



SAN FRANCISCO PLANNING DEPARTMENT

Memorandum

October 21, 2010

Project Name: **Planning Code Amendments: Articles 10 & 11**
Case Number: 2010.0080T
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Dear Planning & Historic Preservation Commissioners,

Included in your packets for the October 21st hearing are:

- Final Article 10 as adopted by the HPC on October 6, 2010; and
- Outline of Revised Article 10; and
- Proposed HPC amendments to Article 11 as of October 15, 2010; and
- Outline of Revised Article 11; and
- Comparison chart of changes between the August 5th and October 21st versions of Articles 10 & 11; and
- Draft Planning Commission Resolution, recommending modification of PC Resolution 18157 to incorporate additional modifications to Article 10, dated October 21, 2010; and
- Draft Planning Commission Resolution, recommending modification of PC Resolution 18157 to incorporate additional modifications to Article 11, dated October 21, 2010.

PLEASE NOTE:

As of October 15, 2010, the HPC has not finalized its review of Article 11. Due to the complicated organization and nature of both Articles 10 and 11, the HPC was unable to complete their review prior to the joint hearing. The HPC has committed to finalizing their review of Article 11 as soon as possible.

As such, the proposed HPC revisions to Article 11 are not complete. The HPC hopes to discuss the progress of the review of Article 11 with the Planning Commission at the October 21st hearing.

Members of the public can view the original proposed legislation and additional materials at 1650 Mission Street Suite #400 or on the Planning Department website under PC Agenda's for July 8th and August 5th, and HPC Agendas on July 21st, August 4th, 18th, September 1st, 15th, 29th, and October 6th and 15th, under Planning Department Case No. 2010.0080T.

Note: Additions are *single-underline italics Times New Roman*;
Deletions are ~~*striketrough italics Times New Roman*~~.
Board amendment additions are double underlined
Board amendment deletions are ~~striketrough normal~~.

Section 69. The San Francisco Planning Code is hereby amended by amending Article 10, to read as follows:

SEC. 1001. PURPOSES.

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

- (a) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, State or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;
- (b) The development and maintenance of appropriate settings and environment for such structures, and in such sites and areas;
- (c) The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Shall have the authority to recommend approval, disapproval, or modification of historical property contracts pursuant to the Mills Act (Cal. Govt. Code Section 50280 et seq.) to the Board of Supervisors, without referral or recommendation of the Planning Commission; and

(11) Shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan; and shall comment and provide recommendations to the Planning Commission and Board of Supervisors on other objectives, policies and provisions of the

General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but concern historic preservation.

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

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

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

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

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

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

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

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

There is hereby created a Landmarks Preservation Advisory Board (hereinafter referred to as the "Advisory Board"), which shall advise the Department and the Planning Commission on historical preservation matters. The Advisory Board shall consist of nine voting members appointed by the Mayor and serving at his pleasure, without salary. Of the original appointments, five shall be for a four-year

~~term and four for a two-year term; after the expiration of the said original terms, all appointments shall be for four-year terms. In addition, the Art Commission shall choose one of its members to be an ex officio member of the Advisory Board, without vote.~~

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

Charter Section 4.135 created the HPC, which shall advise the City on historic preservation matters, participate in processes that involve historic or cultural resources, and take such other actions concerning historic preservation as may be prescribed by ordinance. The HPC shall consist of seven members nominated by the Mayor and subject to approval by a majority of the Board of Supervisors. Of the original appointments to the HPC, four shall be for a four-year term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve. Members may be removed by the appointing officer only pursuant to Charter Section 15.105.

Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The

appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

(a) In addition to the specific requirements set forth below, members of the HPC shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the HPC shall be specifically qualified in the following fields:

(1) Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

(2) Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

(3) Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

(4) Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.

(5) Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3:

(i) A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

(ii) A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;

(iii) A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or

(iv) A person with training and professional experience with materials conservation.

(6) Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.

(b) The Director of ~~City Planning, or his delegate,~~ shall assume the powers and duties that would otherwise be executed by an HPC department head ~~serve as Secretary of the Advisory Board, without vote.~~ The Department shall render staff assistance to the HPC. The HPC may review and make recommendations on the Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the HPC's jurisdiction to the Director of Planning or the Planning Commission ~~to the Advisory Board.~~

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

SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

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

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

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

(b) Each such designating ordinance shall include, or shall incorporate by reference to the pertinent resolution of the ~~Planning Commission~~ HPC then on file with the Clerk of the

Board of Supervisors, as though fully set forth in such designating ordinance, the location and boundaries of the landmark site or historic district, a description of the characteristics of the landmark or historic district that justify its designation, and a description of the particular features that should be preserved. Any such designation shall be in furtherance of and in conformance with the purposes of this Article 10 and the standards set forth herein.

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

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

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

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

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

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

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

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

a) Nomination. The Department, a property owner(s), or a member of the public may request that the HPC initiate designation of a landmark site or a historic district. Any such nomination for initiation of designation shall contain historic, architectural, and/or cultural documentation to support the initiation as well as any additional information which may be required by the application procedures and policies established by the HPC. For nominations submitted for landmark sites, the Department shall schedule a hearing before the HPC no later than 30 days from date of submittal.

b) Initiation. Initiation of designation of a landmark site or historic district shall be made by one of the following methods:

1) Landmark Site(s):

a) ~~by~~ a resolution to initiate designation by the Board of Supervisors; ~~or~~

b) ~~by~~ a resolution of intention to initiate designation by the HPC;

c) a resolution to initiate designation by the HPC; or

d) upon the submittal of a complete nomination application to the Department pursuant to Section 1004.1(a).

(i) A hearing on the proposed landmark nomination application shall be scheduled before the HPC no more than 30 days after date of submittal to decide whether to uphold the initiation of the landmark site. If a quorum of the HPC is not present for a hearing within this time period, the HPC may postpone said hearing and decision thereon until, but not later than, a quorum is present; provided further, that the latest date to which said hearing and decision may be so postponed shall be not more

than 90 days from the date of filing of the nomination application. Failure of the HPC to act within such time limit shall be deemed to constitute disapproval by the HPC and the initiation shall be null and void.

2. Historic Districts:

a) a resolution to initiate designation by the Board of Supervisors;

b) a resolution of intention to initiate designation by the HPC; or

c) a resolution to initiate designation by the HPC.

Any resolution by the Board of Supervisors or the HPC shall make findings to support the initiation of designation of the landmark site and/or historic district. The Board of Supervisors shall promptly refer any initiation of designation to the HPC for its review and recommendation.

~~by the Planning Commission, the Art Commission or the Advisory Board, or on the verified application of owners of the property to be designated or their authorized agents. Any such application shall be filed with the Department upon forms prescribed by the Planning Commission and shall be accompanied by all data required by the Planning Commission. Where such an application is submitted for designation of a historic district, the application must be subscribed by or on behalf of at least 66 percent of the property owners in the proposed district.~~

~~SEC. 1004.2. INTENTIONALLY LEFT BLANK. —REFERRAL TO LANDMARKS
PRESERVATION ADVISORY BOARD.~~

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

SEC. 1004.3. ~~DECISION BY THE HPC. HEARING BY CITY PLANNING COMMISSION.~~

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

(a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall be ~~given by at least one publication in a newspaper of general circulation in the City not less than 20 days prior to the date of hearing. Notice shall also be~~ mailed not less than ~~120~~ 20 days prior to the date of hearing to the owners and occupants of all property included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the records of the Assessor, the applicant of the nomination for initiation, and any interested parties who make a request in writing to the Department. Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Department may also give such other notice as it may deem desirable and practicable.

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

(c) REFERRAL OF PROPOSED DESIGNATION(S). Notice of Action Taken. The Planning Commission HPC shall promptly notify the applicant of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal together with a copy of the resolution of approval, to the Clerk of the Board of Supervisors. The HPC shall have the authority to recommend approval, disapproval, or modification of landmark and historic district designations under the Planning Code to the Board of Supervisors. The HPC shall send its recommendations regarding landmark designations to the Board of Supervisors without referral to the Planning Commission. The HPC shall refer recommendations regarding historic districts to the Planning Commission, which shall have 45 days from receipt of the HPC's recommendation to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the HPC's recommendation.

~~(d) — In the event that a proposed designation has been initiated prior to July 18, 2006, and the Planning Commission has failed to act upon such proposed designation as of the effective date of this ordinance, the Board of Supervisors may act on the proposed designation notwithstanding the Planning Commission's failure to act on the proposed designation.~~

SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.

The Board of Supervisors shall hold a public hearing on any proposal so transmitted to it, after due notice to the owners of the property included in the proposal, and such other notice as the said Board may deem necessary. The Board of Supervisors may approve, or modify and approve, the designation by a majority vote of all its members.

SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

If the ~~Planning Commission~~ HPC disapproves the proposed designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days by a protest subscribed by the owners of at least 20 percent of the property proposed to be designated, or by any governmental body or agency, or by an organization with a

recognized interest in historical preservation; provided, however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately of the disapproval without the necessity for an appeal.

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

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

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

SEC. 1004.6. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.

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

SEC. 1004.7. NOTICE OF AMENDMENT OR RESCISSION OF DESIGNATION.

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

SEC. 1005. CONFORMITY AND PERMITS.

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

(b)

(1) Installation of a new general advertising sign is prohibited in any ~~h~~Historic ~~d~~District or on any historic property regulated by this Article 10.

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

(c)

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

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

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

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

(e) After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether ~~Section 1006 requires~~ a Certificate of Appropriateness is required or has been approved for the work proposed in such permit application. If ~~such a~~ Certificate of Appropriateness is required and has been issued, and if the permit application conforms to ~~such Certificate~~ the work approved in the Certificate of Appropriateness, the permit application shall be processed without further reference to this Article 10. If ~~such a~~ Certificate of Appropriateness is required and has not been issued, or if ~~in the sole judgment of the Department~~ the permit application does not ~~so~~ conform to what was approved, the permit application shall be disapproved or held by the Department until such time as conformity does exist; ~~the decision and action of the Department shall be final.~~ Notwithstanding the foregoing, in the following cases the Department shall process the permit application without further reference to this Article 10:

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

(2) When the application is for a permit to make interior alterations only on a privately-owned structure or on a publicly-owned structure, unless the Department has determined that any proposed interior alterations may result in any visual or material impact to the exterior of the subject building or the designating ordinance requires review of such interior alterations to the privately- or publicly-owned structure pursuant to Section 1004(c) hereof.

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

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

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

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

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

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

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

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

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

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

SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

In the case of:

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

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

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

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

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

SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

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

(c) Content of Applications. The content of applications shall be in accordance with the policies, rules and regulations of the Department and the ~~City Planning Commission~~ HPC. All applications shall be upon forms prescribed therefore, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. In general, the application

shall be accompanied by plans and specifications showing the proposed exterior appearance, including but not limited to color, texture of materials, and architectural design and detail; drawings or photographs showing the property in the context of its surroundings may also be required. The applicant may be required to file with ~~his~~ the application ~~the~~ additional information needed for the preparation and mailing of notices as specified in Section 1006.3.

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

(e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires a conditional use authorization in addition to a Certificate of Appropriateness, the Department may combine the required applications, notices and hearings for administrative convenience and in the interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~
Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC must review and act on the Certificate of Appropriateness before any other planning approval action. For projects that (1) require a Conditional Use Authorization or permit review under Section 309, et. seq. of the Code, and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Code. For properties located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

~~SEC. 1006.2. DETERMINATION OF MAJOR OR MINOR ALTERATIONS REVIEW BY DEPARTMENT OF CITY PLANNING AND CITY PLANNING COMMISSION.~~

An application for a Certificate of Appropriateness shall be reviewed by the Department which shall determine within 30 days after the application is filed whether or not the application is complete.

(a) The HPC shall have the authority to define categories of alterations to be deemed Minor Alterations and may delegate approval of an Administrative Certificate of Appropriateness for such work to Department staff, whose decisions may be appealed to the HPC pursuant to subsection 1006.2(b) of this Article 10. If delegated to the Department, the categories of Minor Alterations shall include but are not limited to the following:

(1) Work to perform “ordinary maintenance and repairs,” which for the purpose of this Article 10 shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage; and

(2) The sole purpose and effect of the proposed alteration is to comply with the UMB Seismic Retrofit Ordinances and the proposed work complies with UMB Retrofit Architectural Design Guidelines adopted by the HPC; and

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

(b) If the application has been determined to be for a Minor Alteration which has been delegated to Department staff for approval as an Administrative Certificate of Appropriateness, then the application may be approved by the Department without a hearing before the HPC. The Department shall mail to the applicant and any individuals or organizations who so request the Department’s written decision approving an Administrative Certificate of Appropriateness. Such decisions of the Department may be appealed to the HPC within 15 days of the date of the written decision. The HPC may also review the decisions of the Department by its own motion.

(c) If the application for a Certificate of Appropriateness is not a for Minor Alteration that has been delegated to Department staff, then it shall be scheduled for a hearing by the HPC pursuant to the procedures in Section 1006.3 and 1006.5.

~~Cases Other Than Construction, Removal or Demolition.~~

~~(1) In the case of any alteration of a structure or any work involving a sign, awning, marquee, canopy or other appendage, or exterior changes in a historic district visible from a public~~

~~street or other public place, or alterations to a City-owned park, square, plaza or garden on a landmark site, where a Certificate of Appropriateness is required, the application for said Certificate shall be reviewed by the Department with the advice of the Advisory Board. The Department, with the advice of the Advisory Board, shall determine within 20 days after the application is accepted for filing, whether or not the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district; and the Department shall notify the applicant of the determination made. If it is determined that there would be no such significant impact or potential detriment, the Department shall issue a Certificate of Appropriateness to the applicant.~~

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

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

SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

~~When a public hearing before the HPC on a Certificate of Appropriateness is required, then an application for a Certificate of Appropriateness has been filed and Section 1006.2 provides that the Planning Commission shall hold a public hearing thereon,~~ the Department; shall set a time and place for said hearing within a reasonable period. Notice of the time, place and purpose of the hearing shall be given by the Department as follows:

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

(b) By mail not less than 20 days to any interested parties who make a request in writing to the Department; and

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

(~~b~~ d) For buildings located in historic districts: ~~By~~ By mail not less than 20 ~~10~~ days prior to the date of the hearing to the owners and occupants of the subject property and the owners and occupants of properties within 300 feet of the subject property; and of all real property that is the subject of the application and, if said property is in a historic district, to the owners of all real property within the historic district using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;

(1) For the purposes of the mailed notice, the latest citywide assessment roll for names and addresses of owners shall be used, and all efforts shall be made to the extent practical, to mail notice to occupants of properties in the notification area.

(2) Failure to send notice by mail to any such property owner or occupant where the address is not shown on the citywide assessment roll shall not invalidate any proceedings in connection with such action.

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

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

(~~f~~) Such other notice as the Department shall deem appropriate.

(g) Notice for HPC Review of Administrative Certificate(s) of Appropriateness. For all requests of the HPC to exercise its review powers over an Administrative Certificate of Appropriateness as outlined in Section 1006.2, the following notification procedures shall be used:

(1) By mailed notice not less than 10 days prior to the date of the hearing to all owners and occupants of the subject property and to all owners and occupants within 150 feet of the subject property, as well as to any other interested parties who make a request in writing to the Department; and

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

SEC. 1006.4. INTENTIONALLY LEFT BLANK. REFERRAL TO ADVISORY BOARD PRIOR TO HEARING.

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

SEC. 1006.5. CONDUCT OF HEARING; DECISION.

Where a public hearing before the *Planning Commission-HPC* has been scheduled:

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

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

(c) Continuations. The *Planning Commission-HPC* shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such

cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.

(d) Decision. *The HPC shall approve, disapprove, or modify Certificates of Appropriateness for work to designated landmarks or within historic districts.* The decision of the ~~Planning Commission~~ HPC shall be rendered within 30 days from the date of conclusion of the hearing; failure of the ~~Commission~~ HPC to act within the prescribed time shall be deemed to constitute disapproval of the application. The decision of the ~~Planning Commission~~ HPC, in ~~either approving, or disapproving, or modifying~~ the application pursuant to Section 1006.6, shall be final except upon the filing of a valid appeal to the ~~Board of Appeals or~~ Board of Supervisors as provided in Section 1006.8. ~~The decision of the Planning Commission, in suspending action on an application pursuant to Section 1006.6, shall be final.~~ If the ~~Planning Commission or the Board of Appeals or~~ Board of Supervisors on appeal, approves the application, ~~or after the expiration of any suspension period imposed by the Commission,~~ the Department shall issue a Certificate of Appropriateness to the applicant.

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

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

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

SEC. 1006.6. NATURE OF ~~PLANNING COMMISSION~~THE HPC'S DECISION.

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

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

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

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

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

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

SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

The ~~Planning Commission, HPC and the Department, and the Advisory Board and, in case of multiple approvals pursuant to Section 1006.1(f), the Planning Commission, and any other decision-making bodies,~~ shall be guided by the standards in this Section in their review of applications for Certificates of Appropriateness for proposed work on a landmark site or in a historic district. In appraising the effects and relationships mentioned herein, the ~~Planning Commission, HPC and the Department and the Advisory Board and other decision-making bodies,~~ shall in all cases consider the factors of architectural style, design, arrangement, texture, materials, color, and any other pertinent factors.

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

(b) The proposed work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(c) For applications pertaining to landmark sites, the proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the

landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its major interior architectural features. The proposed work shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the historic district in applicable cases.

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

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

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

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

(a) Right of Appeal. ~~The decision of the HPC or the Planning Commission on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a Conditional Use Authorization, the decision shall not be appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the decision by a majority vote. The action of the Planning Commission in approving or disapproving in whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the Board of Supervisors in accordance with this Section.~~ An action ~~of the Commission~~ on a Certificate of Appropriateness so appealed ~~from~~ shall not become effective unless and until approved by the Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this Section shall be construed to authorize the appeal of any decision under Section 1006.6 of this Article 10 to suspend action on an application.

(b) Notice of Appeal. Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Appeals or the Clerk of the Board of Supervisors, whichever entity is appropriate under the requirements of subsection 1006.8(a), within 30 days after the date of action by the ~~Planning Commission~~ HPC. ~~In the case of a historic district, the notice of appeal shall be subscribed by the owners of at least 20 percent of the property affected by the proposed Certificate of Appropriateness; for the purposes of this calculation, the property affected shall be deemed to be all property within the historic district. In the case of a landmark not in a historic district, the notice of appeal shall be subscribed by the property owner, or by any governmental body or agency, or by an organization with a recognized interest in historical preservation.~~

(c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed,~~ The Board of Supervisors, ~~or the Board of Appeals or the Clerk(s)~~ thereof shall set a time and place for

hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing. The Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon; provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the ~~action~~ decision of the ~~Planning Commission~~ HPC.

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

~~(d)e~~ Decisions Affecting City Hall. The provisions of this Subsection shall govern decisions by the ~~City Planning Commission~~ HPC on a Certificate of Appropriateness for alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the approval or disapproval by the ~~City Planning Commission~~ HPC of a Certificate of Appropriateness for alteration of City Hall, the Secretary of the ~~City Planning Commission~~ HPC shall transmit to the Clerk of the Board of Supervisors written notification of the ~~Commission~~ HPC's decision. The Clerk shall set a time and place for hearing on the decision, which shall be not less than 10 nor more than 30 days after receipt of such notification. The Board of Supervisors may either approve, or disapprove, ~~or modify~~ the HPC's ~~Commission's~~ decision by majority vote. The Board of Supervisors must take this action within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said hearing is set or continued within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided further, that the latest date to which said hearing and decision may be so

postponed shall be not more than 90 days from the date of the receipt of written notification. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the HPC City Planning Commission.

SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

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

SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

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

SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

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

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

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

SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

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

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

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

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

SEC. 1013. ENFORCEMENT AND PENALTIES.

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

SEC. 1014. APPLICABILITY.

(a) No application for a permit to construct, alter, or demolish any structure or other feature on a proposed landmark site or in a proposed historic district, filed subsequent to the day that ~~initiation an application has been filed or a resolution adopted to initiate designation~~ of the said landmark site or historic district was made pursuant to Section 1004.1(b), shall be approved by the Department except under circumstances in (c) below, while proceedings are pending on such designation for the following time periods:

(1) For landmark sites: 180 days after the date of initiation;

(2) For historic districts: 1 year after the date of initiation.

The HPC or the Board of Supervisors may approve by resolution a one-time extension of up to 180 days for both a landmark site and historic district. ~~provided however, that after 180 days have elapsed from the date of initiation of said designation, if~~ If final action on such designation has not been completed before the time period lapses, then the permit application may be approved.

(b) The provisions of this Article 10 shall be inapplicable to the construction, alteration or demolition of any structure or other feature on a landmark site or in a historic district, where a permit for the performance of such work was issued prior to the effective date of the designation of the said landmark site or historic district, and where such permit has not

expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

(c) The provisions of subsection (a) notwithstanding, any property owner or their authorized agent may proceed through the review and permitting process while proceedings are pending on a proposed designation by applying to the HPC for a Certificate of Appropriateness pursuant to Section 1006, in which case the provisions of this Article 10 shall apply as if the proposed landmark site or historic district had been designated.

SEC. 1015. - SEVERABILITY.

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



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution No. Planning Code Text Changes HEARING DATE: OCTOBER 21, 2010

Project Name: 2010 Planning Code Amendments
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Initiated: July 8, 2010
Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

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AMENDING PLANNING COMMISSION RESOLUTION NO. 18157, DATED AUGUST 5, 2010 THAT RECOMMENDED THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE TO CORRECT CLERICAL ERRORS, MAKE NONSUBSTANTIVE LANGUAGE REVISIONS AND UPDATE VARIOUS SECTIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 121.2, 136.1, 145.2, 151.1, 185, 186, 201, 204.1, 204.2, 207.2(15)(C), 209.3, 209.8, 217, 243, 263.9, 303, 309, 311, 607.1, 608.8, 803.3, 890.44, 890.133, 890.140; AND VARIOUS AMENDMENTS TO ARTICLE 7 – NEIGHBORHOOD COMMERCIAL DISTRICTS, ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS, AND ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS TO INCORPORATE ADDITIONAL CHANGES TO ARTICLES 10 DATED OCTOBER 21, 2010; 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 as outlined in Planning Department Executive Summary dated July 8, 2010 and incorporated herein, as well as extensive amendments to Articles 7, 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 adopted Resolution No. 18157 recommending approval with modifications of the proposed Ordinance to the Board of Supervisors on August 5, 2010; and

WHEREAS, pursuant to Charter Section 4.135, any proposed Ordinance concerning historic preservation issues must be submitted to the HPC for review and recommendation to the Board of Supervisors; and

WHEREAS, the Historic Preservation Commission conducted 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 2010; and

WHEREAS, the HPC adopted Resolution No. 657 recommending approval with modifications to Article 10 of the Planning Code to the Board of Supervisors on October 6, 2010; and

WHEREAS, the Planning Commission and the HPC conducted a duly noticed joint public hearing to review the HPC's recommendations to Articles 10 on October 21, 2010; 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, all the 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 amendments to Articles 10 and 11 dated October 21, 2010; and

MOVED, that the Planning Commission hereby *modifies Resolution No. 18157 to incorporate the additional amendments to Articles 10 dated October 21, 2010* and recommends that the Board of Supervisors *approve with these modifications* the proposed Ordinance.

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.
4. The Planning Department's proposed modifications to Articles 10 and 11, dated August 5, 2010 address some, but not all, of the changes necessary to incorporate the powers and responsibilities of the HPC into the Planning Code.
5. However, the proposed modifications do not update, streamline, and modernize Articles 10 to conform to current preservation practices.
6. The HPC has proposed changes to Articles 10 in addition to those reviewed by the Planning Commission, which will update preservation practices and policies and help streamline the designation and permit review processes.
7. Therefore, the Planning Commission recommends *approval of Article 10 with modifications in the draft dated October 15, 2010 of the proposed Ordinance.*
8. **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.

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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 additional changes to Articles 10 and 11 which will update preservation practices and policies and help streamline the designation and permit review processes.

9. 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 Planning Commission on October 21, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: October 21, 2010

Exhibit A: Proposed revisions to Articles 10, dated October 21, 2010

Outline of Revised Article 10

- 1001 Purposes
- 1002 Powers and duties of the planning department and the HPC
- 1003 HPC
- 1004 Designation of landmarks and historic districts
 - 1004.1 Nomination and initiation of landmark and historic district designation
 - (a) nomination
 - (b) initiation
 - 1004.2 blank
 - 1004.3 Decision by the HPC
 - (a) notice of hearing
 - (b) time limitation
 - (c) referral of proposed designation
 - 1004.4 Designation by BOS
 - 1004.5 Appeal to BOS
 - 1004.6 Notice of hearing by BOS
 - 1004.7 Notice of amendment or rescission
- 1005 Conformity and permits
- 1006 Certificate of appropriateness required
 - 1006.1 Applications for CofA
 - (a) who may apply
 - (b) where to file
 - (c) content of applications
 - (d) verification
 - 1006.2 Determination of major and minor alterations
 - 1006.3 Scheduling and notice of hearing
 - 1006.4 blank
 - 1006.5 Conduct of hearing; decision
 - 1006.6 Nature of HPC's decision
 - 1006.7 Standards for review of applications
 - 1006.8 Appeals of a CofA
 - (a) right of appeal
 - (b) notice of appeal
 - (c) hearing
 - (d) decisions affecting city hall
- 1007 Unsafe or dangerous conditions
- 1008 Compliance with maintenance requirements
- 1009 Advice and guidance to property owners
- 1010 Property owned by public agencies
- 1011 Recognition of structures of merit
- 1012 Does not exist!
- 1013 Enforcement and penalties
- 1010 Applicability
- 1015 Severability

Comparison between August 5th and October 21st Articles 10 & 11

Issue	Code Section	August 5th Version	October 21st Version
ARTICLE 10			
Landmark & Historic District Designation	1004	<p>- <u>Nomination:</u> No nomination provisions</p> <p><u>Initiation by:</u> 1. BOS 2. resolution of intent to initiate by HPC 3. application by owner(s)</p> <p>- <u>Notice:</u> 10 day mail to owners; 20 day ad</p> <p>- <u>Appeal to BOS:</u> 20% of property owners must subscribe governmental agency organization with recognized interest in HP</p>	<p>- <u>Nomination:</u> 1. Department 2. Property owner 3. Member of the public</p> <p>- <u>Initiation:</u> 1. BOS 2. resolution of intent to initiate by HPC 3. resolution to initiate by HPC 4. LANDMARKS ONLY: submittal of complete nomination application to department HPC must hear item no later than 90 days to uphold or overturn initiation</p> <p>- <u>Notice:</u> 20 days mailed to owners, occupants or property, persons who request</p> <p>- <u>Appeal to BOS:</u> 20% of property owners must subscribe government agency organization with recognized interest in HP</p>
Administrative Certificates of Appropriateness	1006	No Administrative CofA	<p>- HPC determines minor alterations - HPC can delegate minor alterations to Planning Staff - Admin. CofA's noticed for 15 days - Can be 'appealed' to HPC for review</p>
Notification of CofA Hearings	1006	<p>- <u>Landmarks:</u> 10 day mail to applicant, owner HISTORIC DISTRICTS ONLY: 10 day mail to owners in historic district</p> <p>- <u>Ad:</u> 20 day ad Page 1</p>	<p>- <u>Mail:</u> 20 day mail to owner, applicant, interested parties LANDMARKS: 20 day mail to owners/occupants within 150 feet HISTORIC DISTRICTS ONLY: 20 day mail to owners/occupants within 300 feet</p> <p>- <u>Poster:</u> 20 days on-site</p>

Appeals		<u>30 days from HPC action</u> LANDMARK: - property owner - government agency - organization with recognized interest in HP HISTORIC DISTRICT: - 20% of properties in historic district must subscribe	<u>30 days from HPC action</u> - anyone can appeal
180-day Clock	1014	<u>180 days no permits</u> <u>Clock starts from date of:</u> - application has been filed with Department - initiation resolution by BOS, HP	HPC can issue permits for properties during designation process LANDMARKS: 180 day clock starts from date of: - initiation via Section 1004 HISTORIC DISTRICTS: 1 year clock starts from date of: - initiation via Section 1004



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution No. Planning Code Text Changes HEARING DATE: OCTOBER 21, 2010

Project Name: 2010 Planning Code Amendments
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Initiated: July 8, 2010
Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

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Suite 400
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415.558.6377

AMENDING PLANNING COMMISSION RESOLUTION NO. 18157, DATED AUGUST 5, 2010 THAT RECOMMENDED THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE TO CORRECT CLERICAL ERRORS, MAKE NONSUBSTANTIVE LANGUAGE REVISIONS AND UPDATE VARIOUS SECTIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 121.2, 136.1, 145.2, 151.1, 185, 186, 201, 204.1, 204.2, 207.2(15)(C), 209.3, 209.8, 217, 243, 263.9, 303, 309, 311, 607.1, 608.8, 803.3, 890.44, 890.133, 890.140; AND VARIOUS AMENDMENTS TO ARTICLE 7 – NEIGHBORHOOD COMMERCIAL DISTRICTS, ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS, AND ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS TO INCORPORATE ADDITIONAL CHANGES TO ARTICLE 11 DATED OCTOBER 21, 2010; 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 as outlined in Planning Department Executive Summary dated July 8, 2010 and incorporated herein, as well as extensive amendments to Articles 7, 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 adopted Resolution No. 18157 recommending approval with modifications of the proposed Ordinance to the Board of Supervisors on August 5, 2010; and

WHEREAS, pursuant to Charter Section 4.135, any proposed Ordinance concerning historic preservation issues must be submitted to the HPC for review and recommendation to the Board of Supervisors; and

WHEREAS, the Historic Preservation Commission conducted 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, and 20th, 2010; and

WHEREAS, the Planning Commission and the HPC conducted a duly noticed joint public hearing to review the HPC's recommendations to Articles 10 and 11 on October 21, 2010; and

WHEREAS, while the HPC has not completed their review of Article 11, the main preservation topics have been addressed and explained to the Planning Commission at the joint hearing on October 21, 2010; 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, all the 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 amendments to Articles 10 and 11 dated October 21, 2010; and

MOVED, that the Planning Commission hereby *modifies Resolution No. 18157 to incorporate the additional amendments proposed by the HPC* and recommends that the Board of Supervisors *approve with these modifications* the proposed Ordinance.

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.
4. The Planning Department's proposed modifications to Articles 10 and 11, dated August 5, 2010 address some, but not all, of the changes necessary to incorporate the powers and responsibilities of the HPC into the Planning Code.
5. However, the proposed modifications do not update, streamline, and modernize Articles 10 and 11 to conform to current preservation practices.
6. The HPC has proposed changes to Articles 10 and 11, in addition to those reviewed by the Planning Commission, which will update preservation practices and policies and help streamline the designation and permit review processes.
7. Therefore, the Planning Commission recommends *approval of Article 11 with modifications in the draft dated October 15, 2010 of the proposed Ordinance.*
8. **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.

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

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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.

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

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The goal of the proposed additional changes to Articles 10 and 11 which will update preservation practices and policies and help streamline the designation and permit review processes.

9. 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.

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

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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 Planning Commission on October 21, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: October 21, 2010

Exhibit A: Proposed revisions to Article 11, dated October 21, 2010