it is eligible for classification as a Category I, II, or IV building and
15 reclassification of the Category V building is initiated as provided in Section 1106, the Permit
16 to Demolish shall be reviewed under Subsection (a)(1) or (a)(2) above, and not under this Subsection
17 (a)(3). Additionally, if the building has completed a Compatible Rehabilitation pursuant to Section
18 1109(c), and has transferred development rights from the property, then the building shall be treated as
19 a Significant Building (Category I or II). Any determination that a Category V building may be
20 eligible for reclassification shall be void if, within 180 days of such determination, the Board of
21 Supervisors has not re-designated the building to a Category I, II, or IV building.

22 (b) The cumulative effects on the integrity of the Conservation District associated with
23 demolition of a Contributory Building shall be considered and may be grounds for denial of the Permit
24 to Demolish, if it is found that the demolition would substantially diminish the integrity of the
25 Conservation District.

1 (c) In addition to the above requirements, no demolition permit shall be issued by the
2 Department of Building Inspection or any other agency for any building located in a Conservation
3 District until an application for the new or replacement building has been approved in accordance with
4 the standards for new construction in a Conservation Districts as provided in this Article, and the
5 building or site permit conforming to such approval has been lawfully issued.

6 SEC. 1112. INTENTIONALLY LEFT BLANK. DEMOLITION OF SIGNIFICANT AND
7 CONTRIBUTORY BUILDINGS AND BUILDINGS IN CONSERVATION DISTRICTS.

8 ~~No person shall demolish or cause to be demolished all or any part of a Significant or~~
9 ~~Contributory Building or any building in a Conservation District without obtaining a demolition or~~
10 ~~alteration permit pursuant to the provisions of this Article. Applications for permits to demolish~~
11 ~~Category V Buildings located outside a Conservation District may be processed without reference to~~
12 ~~this Article.~~

13
14 ~~SEC. 1112.1. APPLICATIONS FOR A PERMIT TO DEMOLISH.~~

15 ~~Applications for a permit to demolish any Significant or Contributory Building or any building~~
16 ~~in a Conservation District shall comply with the provisions of Section 1006.1 of Article 10 of this Code.~~

17 ~~In addition to the contents specified for applications in Section 1006.1 of Article 10, any~~
18 ~~application for a permit to demolish a Significant Building, or a Contributory Building from which~~
19 ~~TDR have been transferred, on the grounds stated in Section 1112.7(a)(1), shall contain the following~~
20 ~~information:~~

21 ~~(a) — For all property:~~

22 ~~(1) — The amount paid for the property;~~

1 (2) — ~~The date of purchase, the party from whom purchased, and a description of the business~~
2 ~~or family relationship, if any, between the owner and the person from whom the property was~~
3 ~~purchased;~~

4 (3) — ~~The cost of any improvements since purchase by the applicant and date incurred;~~

5 (4) — ~~The assessed value of the land, and improvements thereon, according to the most recent~~
6 ~~assessments;~~

7 (5) — ~~Real estate taxes for the previous two years;~~

8 (6) — ~~Annual debt service, if any, for the previous two years;~~

9 (7) — ~~All appraisals obtained within the previous five years by the owner or applicant in~~
10 ~~connection with his or her purchase, financing or ownership of the property;~~

11 (8) — ~~Any listing of the property for sale or rent, price asked and offers received, if any;~~

12 (9) — ~~Any consideration by the owner for profitable and adaptive uses for the property,~~
13 ~~including renovation studies, plans, and bids, if any; and~~

14 (b) — ~~For income-producing property:~~

15 (1) — ~~Annual gross income from the property for the previous four years;~~

16 (2) — ~~Itemized operating and maintenance expenses for the previous four years;~~

17 (3) — ~~Annual cash flow for the previous four years.~~

18 ~~Applications for the demolition of any Significant or Contributory Building shall also contain a~~
19 ~~description of any Transferable Development Rights or the right to such rights which have been~~
20 ~~transferred from the property, a statement of the quantity of such rights and untransferred rights~~
21 ~~remaining, the amount received for rights transferred, the transferee, and a copy of each document~~
22 ~~effecting a transfer of such rights.~~

23 ~~SEC. 1112.2. DISPOSITION OF APPLICATIONS TO DEMOLISH CONTRIBUTORY~~
24 ~~BUILDINGS AND UNRATED BUILDINGS IN CONSERVATION DISTRICTS.~~

1 (a) — ~~The Zoning Administrator shall determine, within five days of acceptance of a complete~~
2 ~~application, the designation of the building and, with respect to Contributory Buildings, whether any~~
3 ~~TDR have been transferred from the lots of such buildings.~~

4 (b) — ~~If the Zoning Administrator determines that TDR have been transferred from the lot of a~~
5 ~~Contributory Building, the application for demolition of that building shall be reviewed and acted upon~~
6 ~~as if it applied to a Significant Building.~~

7 (c) — ~~The Zoning Administrator shall approve any application for demolition of a~~
8 ~~Contributory Building in a Conservation District from which no TDR have been transferred, or an~~
9 ~~Unrated Building located in a Conservation District, if a building or site permit has been lawfully~~
10 ~~issued for a replacement structure on the site, in compliance with Section 1113. The Zoning~~
11 ~~Administrator shall approve an application for demolition of a Significant Building — Category II if a~~
12 ~~building or site permit has been lawfully issued for an alteration or replacement structure on the~~
13 ~~portion of the site which would be affected by the demolition, in compliance with Section 1111.6(b)(7).~~

14 ~~The Zoning Administrator shall disapprove any application for a demolition permit where the~~
15 ~~foregoing requirement has not been met; provided, however, that the Zoning Administrator shall~~
16 ~~approve any otherwise satisfactory application for such a permit notwithstanding the fact that no~~
17 ~~permit has been obtained for a replacement structure if the standards of Section 1112.7 for allowing~~
18 ~~demolition of a Significant Building are met.~~

19 (d) — ~~The Zoning Administrator shall approve applications to permit demolition of a~~
20 ~~Contributory Building — Category III from which no TDR have been transferred only if a building or~~
21 ~~site permit for a replacement building on the same site has been approved, and it has been found,~~
22 ~~pursuant to review under the procedural provisions of Section 309, that the proposed replacement will~~
23 ~~not adversely affect the character, scale or design qualities of the general area in which it is located,~~
24 ~~either by reason of the quality of the proposed design or by virtue of the relation of the replacement~~
25 ~~structure or structures to their setting. Notwithstanding the preceding sentence, the Zoning~~

1 *Administrator shall approve any such demolition permit application if the standards of Section 1112.7*
2 *for allowing demolition of a Significant Building are met.*

3 ~~SEC. 1112.3. APPLICATIONS TO DEMOLISH SIGNIFICANT BUILDINGS OR~~
4 ~~CONTRIBUTORY BUILDINGS FROM WHICH TDR HAVE BEEN TRANSFERRED; ACCEPTANCE~~
5 ~~AND NOTICE.~~

6 ~~Upon acceptance as complete of applications for a permit to demolish any Significant Building~~
7 ~~or to demolish any Contributory Building from which TDR have been transferred, the application shall~~
8 ~~be placed on the agenda of the Planning Commission for hearing.~~

9
10 ~~SEC. 1112.4. REFERRAL TO THE LANDMARKS PRESERVATION ADVISORY BOARD~~
11 ~~PRIOR TO HEARING; REVIEW BY THE DIRECTOR OF PLANNING.~~

12 ~~The application for a permit to demolish a building covered by Section 1112.3 shall be referred~~
13 ~~to the Landmarks Preservation Advisory Board and considered by said Board pursuant to the~~
14 ~~provisions of Section 1006.4 of this Code. The Director of Planning shall prepare a report and~~
15 ~~recommendation for the Planning Commission. If the Landmarks Board does not act within 30 days of~~
16 ~~referral to it, the Planning Commission may proceed without a report and recommendation from the~~
17 ~~Landmarks Board.~~

18
19 ~~SEC. 1112.5. PLANNING COMMISSION HEARING AND DECISION.~~

20 ~~The application shall be heard by the Planning Commission. Notice of the hearing shall be~~
21 ~~given in the manner set forth in Section 309(c). In such proceedings, the applicant has the burden of~~
22 ~~establishing that the criteria governing the approval of applications set forth in Section 1112.7 have~~
23 ~~been met.~~

1 ~~SEC. 1112.6. DECISION OF THE PLANNING COMMISSION.~~

2 ~~The Planning Commission may approve, disapprove or approve with conditions, the~~
3 ~~application, and shall make findings relating its decision to the standards set forth in Section 1112.7.~~
4 ~~The decision of the Planning Commission shall be rendered within 30 days from the date of conclusion~~
5 ~~of the hearing.~~

6 ~~SEC. 1112.7. STANDARDS AND REVIEW OF APPLICATIONS TO DEMOLISH.~~

7 ~~The Board of Permit Appeals, the City Planning Commission, the Director of Planning, and the~~
8 ~~Landmarks Board shall follow the standards in this Section in their review of applications for a permit~~
9 ~~to demolish any Significant or Contributory Building from which TDR have been transferred.~~

10 ~~No demolition permit may be approved unless: (1) it is determined that under the designation,~~
11 ~~taking into account the value of Transferable Development Rights and costs of rehabilitation to meet~~
12 ~~the requirements of the Building Code or other City, State or federal laws, the property retains no~~
13 ~~substantial remaining market value or reasonable use; or (2) the Superintendent of the Bureau of~~
14 ~~Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after~~
15 ~~consultation, to the extent feasible, with the Department of City Planning, that an imminent safety~~
16 ~~hazard exists and that demolition of the structure is the only feasible means to secure the public safety.~~
17 ~~Costs of rehabilitation necessitated by alterations made in violation of Section 1110, by demolition in~~
18 ~~violation of Section 1112, or by failure to maintain the property in violation of Section 1117, may not~~
19 ~~be included in the calculation of rehabilitation costs under Subsection (1).~~

20
21 SEC. 1113. STANDARDS OF REVIEW FOR NEW AND REPLACEMENT
22 CONSTRUCTION IN CONSERVATION DISTRICTS.

23 (a) The Historic Preservation Commission, Planning Commission, Board of Appeals, and
24 Board of Supervisors shall find in their review of applications for ~~No person shall construct or cause to~~
25

1 ~~be constructed~~ any new or replacement structure or for an addition to any existing structure in a
2 Conservation District ~~unless it is found~~ that such construction is compatible in scale and design
3 with the District as set forth in Sections 6 and 7 of the Appendix ~~which~~ that describes the
4 District.

5 (b) Applications for a building or site permit to construct or add to a structure in any
6 Conservation District shall be reviewed and approved, approved with modifications, or disapproved
7 by the Historic Preservation Commission before any other Planning approval action that may be
8 required, including review by the Planning Commission pursuant to the procedures set forth in
9 Section 309 and shall only be approved pursuant to Section 309 if they meet the standards
10 set forth herein. For projects that require Section 309 review, the Planning Commission may modify
11 the decision of the Historic Preservation Commission pursuant to Section 1114, provided that the
12 project does not concern a designated Significant (Categories I and II) or a Contributory (Category III)
13 building.

14 (c) ~~if~~ If a building or site permit application ~~for construction of a building to construct or~~
15 add to a structure in any Conservation District is approved by the Historic Preservation Commission
16 pursuant to this ~~Section~~ Article without modification by the Planning Commission and if the building
17 is constructed in accordance with such approval, and if the building ~~s-is~~ is located in a
18 Conservation District for which, pursuant to Section 8 of the Appendix establishing that
19 district, such a transfer is permitted, the building shall be deemed a Compatible Replacement
20 Building, and the lot on which such building is located shall be eligible as a Preservation Lot
21 for the transfer of TDR.

22 SEC. 1114. MODIFICATION OF A DECISION OF THE HISTORIC PRESERVATION
23 COMMISSION.
24
25

1 For projects that require multiple planning approvals, the Historic Preservation Commission
2 shall review and act on any Permit to Alter or Permit to Demolish before any other Planning approval
3 action.

4 (a) For projects that require a Conditional Use Authorization or Permit Review under
5 Section 309 and do not concern a Significant Building (Categories I & II) or a Contributory Building
6 (Category III only), the Planning Commission may modify any decision on a Permit to Alter or Permit
7 to Demolish by a two-thirds vote, provided that the Planning Commission shall apply all applicable
8 historic resources provisions of this Code.

9 (b) For projects to be located on vacant lots, the Planning Commission may modify any
10 decision on a Permit to Alter by a two-thirds vote, provided that the Planning Commission shall apply
11 all applicable historic resources provisions of this Code.

12 SEC. 1115. APPEAL.

13 The Historic Preservation Commission's or the Planning Commission's decision on a Permit to
14 Alter or a Permit to Demolish shall be final unless appealed to the Board of Appeals, which may modify
15 the decision by a four-fifths vote; provided however, that if the project requires Board of Supervisors
16 approval or is appealed to the Board of Supervisors as a Conditional Use Authorization, the decision
17 shall not be appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify
18 the decision by a majority vote. Any appeal must be made within 30 days after the date of the final
19 action by the Historic Preservation Commission or Planning Commission.

20 SEC. 1116. UNLAWFUL ALTERATION OR DEMOLITION.

21 (a) In addition to any other penalties provided in Section ~~1119~~1120 or elsewhere,
22 alteration or demolition of a Significant or Contributory Building or any building within a
23 Conservation District in violation of the provisions of this Article shall eliminate the eligibility of
24
25

1 the building's lot as a Preservation Lot, ~~and such~~ Such a lot, ~~if it is the site of an unlawfully~~
2 ~~demolished Significant Building, or Contributory Building from which TDR have been transferred,~~
3 may not be developed in excess of the floor area ratio of the demolished building for a period
4 of 20 years from the unlawful demolition, if it is the site of an unlawfully demolished Significant
5 Building (Category I or II), or Contributory Building (Category III) or the site of an unlawfully
6 demolished Contributory Building (Category IV) from which TDR have been transferred. No
7 department shall approve or issue a permit that would authorize construction of a structure
8 contrary to the provisions of this Section.

9 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:
10 (1) as to an unlawful alteration ~~or demolition~~, the owner can demonstrate to the ~~Zoning~~
11 ~~Administrator~~ Historic Preservation Commission that the violation would have constituted a Minor
12 Alteration and has applied for a Permit for Minor Alteration to legalize the violation ~~did not constitute~~
13 ~~a major alteration as defined in Section 1111.1;~~ or (2) as to an unlawful alteration, the owner
14 restores the original distinguishing qualities and character of the building destroyed or altered,
15 including exterior character-defining spaces, materials, features, finishes, exterior walls and
16 exterior ornamentation. A property owner who wishes to effect a restoration pursuant to
17 Subsection (b)(2) shall, in connection with the filing of a building or site permit application,
18 seek approval of the proposed restoration by reference to the provisions of this Section. If the
19 Historic Preservation Commission approves the application ~~is approved~~ and ~~it is determined~~
20 determines that the proposed work will effect adequate restoration, the ~~City Planning~~ Historic
21 Preservation Commission shall so find. Upon ~~such~~ approval, and the completion of ~~such~~ work,
22 the lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set
23 forth in Subsection (a) shall not thereafter apply. The ~~City Planning~~ Historic Preservation
24 Commission may not approve the restoration unless it first finds that the restoration can be
25

1 done with a substantial degree of success. The determination under this Subsection (b)(2) is a
2 final administrative decision.

3 SEC. ~~4451117~~. CONFORMITY WITH OTHER CITY PERMIT PROCESSES.

4 Except where explicitly so stated, nothing in this Article shall be construed as relieving
5 any person from other applicable permit requirements. The following requirements are
6 intended to insure conformity between existing City permit processes and the provisions of
7 this Article:

8 (a) Upon the designation of a building as a Significant or Contributory Building, or
9 upon the designation of the Conservation District, the ~~Zoning Administrator~~Planning Department
10 shall inform the Central Permit Bureau of said designation or, in the case of a Conservation
11 District, of the boundaries of said District and a complete list of all the buildings within said
12 District and their designations. The Central Permit Bureau shall maintain a current record of
13 such Buildings and Conservation Districts.

14 (b) Upon receipt of any application for a building permit, demolition permit, site
15 permit, alteration permit, or any other permit relating to a Significant or Contributory Building
16 or a building within a designated Conservation District, the Central Permit Bureau shall
17 forward such application to the ~~Planning Department of City Planning, except as provided in~~
18 ~~Section IIII~~. If the ~~Zoning Administrator~~Planning Department determines that the application is
19 subject to provisions of this Article, processing shall proceed under the provisions of this
20 Article. The Central Permit Bureau shall not issue any permit for construction, alteration,
21 removal or demolition of any structure, or for any work involving a Significant or Contributory
22 Building or a building within a Conservation District unless either the ~~Zoning~~
23 ~~Administrator~~Planning Department has determined that such application is exempt from the
24 provisions of this Article, or processing under this Article is complete and necessary approvals
25

1 under this Article have been obtained. The issuance of any permit by a City department or
2 agency that is inconsistent with any provision of this Article may be revoked by the
3 ~~Superintendent of the Bureau~~Director of the Department of Building Inspection pursuant to ~~Section~~
4 ~~303(e)~~the provisions of the San Francisco Building Code.

5 (c) No abatement proceedings or enforcement proceedings shall be undertaken by
6 any department of the City for a Significant or Contributory building or a building within a
7 Conservation District without, to the extent feasible, prior notification of the ~~Department of City~~
8 Planning Department and the Historic Preservation Commission. Such proceedings shall comply
9 with the provisions of this Article where feasible.

10 SEC. ~~446~~1118. UNSAFE OR DANGEROUS CONDITIONS.

11 Where the ~~Superintendent of the Bureau~~Director of the Department of Building Inspection or
12 the Chief of the Bureau of Fire Prevention and Public Safety determines that a condition on or
13 within a Significant or Contributory Building is unsafe or dangerous and determines further
14 that repair or other work rather than demolition will not threaten the public safety, said official
15 shall, after consulting with the ~~Planning Department of City Planning~~ and the Historic Preservation
16 Commission, to the extent feasible, determine the measures of repair or other work necessary
17 to correct the condition in a manner which, insofar as it does not conflict with State or local
18 requirements, is consistent with the purposes and standards set forth in this Article.

19
20 SEC. ~~447~~1119. MAINTENANCE REQUIREMENTS AND ENFORCEMENT
21 THEREOF.

22 (a) Maintenance. The owner, lessee, or other person in actual charge of a
23 Significant or Contributory Building shall comply with all applicable codes, laws and
24 regulations governing the maintenance of property. It is the intent of this Section to preserve
25

1 from deliberate or inadvertent neglect the exterior features of buildings designated Significant
2 or Contributory, and the interior portions thereof when such maintenance is necessary to
3 prevent deterioration and decay of the exterior. All such buildings shall be preserved against
4 such decay and deterioration and free from structural defects through prompt corrections of
5 any of the following defects:

6 (1) Facades which may fall and injure members of the public or property;

7 (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor
8 supports, deteriorated walls or other vertical structural supports;

9 (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal
10 members which sag, split or buckle due to defective material or deterioration;

11 (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or
12 floors, including broken windows or doors;

13 (5) Defective or insufficient weather protection for exterior wall covering, including
14 lack of paint or weathering due to lack of paint or other protective covering;

15 (6) Any fault or defect in the building which renders it not properly watertight or
16 structurally unsafe.

17 (b) Enforcement Procedures. The procedures set forth in Building Code Section 176
18 ~~203114~~ through 116 governing unsafe buildings or property shall be applicable to any violations
19 of this Section.

20 SEC. ~~1191120~~. ENFORCEMENT AND PENALTIES.

21 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
22 Code.

23 SEC. ~~1201121~~. RELATIONSHIP TO ARTICLE 10.

1 Buildings or areas within the C-3 District designated pursuant to the provisions of both
2 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case
3 of conflict, the more restrictive provision shall control.

4 Notwithstanding the rating of a building in a C-3 District pursuant to the provisions of
5 Article 11, buildings may be designated as landmarks according to the provisions of Article 10.

6 ~~Where an appeal is taken from a decision regarding alteration of a building which is both a~~
7 ~~landmark under Article 10 and a Significant or Contributory Building under Article 11, the appeal~~
8 ~~shall be taken to the Board of Supervisors pursuant to the provisions of Article 10.~~

9
10 SEC. ~~1121~~1122. NOTICE OF AMENDMENT.

11 Notice of ~~any~~the hearing before the ~~City Planning~~Historic Preservation Commission, ~~or, if~~
12 ~~no hearing, notice of~~and the first hearing before the Board of Supervisors, of a proposed
13 amendment to this Article which materially alters the limitations and requirements applicable
14 to any building or class of buildings shall be given to the owners of such buildings by mail.

15
16 SEC. ~~1122~~1123. NOTICE PROCEDURE.

17 When any provision of this Article requires notice by mail to a property owner, the
18 officer or body providing the notice shall use for this purpose the names and addresses as
19 shown on the latest citywide Assessment Roll in the Assessor's Office.

20
21 SEC. ~~1123~~1124. TIME PROVISIONS.

22 Unless otherwise indicated, all time provisions governing the taking of action by City
23 officials are directory and not mandatory.

24
25 SEC. ~~1124~~1125. SEVERABILITY.

1 If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall
2 not affect the validity of the remaining portions of this Article 11 or any part thereof. The Board
3 of Supervisors hereby declares that it would have passed all portions of this Article and any
4 amendments thereto irrespective of the fact that any one or more portions be declared
5 unconstitutional or invalid.

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

8
9 Section 4. In enacting this Ordinance, the Board intends to amend only those words,
10 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams
11 or any other constituent part of the Planning Code that are explicitly shown in this legislation
12 as additions, deletions, Board amendment additions, and Board amendment deletions in
13 accordance with the "Note" that appears under the official title of the legislation. This
14 Ordinance shall not be construed to effectuate any unintended amendments. Any additions or
15 deletions not explicitly shown as described above, omissions, or other technical and non-
16 substantive differences between this Ordinance and the Planning Code that are contained in
17 this legislation are purely accidental and shall not effectuate an amendment to the Planning
18 Code. The Board hereby authorizes the City Attorney, in consultation with affected City
19 departments, to make those necessary adjustments to the published Planning Code, including
20 non-substantive changes such as renumbering or relettering, to ensure that the published
21 version of the Planning Code is consistent with the laws that this Board enacts.
22

23 Section 5. Effective Date. This ordinance shall become effective 30 days from the date
24 of passage.
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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Andrea Ruiz-Esquide
Deputy City Attorney



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

Planning Code Text Changes: Article 11

HEARING DATE: DECEMBER 8, 2011

Project Name: Proposed Amendments to Article 11
Case Number: 2011.0167T
Staff Contact: Sophie Hayward, Legislative Affairs
sophie.hayward@sfgov.org, 415-558-6257
Reviewed by: Tim Frye, Preservation Coordinator
tim.frye@sfgov.org, 415-575-6822

Recommendation: Approve Article 11 Amendments with Modifications

1650 Mission St.
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORIC, AND AESTHETIC IMPORTANCE IN C-3 DISTRICTS PER HPC DRAFT DATED OCTOBER 19, 2011; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND PLANNING CODE SECTION 101.1 FINDINGS.

PREAMBLE

WHEREAS, on February 3, 2010, the Planning Director requested that amendments be made to the Planning Code under Case Number 2010.0080T; and

WHEREAS, the proposed Planning Code text changes would amend several sections of the Code and in particular, to Articles 10 and 11; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on July 8, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18133 initiating amendments to the Planning Code on July 8, 2010; and

WHEREAS, the Planning Commission conducted duly noticed public hearings to consider the proposed Ordinance on August 5, 2010 and October 27, 2011; and

WHEREAS, pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission (“HPC”) for review and recommendation to the Board of Supervisors; and

WHEREAS, the Historic Preservation Commission conducted a duly noticed public hearings to consider the proposed amendments to Articles 10 & 11 on July 21st, August 4th, 18th, September 1st, 15th, 29th, October 6th, 15th November 3rd and 17th and December 1st 2010 and August 17, 2011, September 7, 2011, September 21, 2011, October 5, 2011, October 19, 2011, November 2, 2011, and November 16, 2011; and

WHEREAS, the Historic Preservation Commission has transmitted its recommendations and two draft Ordinances to the Planning Commission for its re-review; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors *approve* the proposed ordinance for Article 11 as detailed in the draft dated December 1, 2011.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. This Historic Preservation Commission was created in the fall of 2008 when the voters passed amendments to the San Francisco Charter establishing Section 4.135.
2. Article 10 (Preservation of Historical and Architectural and Aesthetic Landmarks) and Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) are the Planning Code chapters that outline the designation and permit review processes for historic buildings.
3. These Articles have not been updated and do not conform to Charter Section 4.135. The proposed revisions will simply make them consistent with Charter Section 4.135.
4. The additional changes proposed to Articles 10 and 11 will update preservation practices and policies and help streamline the designation and permit review processes.
5. Therefore, the Planning Commission recommends *approval of Article 11 in the draft dated December 1, 2011 of the proposed Ordinance, which include edits recommended by the City Attorney in order to approve the proposed Ordinance as-to-form, as well as modifications made by Supervisor Wiener.*

6. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed

expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

III. DOWNTOWN ELEMENT

THE DOWNTOWN PLAN GROWS OUT OF AN AWARENESS OF THE PUBLIC CONCERN IN RECENT YEARS OVER THE DEGREE OF CHANGE OCCURRING DOWNTOWN — AND OF THE OFTEN CONFLICTING CIVIC OBJECTIVES BETWEEN FOSTERING A VITAL ECONOMY AND RETAINING THE URBAN PATTERNS AND STRUCTURES WHICH COLLECTIVELY FOR THE PHYSICAL ESSENCE OF SAN FRANCISCO.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The goal of the proposed Ordinance is to update Articles 10 and 11 to make it conform to Charter Section 4.135.

7. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Historic Preservation Commission on December 8, 2011.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 8, 2011

Exhibit A: Draft Ordinance with amendments to Article 11



SAN FRANCISCO
ARCHITECTURAL
HERITAGE

BOARD OF
DIRECTORS

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November 2, 2011

Charles Chase, AIA, President
Historic Preservation Commission
San Francisco Planning Department
Attn: Linda Avery, Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479
Email: linda.avery@sfgov.org

**RE: Consolidated Comments on Proposed Amendments to Articles 10 & 11
(Supervisor Scott Wiener)**

Dear President Chase and Members of the Commission:

On behalf of San Francisco Architectural Heritage (Heritage), thank you for the opportunity to further comment on proposed amendments to Articles 10 and 11 put forward by Supervisor Scott Wiener. This letter seeks to consolidate and focus our comments to address all known remaining amendments being proposed by Supervisor Wiener.

Since September 7, 2011, Supervisor Wiener has submitted five memos proposing various amendments to Articles 10 and 11.¹ Many of his original policy proposals have evolved, some remain unchanged, and others have been abandoned. There is no comprehensive list of proposed amendments—or actual legislative language—for the Historic Preservation Commission (HPC) to consider. The following comments reflect our understanding of all remaining amendments proposed by Supervisor Wiener, starting with an analysis of the seven “most significant” changes listed in his October 27, 2011 memo to the HPC.

1. **ECONOMIC HARDSHIP OPT-OUT IN HISTORIC DISTRICTS**: Supervisor Wiener is proposing an “economic hardship opt-out” provision aimed at protecting low income property owners in historic districts. According to his October 3, 2011 memo, the proposed opt-out provision would target “property owners who want to make changes to their buildings but who do not have the economic means to do so in compliance with historic preservation standards or to pay for a Certificate of Appropriateness.”² On October 13, 2011, Supervisor Wiener clarified that his “intention is to include Affordable Housing projects, regardless of income level, and mixed-use and commercial

¹ Dated September 7, 2011, October 3, 2011, October 13, 2011, October 17, 2011, and October 27, 2011.

² Memo from Supervisor Scott Wiener to HPC, October 3, 2011.

properties as part of this Exemption/Opt-Out.”³

HERITAGE POSITION: Heritage supports Supervisor Wiener’s proposal for a “narrow” economic hardship exemption aimed at protecting low income property owners to avoid gentrification of historic districts. Given different approaches to addressing hardship claims, Heritage recommends that the proposed economic hardship provision be developed in an independent process with input from all affected parties. In conjunction with crafting economic hardship language, we also believe that it will be essential for the City to implement policy changes to broaden access to existing financial incentives, starting with Mills Act property tax abatement.

- 2. ENSURING STRONG OUTREACH TO AND SUPPORT FROM PROPERTY OWNERS BEFORE A HISTORIC DISTRICT IS CREATED.** Supervisor Wiener is proposing that an “informational vote from a majority of property owners prior to a simple majority vote of the Board of Supervisors.” The Department would also be required to obtain the vote of at least a majority of property owners before designation can be brought to the Board for a vote.

HERITAGE POSITION: Heritage opposes the proposed amendment because it would impose a unique and costly burden on historic district designation. Indeed, no other zoning changes in San Francisco are subject to this requirement. As noted by the Planning Department, the proposed amendment raises other policy and procedural issues regarding how the vote would be conducted, where the funding would come from, the disenfranchisement of the resident renter community, how the Department would treat non-responses, and the legitimacy of community-sponsored petitions. Heritage agrees with the Department’s recommendation that this topic warrants further discussion by a broad range of interest groups, including the preservation and development communities, and neighborhood groups representing owners and renters alike.⁴ Policies and procedures for measuring community support (or opposition) should be developed separate from the current set of proposed amendments to Articles 10 and 11, as part of a comprehensive package defining the nomination, initiation and designation process for historic districts.

- 3. REQUIREMENT THAT A CERTAIN PERCENTAGE OF PROPERTY OWNERS IN THE PROPOSED DISTRICT SIGN A VERIFIED APPLICATION FOR INITIATION.** Supervisor Wiener is proposing to maintain the Planning Code’s existing requirement in Section 1004.1 that when property owners or members of the public nominate a historic district for initiation, they do so with an application that has been subscribed by at least 66% of the property owners in the proposed district.

³ Memo from Supervisor Scott Wiener to HPC, October 13, 2011. It should be emphasized that nearly all of San Francisco’s affordable housing projects receive federal funding and are therefore subject to review by the California Office of Historic Preservation to ensure full compliance with the *Secretary’s Standards*.

⁴ Memo from Planning Department to HPC, October 19, 2011 hearing, at p.4.

HERITAGE POSITION: The intent of Proposition J was to update Articles 10 and 11 to reflect best practices nationwide. The 66% owner support threshold to initiate a historic district imposes an extraordinarily high bar on resident-sponsored nominations. Over the past 45 years, this requirement has been circumvented by Supervisor-initiated historic districts (which do not require subscription by a super-majority of owners).⁵ The existing 66% threshold is clearly out of step with recognized preservation practice today. As noted by the State Office of Historic Preservation, “The vast majority of preservation ordinances nationwide wisely avoid any type of owner consent provisions.”⁶

4. **BETTER OUTREACH FOR HISTORIC SURVEYS:** Supervisor Wiener is proposing that community engagement policies and procedures be set forth in administrative bulletins.

HERITAGE POSITION: Heritage supports the development of Department-wide policies and procedures to ensure community participation in the historic survey process as well as other community planning efforts. We understand that the proposed administrative bulletins are intended to list the full menu of outreach tools all in one place, for broad application to historic resource surveys and other neighborhood planning initiatives.

5. **SAN FRANCISCO-SPECIFIC PRESERVATION STANDARDS:** Supervisor Wiener is proposing to develop an alternative to the *Secretary of the Interior’s Standards* “for specific application in San Francisco.” The so-called “San Francisco Standards” would be prepared by the Planning Department following a public planning process, determination of conformance with the General Plan and Planning Code by the Planning Commission, and consideration by the HPC...”

HERITAGE POSITION: Heritage believes that the proposal to develop “San Francisco Standards” is a costly, time-consuming, and unnecessary exercise. The *Secretary’s Standards* already provide detailed guidance on urban design issues and the HPC has traditionally applied these standards quite flexibly.⁷ We acknowledge that other cities have

⁵ Only eleven local historic districts have been designated in San Francisco, the most recent being the Dogpatch neighborhood in 2003. Another pending district for Duboce Park enjoys broad community support.

⁶ Technical Assistance Bulletin #14, “Drafting Effective Historic Preservation Ordinances: A Manual for California’s Local Governments” (California State Office of Historic Preservation, 2005).

⁷ The HPC and its predecessor, the Landmarks Preservation Advisory Board, have frequently applied the *Secretary’s Standards* to approve major additions to historic buildings and infill projects, such as 72 Townsend, 690 Market Street, and 178 Townsend (currently under construction). Located in the South End Historic District, the 178 Townsend project is adding four stories and 94 rental housing units behind the edifice of the former Arc Light Company Station B building, constructed in 1888. Although not without controversy, these projects demonstrate the compatibility of the *Secretary’s Standards* with San Francisco planning and development goals.

successfully developed design guidelines that interpret—**and are equivalent to**—the *Secretary's Standards*. Given the diversity of development patterns, density, architectural styles, and neighborhood character across San Francisco, Heritage favors district-by-district design guidelines over uniform citywide standards. Under the City's Certified Local Government agreement, any proposed "San Francisco Standards" or design guidelines would require approval by the State Office of Historic Preservation to ensure consistency with the *Secretary's Standards*. Finally, we strongly oppose Supervisor Wiener's proposal in his October 13, 2011 memo to exempt contributors to historic districts from compliance with the *Secretary's Standards* pending development of "San Francisco Standards."

6. **LIMITING THE HIGHEST PRESERVATION STANDARDS TO PORTIONS OF THE BUILDING VISIBLE FROM THE PUBLIC RIGHT-OF-WAY.** "For districts and private landmarks subject to Article 10," Supervisor Wiener is proposing "a uniform standard establishing that only exterior character-defining features, or interior character defining architectural features that are or historically have been visible or accessible from the public right of way or public space can be protected by a designating ordinance."⁸

HERITAGE POSITION: Heritage strongly opposes the proposed blanket exclusion of all private or non-visible spaces from designation. The proposed rule is out of conformance with standard preservation practice, would sanction facadism, and would jeopardize the City's Certified Local Government status. If a property owner wishes to protect a significant private space—whether it be a mural, rear courtyard, theatre interior, executive board room, or façade obscured by a wall or landscaping—they should be able to do so. As an alternative, Heritage suggests that language be added to Article 10 requiring any future designating ordinance to explicitly call out any private or non-visible features to be protected. Those features that are not listed in the designating ordinance would be presumed to not be character-defining.

Although perhaps not Supervisor Wiener's intent, the proposed amendment (as currently worded) would exclude locally designated interiors such as the Garden Court at the Palace Hotel, the Diego Rivera mural inside the San Francisco Art Institute, and interior portions of the Castro Theatre from protection. Examples of potential historic resources that would be excluded from protection include scores of pre-1900 residences recently identified the Mission survey. The survey identified approximately 240 buildings located at the rear of individual parcels and concealed from public view, including 67 built before 1900. Additionally, the proposed language does not clarify whether historic resources located in public spaces, but not visible from the street, would also be exempt. For example, the wooden walkways and steps of the Telegraph Hill Historic District are currently protected as unique contributors to the setting of the District, but they are not visible from the street. See photos in Exhibit A.

⁸ Memo from Supervisor Scott Wiener to HPC, October 17, 2011.

7. **PRESERVING THE COMPROMISE REACHED IN THE DOWNTOWN PLAN:** Supervisor Wiener’s October 17, 2011 memo to the HPC states: “When the Downtown Plan was approved in 1987, stringent demolition prohibitions were imposed on Significant (Cat. I and II) buildings, but not on Contributory (Cat. III and IV) buildings unless the owners of those Contributory buildings sold TDRs. No case has been made that we need to abandon this compromise, which has worked well since the 1980’s.” Supervisor Wiener has proposed a series of changes to the HPC version of Article 11, ostensibly to preserve the “compromise reached in the Downtown Plan.” These proposed amendments are analyzed in sequence below:

a. **SECTION 1111(b):** *“In addition to the contents specified for applications in (1) above, any application for a Permit to Demolish a Significant building or a Contributory building from which TDR have been transferred shall also contain the following information:”*

HERITAGE POSITION: Heritage supports the Planning Department’s recommendation to leave this section unchanged. The proposed amendment would significantly narrow the scope of this section by exempting (1) all buildings that have not transferred TDR and (2) all Category V buildings. The proposed amendment would eliminate the ability of the HPC to consider “the amount and value of [available] untransferred TDR” when reviewing permits to demolish. In addition, Category V buildings not rated in Heritage’s original downtown survey may have acquired significance over time and should be re-evaluated in conjunction with applications for demolition.⁹

b. **SECTION 1111(c):** *“The requirements (1)-(6) become (16) to (21) rather than a new subsection (c).”*

HERITAGE POSITION: Heritage believes that this section should remain unchanged. Section 1111(c) applies specifically to permits to demolish buildings that have already transferred TDR, whereas Section 1111(b) applies to all permits to demolish.

c. **SECTION 1111.7(a):** *“For Significant Buildings (Category I and II), ~~Contributory Buildings (Category III), and for Contributory Buildings in a Conservation District (Category III and IV) from which TDR have been transferred:~~”*

HERITAGE POSITION: Heritage opposes the proposed amendment because it would exempt an entire class of buildings (Category III from which no TDR has been transferred) from review. We propose this section be rewritten as follows: “(a) For Contributory Buildings in a Conservation District (Category IV) from which TDR have been transferred, and for Significant Buildings (Category I and II), Contributory Buildings (Category III):”

⁹ It has been over 25 years since the adoption of the Downtown Plan and nearly 35 years since Heritage’s downtown survey rated individual buildings.

- d. **SECTION 1111.7(b):** *“For Contributory Buildings in a Conservation District (Category IV) from which no TDR has been transferred:”*

HERITAGE POSITION: It is unclear if the intent of the proposed amendment is to expand the scope of this section to include both Category III and Category IV buildings. Heritage recommends that Section 1111.7(b) be left unchanged or conformed to Section 1111.7(a).

- e. **SECTION 1111.7(c)(A):** *“Based on new documentation presented, the building has not gained additional historical or architectural significance that may make it eligible for classification as a Category I, II, or IV building. Any determination that a Category V building may be eligible for reclassification shall be void if, within 180 days of such determination, the Board of Supervisors has not re-designated the building to a Category I, II or IV building;”*

HERITAGE POSITION: As set forth in Section 1106, the process for reclassification of Category V buildings involves several steps, including notice, referral to the HPC, action by the HPC, designation by the Board of Supervisors, and possible appeal to the Board of Supervisors. The amended language does not indicate when the 180-day clock would start, and Section 1106 does not currently include time limits to ensure speedy disposition.

- f. **SECTION 1111.7(d).** *The cumulative effects on the integrity of the Conservation District associated with demolition of the Contributory Building shall be considered and may be grounds for denial of the Permit to Demolish if the effects would materially impair the significance of the Conservation District.*

HERITAGE POSITION: Because Article 11 Conservation Districts do not neatly fit within CEQA’s definition of historical resource, the use of “materially impair” is inappropriate and confusing for the evaluation of cumulative impacts pursuant to Section 1111.7(d).¹⁰

- g. **SECTION 1111.7(e):** *“If a building located within a Conservation District (Category II, IV, and V) or a Category III Building located outside of a Conservation District is found to have gained significance pursuant (c)(i) above and the building has been re-classified by the Board of Supervisors within 180 days, then the Permit to Demolish will be reviewed under Subsection (a) or (b) above, and not under Subsection (c).*

HERITAGE POSITION: Same as proposed amendment to Section 1111.7(c)(A).

¹⁰ “Unlike traditional historic districts, which recognize historic and cultural significance, Conservation Districts seek to designate and protect buildings based on architectural quality and contribution to the environment.” San Francisco Preservation Bulletin No. 10, Historic and Conservation Districts.

ADDITIONAL AMENDMENTS PROPOSED BY SUPERVISOR WIENER IN SEPTEMBER 7, 2011 AND OCTOBER 13, 2011 MEMOS

1. **SECTION 1004.2 (September 7, 2011 memo):** Supervisor Wiener would require the HPC to submit comments to the Board of Supervisors for landmark and historic district nominations to, “(i) address the consistency of the proposed designation with the General Plan and the priority policies of Section 101.1 and (ii) identify any amendments to the General Plan and to the priority policies of Section 101.1 necessary to facilitate adoption of the proposed designation”.

HERITAGE POSITION: The amended language in the first romanette is unnecessary because the HPC already makes findings on General Plan consistency. To the extent the second romanette could require amendments to Section 101.1 priority policies to designate an historic district, Heritage opposes the amended language because the Board of Supervisors lacks authority to amend the City Charter.

2. **SECTION 1006.1 (September 7, 2011 memo):** For Planning Commission review of projects that require multiple planning approvals, Supervisor Wiener would require the Planning Commission to “take into account all relevant General Plan and Planning Code policies, in addition to all applicable historic resources provisions.”

HERITAGE POSITION: The HPC and Planning Commission already make consistency findings under Section 101 when reviewing applications for Certificates of Appropriateness. The proposed amendment is unnecessary.

3. **SECTION 1006.3 (September 7, 2011 memo):** Supervisor Wiener proposes to reduce the notice requirements for projects within historic districts from the HPC’s recommended 300 feet to 150 feet.

HERITAGE POSITION: The HPC is recommending the following amendments to notice requirements for a Certificate of Appropriateness: within 150 feet to owners and occupants for individual landmarks and within 300 feet to owners and occupants for projects within a historic district. Currently, notice is required to all owners within the historic district. The HPC’s proposed notice requirement for projects located in historic districts is appropriate given the potential for impacts on the district as a whole.

4. **SECTION 1014 (September 7, 2011 memo):** Supervisor Wiener is proposing to reduce the permit hold time for projects in pending historic districts from the HPC’s recommended 1 year to 180 days, with two possible 90 day extensions.

HERITAGE POSITION: If an informational vote is required for historic district designation, the proposed 180-day time limit would be insufficient time for the Department to review the

nomination, document owner consent, and schedule hearings before the HPC, Planning Commission and Board of Supervisors.

5. **SECTIONS 1111(b), 1111.6, 1111.7(a) and (b) (October 13, 2011 memo):** Supervisor Wiener proposes that owners of Contributory Buildings for which TDR has not been transferred should receive notice of the proposed changes regarding demolition controls.

HERITAGE POSITION: Heritage does not oppose Supervisor Wiener's proposal to provide notice to owners of properties for which TDR has not been transferred to receive notice of proposed changes in the demolition review process in Article 11.

On behalf of San Francisco Architectural Heritage, thank you for the opportunity to further comment on Supervisor Wiener's proposed amendments to Articles 10 and 11. Please do not hesitate to contact me at mbuhler@sfheritage.org or (415) 441-3000x15 should you have any questions or need additional information.

Sincerely,



Mike Buhler
Executive Director

cc: Historic Preservation Commission
Planning Commission
Supervisor Scott Wiener
John Rahaim, Director, San Francisco Planning Department
Tim Frye, Preservation Coordinator, San Francisco Planning Department
Sarah Karlinsky, Deputy Director, SPUR
Andrew Junius, Reuben & Junius LLP (Co-Chair, SPUR-Heritage Task Force)
Lucinda Woodward, CLG Coordinator, California State Office of Historic Preservation
Anthony Veerkamp, National Trust for Historic Preservation

EXHIBIT A

POTENTIAL HISTORIC RESOURCES NOT VISIBLE FROM THE PUBLIC RIGHT OF WAY

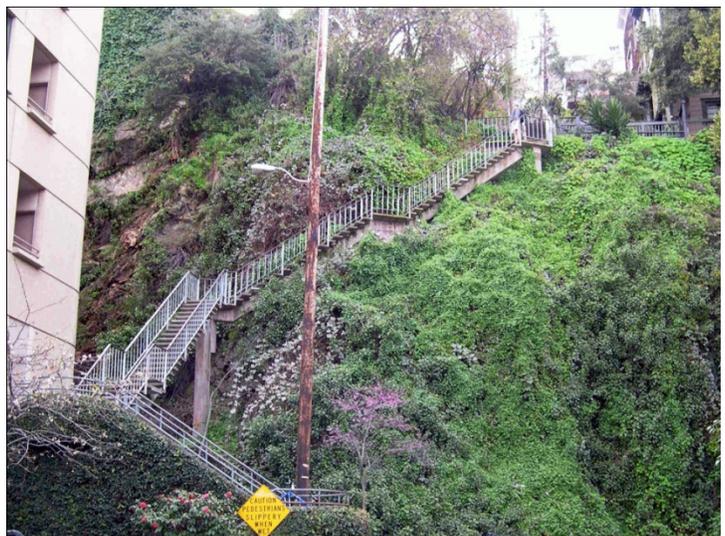
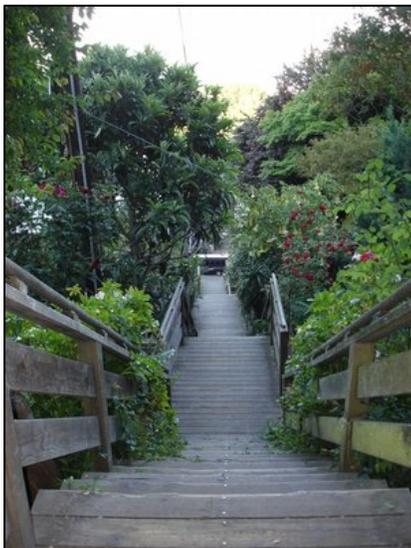
Example 1: Parcels containing more than one building

The image below is a birds' eye view of a portion of the block bounded by Shotwell, Folsom, 23rd, and 24th streets. The red arrows point to five buildings located at the rear of individual parcels, none of which is visible from the public right of way. Sanborn fire insurance maps indicate that four of these rear-lot buildings were in use as single-family dwellings at least as early as 1889.



Example 2: Wooden Pathways and Steps of the Telegraph Hill Historic District

The next two photos include views of Telegraph Hill's signature wooden pathways and steps. While most of these pathways are accessible to the public, they are not always visible from the street and a significant portion of the pathways belong to private property owners.





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November 1st, 2011

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Norman Fong
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Stuart Sunshine
Michael Teitz
James Tracy
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Debra Walker
Cynthia Wilusz-Lovell
Cindy Wu

Dear President Chase and Commissioners,

Thank you for the opportunity to offer our perspective on Articles 10 and 11 of the Planning Code. SPUR has been following with interest the evolution of the amendments to Articles 10 and 11 for several years. We wish to offer our comments on those amendments that may be introduced by Supervisor Wiener (as set forth in the memos dated 10/3/11, 10/5/11, 10/13/11, and 10/17/11).

As you may know, SPUR is currently working with San Francisco Architectural Heritage to develop a joint policy report on substantive issues related to survey work, the process for adoption of and the definition of rules within historic districts and the role of CEQA relative to historic preservation. We look forward to presenting our ideas to you once they have been developed further.

The SPUR/Heritage Task Force has not jointly reviewed Supervisor Wiener's proposed amendments to Articles 10 and 11 as part of our Task Force work plan. The comments contained in this letter reflect SPUR's position, not the position of the Task Force.

We understand that the Article 10 and 11 legislation before you is largely "clean up" legislation and that there may be opportunities to revisit some of the more substantive issues in the future. We have grouped our comments as follows: 1. Those amendments that we strongly support and feel are critical for the Planning Commission to address, 2. Those "clean-up" amendments that we also support and 3. Those amendments about which we have no formal position.

Strongly support

1. Sections 1006.7 (re-numbered 1006.6 in Articles 10 and 11 draft 9/28/11 included in the 10/27/11 Planning Commission packet) and 1111.6 - Standards for Review of Applications

Section 1006.7 (b) states that proposed work on a landmark or within a historic district must meet the Secretary of the Interior's Standards. This language was added by the HPC to Article 10. Mandatory compliance with the Secretary of the Interior's Standards is not a requirement of Proposition J.

The Secretary of the Interior's Standards are quite strict – these are the standards that must be met for federal tax credits to be awarded for a particular project. While these standards are appropriate for landmark buildings, it may in many cases be too strict for non-landmark projects that may nevertheless be beneficial and worthy of approval. We are particularly concerned about this requirement being applied to non-contributory buildings and vacant parcels within historic districts. This is especially true in light of the fact that the HPC has recommended amending Section 1006.1 (e) to state that in order to modify a decision of the HPC on conditional use or 309 review for contributory buildings or vacant parcels by a 2/3rds vote, the Planning Commission “shall apply all applicable historic resource provisions of the code.” In other words, the Planning Commission would also be bound by these stringent standards even it has the opportunity to reconsider an HPC decision.

For these reasons, we strongly support Supervisor Wiener's suggestion that the Standards be “considered” but that “compliance” with every one of the standards not be made mandatory for every Certificate of Appropriateness or Permit to Alter for properties within a Historic District that are not individually landmarked.

Additionally, we feel that the development and adoption of a local interpretation of the Secretary of Interior Standards could help to clarify the standard of review and create more consistency in review.

2. Economic Hardship Opt Out Provision

We support Supervisor Wiener's request that an economic hardship opt out provision be included in Articles 10 and 11. This is a sensible way to encourage economic diversity within our city. The Planning Department has offered a suggestion as to how this economic hardship provision could be implemented. We agree with the Department's proposed approach to this issue. We recommend that the Department confer with the Mayor's Office of Housing to see if they have input into this matter, particularly as related to permanently affordable subsidized housing.

We echo San Francisco Architectural Heritage's request (in their letter dated 10/18/11) that Supervisor Wiener, the HPC and the Planning Department to take meaningful steps to broaden access to the Mills Act among low income property owners. To date, the Mills Act has been woefully underutilized in San Francisco.

3. Section 1002 – Powers and duties of the Planning Department and Historic Preservation Commission

San Francisco is a city that honors the role of public participation. As with any neighborhood planning work, we believe that historic preservation survey work will benefit from input and public vetting. The Planning Department proposed an interim policy regarding comprehensive public outreach for historic resource surveys. We urge the Planning Commission to adopt this interim policy. At the same time, we agree with Supervisor Wiener's suggestion that an Administrative Bulletin or other document be developed to help clarify outreach procedures that apply to all neighborhood planning work. We agree that notices regarding survey work should clearly state the expected implications and potential costs to affected property owners so that they understand the importance of participating in survey efforts.

4. Sections 1111(b), 1111.6, 1111.7(a) and (b) – Applications for and Standards for Permits to Demolish

The HPC is proposing that the absolute prohibition on demolishing Significant buildings downtown be extended to all Category III Contributory Buildings, even those have elected not to sell their TDRs, unless the building has no remaining market value. Under the current Article 11, all Significant Buildings but only Contributory Buildings from which TDR have been transferred are subject to stringent demolition controls. This was the “grand compromise” arrived at after much debate and consideration in the 1980’s when the Downtown Plan was enacted. For Category IV Contributory Buildings that have not sold TDRs the HPC would give itself broad discretion to deny demolition permits unless the owner jumps through significant hoops (the draft ordinance contains 21 pieces of information required to be contained in every application) and proves the “rehabilitation and reuse of the building will not meet most of the goals and objectives of the proposed replacement project.” There are 134¹ such Contributory Buildings, none of which has been determined to be a significant architectural or historic structure.

We do not believe the case has been made to abandon this distinction between Significant and Contributory Buildings, with no notice to owners of Contributory Buildings and no indication that the compromise is not working as intended, and impose the same stringent demolition controls (along with detailed application information) that apply to Significant Buildings on all Contributory Buildings (regardless of whether TDR have been sold). We support Supervisor Wiener’s amendments to these sections.

Support

1. Section 1004.2 (c) and Section 1006.1: consistency with the General Plan

We support Supervisor Wiener’s proposed language to ensure consistency of comments and findings with the General Plan, so that all relevant planning policies are considered during the decision making process.

2. Section 1006.3 – Scheduling and notice of hearing

The HPC has recommended that all occupants within 300 feet of a property seeking a non-administrative Certificate of Appropriateness be noticed 20 days prior to the hearing. This recommendation is potentially very expensive for sponsors because there is no readily available inventory of occupants (like there is of property owners) and it requires sponsors to go door to door to identify occupants. A 300-foot radius area is 4 times larger than a 150-foot radius area, the area where occupants now receive all 311, 312 and Environmental Evaluation notices. We appreciate the addition of language by the HPC to state that “all efforts shall be made to the extent practical, to notify occupants of properties within the notification area.” We would like the Planning Department to clarify its understanding of what “to the extent practical” means.

3. Section 1014(a)(2) – Applicability

Under the current Articles 10 and 11, the interim control period is 180 days and cannot be extended. Supervisor Wiener’s amendments represent an appropriate compromise.

¹ Per Planning Department’s correction on October 27th, 2011

4. Sections 1111.7(c) Timeline for the Reclassification of Category V Buildings

The HPC would require the same 21-part demolition application for all Unrated Category V buildings, and would give itself the ability to deny a demolition permit for an Unrated building if it determines the building might be “eligible” for redesignation. However, the current draft does not require that the redesignation actually occur. We agree that if a demolition permit for an Unrated Category V Building is delayed so that the HPC can consider whether to initiate redesignation of that building, there needs to be a tight timeline for consideration of that reclassification. Otherwise, there could be an indefinite delay of any decision on an Unrated Building at the request of the HPC. The HPC should be required to initiate redesignation within a short period of time (perhaps 60 days) if it wishes to deny a demolition permit on the basis of a potential for redesignation. They should then have a standard time (perhaps 180 days) to complete the designation.

5. Sections 1111.7(d) Standard for Denial of Demolition Based on Cumulative Impact to Conservation District

We agree that there needs to be some standard for what constitutes a cumulative impact on the integrity of a Conservation District. The CEQA definition of a significant adverse effect to a historic resource appears a well-understood standard that would work well here. If it is problematic for that definition to be included in the planning code, then an administrative bulletin or other form of guidance should be developed.

No Position

Section 1004.3 - Appeals to the Board of Supervisors and Section 1107 – Procedures for Designation of Additional Historic Districts or Boundary Change of Historic Districts

These amendments would require that an informational vote of property owners be taken prior to the establishment of a Historic District. This is a much less stringent requirement than the one originally proposed by Supervisor Wiener which would have required that a majority vote of property owners be taken prior to the establishment of a Historic District.

There are pros and cons to this approach. Requiring an informational vote prior to the establishment of a Historic District would ensure that a majority of owners are both aware of the creation of the district and support the designation. This step would also help to ensure that the most important historic districts would be adopted while potentially helping to combat the use of historic district designation as a tool simply to stop growth unwanted by some group.

The procedure proposed by Supervisor Wiener seems like a reasonable check to ensure that the majority of property owners within a district are aware that the designation process is taking place. It does not require that a majority of those property owners support the district designation, but rather that a majority has expressed their awareness enough to vote one way or the other.

On the other hand, property owners don't usually vote on land use changes in San Francisco, and we want to make sure that professional planning staff judgment is adequately represented in the decision-making process.

SPUR believes that there should be a high bar for demonstrating resident awareness of and support for Historic District designations. We also believe that Historic District designations should be reserved for the most important districts (those collection of buildings that, because of their architectural merit or cultural significance, are worthy of preservation) and not used as a tool to stop unwanted growth or change (i.e. buildings that, because of their height or bulk, some group doesn't like or alterations that some might find aesthetically displeasing).

It would be helpful to have the Planning Department provide information about the procedures for district designations for comparable localities.

SPUR believes that a robust public process should be developed to ensure that the majority of stakeholders are both aware of the district and support its designation. We will continue to review the procedures for designating districts as part of our task force work.

The creation of a uniform standard establishing that only character-defining features visible or accessible from the public right of way or public space can be protected by a designating ordinance.

We feel that it is important to craft designating ordinances that protect what is most valuable about the potential historic district while allowing for growth and change. We remain concerned about the potential for the creation of designating ordinances that are overly prescriptive - making it difficult for owners to make reasonable alterations to their properties while meeting the goals of the designating ordinance. Aspects of potential designating ordinances that could be problematic include the regulation of rear yards, trash enclosures, foundations, solar panels and work that increases the seismic safety of buildings.

We recommend that the Department develop policy guidance on these matters to help guide future discussions around historic district designation and that this guidance be reviewed by both the Planning Commission and the Historic Preservation Commission.

Thank you for your consideration of our position. Should you have any questions, please do not hesitate to contact me at 415-644-4292.

Sincerely,

Sarah Karlinsky
Deputy Director

Cc: SPUR Board of Directors
Supervisor Scott Wiener
John Rahaim, Director, San Francisco Planning Department
Tim Frye, Preservation Coordinator, San Francisco Planning Department
Mike Buhler, Executive Director, Architectural Heritage