



# SAN FRANCISCO PLANNING DEPARTMENT

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DATE: May 27, 2010  
TO: Historic Preservation Commission  
FROM: John Rahaim, Planning Director, (415) 558-6411  
RE: Pending Articles 10 and 11 Planning Code Amendments

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On November 4, 2008, Proposition J was passed by the voters of San Francisco. This proposition amended the Charter of the City and County of San Francisco Section 4.105 (Planning Commission) and added Section 4.135, establishing an independent Historic Preservation Commission.

On December 9, 2008, Supervisor Daly introduced legislation that proposes to rescind the current Articles 10 & 11 of the Planning Code and replace them with new practices and procedures (Board File No. 08-1565). Articles 10 and 11 will remain in the Planning Code and continue to provide rules for the regulation of historic buildings and areas throughout San Francisco. The proposed Ordinance proposes to replace these Articles in their entirety, updating the designation and application processes to align with other processes in the Planning Code, while also incorporating new procedures for preservation planning. Section 176 (Enforcement Against Violations) will be amended by adding a new section (f) which will regulate the enforcement of violations to properties regulated by Articles 10 and 11.

Under City Charter Section 4.135, the Historic Preservation Commission shall review and comment on ordinances concerning historic preservation issues. Pursuant to the Charter, the Historic Preservation Commission had public hearings to consider the proposed Ordinance on February 4, March 4, March 8, and April 8<sup>th</sup> 2009, and held a joint hearing with the Planning Commission on April 2, 2009. Since then several new Commissioners have been appointed, and so were not part of discussions.

Attached are the proposed Code amendments and a matrix that provides background on the recommendations of the Historic Preservation Commission and the Planning Commission; however, due to time constraints at the hearings, the matrix does not address all proposed code amendments.

Both Commissions' comments were transmitted to the Board of Supervisors on April 13, 2009, where the proposed legislation is pending before the Land Use Committee. There has been no action taken at the Board since the materials were transmitted.

Code Section	HPC	PC
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**Articles 10 & 11: Differences in Historic Preservation Commission and Planning Commission Recommendations to Board File No. 08-1565**

*Project Name:* Rewrite of Articles 10 & 11 of the Planning Code  
*Case Number:* 2008.1393T [Board File No. 08-1565]  
*Staff Contact:* Tara Sullivan, Legislative Affairs  
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*Reviewed by:* John Rahaim, Director, Planning Department  
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Please note the following:

1. Language that is in single-underline italics Times New Roman has been proposed in the original BOS 08-1565;
2. Language that is double underlined Arial are Commission additions to BOS 08-1565
3. Language that is ~~striketrough Arial~~ are Commission deletions to BOS 08-1565

Also note that this is not an exhaustive list of proposed changes; rather, they are the main issues of discussion. Each Commission had numerous other changes proposed to the document.

Code Section	Historic Preservation Commission	Planning Commission
1002.2: Powers and Duties (of the Historic Preservation Commission)		
1002.2(k): CEQA  <b>Summary: the review of CEQA items by the HPC.</b>	<p><b>Summary of Recommendation: The HPC proposes to keep the language broad to allow more CEQA review.</b></p> <p><i>(k) <u>May r</u>Review and comment on environmental review documents prepared by or on behalf of the City pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or cultural resources, including <del>without limitation, those documents pertaining to (1) the identification of historic resources to which CEQA and NEPA may apply, (2) historic resource reports and surveys prepared in connection with</del> environmental review of projects, (3) the potential impacts of a project</i></p>	<p><b>Summary of Recommendation: PC proposes to reduce CEQA review requirements by the HPC.</b></p> <p><i>(k) <u>May r</u>Review and comment on environmental review documents prepared by or on behalf of the City pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or cultural resources, <del>including without limitation, those documents pertaining to (1) the identification of historic resources to which CEQA and NEPA may apply, (2) historic resource reports and surveys prepared in connection</del> with environmental review of projects, (3) the potential impacts</i></p>

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	<p><del>upon historic resources, (4) the appropriate level of environmental review to be conducted, and (5) project alternatives or mitigation measures to be considered; and may take testimony on environmental documents, determinations and issues at public hearings held by the Historic Preservation Commission on certificates of appropriateness under this Article and permit review under Article 11;</del></p>	<p>of a project upon historic resources, (4) the appropriate level of environmental review to be conducted, and (5) project alternatives or mitigation measures to be considered; and may take testimony on environmental documents, determinations and issues at public hearings held by the Historic Preservation Commission on certificates of appropriateness under this Article and permit review under Article 11;</p>
<p>1002.2(t): Experts</p> <p><b>Summary:</b> <b>Section (v) deals with the ability of the HPC to engage outside expertise for additional advice.</b></p>	<p><b>Summary of Recommendation: the HPC proposes to retain this ability but not to require project sponsors to pay for them.</b></p> <p><del>(t v) Shall engage outside experts for technical advice when such expertise is unavailable from members of the Historic Preservation Commission or Planning Department staff and, in order to cover the City's cost to obtain this technical expertise, require project sponsors to provide the required funds that may be necessary to review the project application;</del></p>	<p><b>Summary of Recommendation: the PC proposes to strike this section altogether.</b></p> <p><del>(v) Engage outside experts for technical advice when such expertise is unavailable from members of the Historic Preservation Commission or Planning Department staff and, in order to cover the City's cost to obtain this technical expertise, require project sponsors to provide the required funds that may be necessary to review the project application;</del></p>
<p>Section 1003: Planning Department</p>		
<p>Section 1003.3: Historic Preservation Officer</p> <p><b>Summary:</b> <b>Selection of the Historic Preservation Officer.</b></p>	<p><b>Summary of recommendation: The HPC would like to be consulted by the Director before the final decision is made about this position.</b></p> <p><del>(a b) The Historic Preservation Officer shall be chosen by the Planning Director, in consultation with the Historic Preservation Commission, selected on the basis of administrative and technical qualifications with specific regard for professional experience, academic training, and knowledge in historic preservation planning, preservation architecture and/or architectural history, meeting, at a minimum, the Secretary of the Interior's Professional Qualification Standards, including the June 20, 1997, Proposed Renaming and Revisions to "The Secretary of the Interior's Professional Qualification Standards," and/or land use and community planning, and shall in addition have experience in the field in a supervisory position.</del></p> <p><del>(b-c) The Historic Preservation Officer shall be chosen by the Director of the Planning Department Prior to selection of the Historic Preservation Officer, the Planning Director will provide from a list of three (3) qualified candidates to</del></p>	<p><b>Summary of Recommendation: the PC proposes to give the Director discretion.</b></p> <p><del>(a b) The Historic Preservation Officer shall be chosen by the Planning Director selected on the basis of administrative and technical qualifications with specific regard for professional experience, academic training, and knowledge in historic preservation planning, preservation architecture and/or architectural history, meeting, at a minimum, the Secretary of the Interior's Professional Qualification Standards, including the June 20, 1997, Proposed Renaming and Revisions to "The Secretary of the Interior's Professional Qualification Standards," and/or land use and community planning, and shall in addition have experience in the field in a supervisory position.</del></p> <p><del>(c) The Historic Preservation Officer shall be chosen by the Director of the Planning Department from a list of three (3) qualified candidates submitted to the Director by the Historic Preservation Commission. The Historic Preservation</del></p>

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	<p><u>the Historic Preservation Commission, which will review and comment on the candidates, submitted to the Director by the Historic Preservation Commission. The Historic Preservation Commission may solicit candidates from outside of the Planning Department, consistent with the City's hiring requirements and procedures.</u></p> <p><u>(c) The Historic Preservation Officer shall be required to protect the interests of historic preservation through the environmental review and development process and when representing the Department in planning matters.</u></p>	<p><del>Commission may solicit candidates from outside of the Planning Department, consistent with the City's hiring requirements and procedures.</del></p>
<p>Section 1005.5: Historic Preservation Commission Hearing</p>		
<p>1005.5(c)</p> <p><b>Summary: Addresses the issues of height and bulk that the HPC must recommend to the Board of Supervisors when forwarding a recommendation for a new historic district.</b></p>	<p><b>Summary of recommendation: the HPC proposes to have general statements about height and bulk and not to have any presumption of compatibility.</b></p> <p><u>(c) Recommendation by the Historic Preservation Commission. Upon the conclusion of its public hearing or hearings, the Historic Preservation Commission shall forward its findings and recommendations to the Clerk of the Board of Supervisors consistent with the following:</u></p> <p><u>(1) If the Historic Preservation Commission determines that the historic resource under consideration is eligible for inclusion on the San Francisco Register based upon the criteria, considerations, and assessment of integrity and significance outlined in Section 1005.1 of this Article, the Historic Preservation Commission shall make a recommendation to the Board of Supervisors to include the historic resource on the San Francisco Register as a landmark, historic district or contributing resource. In its recommendation to the Board of Supervisors, the Historic Preservation Commission shall specify the criteria justifying designation of the historic resource pursuant to Section 1005.1 of this Article and may include any controls or standards that may be necessary or desirable to protect and maintain a landmark or contributing resource or to review alterations thereto.</u></p> <p><u>(2) In the case of historic district recommendations, the Historic Preservation Commission shall, as a part of its recommendation: (i) identify and describe the individual resources that</u></p>	<p><b>Summary of recommendation: The PC proposes to have height &amp; bulk controls within guidelines that would create a presumption of within the district.</b></p> <p><u>(c) Recommendation by the Historic Preservation Commission. Upon the conclusion of its public hearing or hearings, the Historic Preservation Commission shall forward its findings and recommendations to the Clerk of the Board of Supervisors consistent with the following:</u></p> <p><u>(1) If the Historic Preservation Commission determines that the historic resource under consideration is eligible for inclusion on the San Francisco Register based upon the criteria, considerations, and assessment of integrity and significance outlined in Section 1005.1 of this Article, the Historic Preservation Commission <del>shall</del> <b>may</b> make a recommendation to the Board of Supervisors to include the historic resource on the San Francisco Register as a landmark, historic district or contributing resource. In its recommendation to the Board of Supervisors, the Historic Preservation Commission shall specify the criteria justifying designation of the historic resource pursuant to Section 1005.1 of this Article and may include any controls or standards that may be necessary or desirable to protect and maintain a landmark or contributing resource or to review alterations thereto.</u></p> <p><u>(2) In the case of historic district recommendations, the Historic Preservation Commission shall, as a part of its recommendation: (i) identify and describe the individual resources that</u></p>

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	<p><u>contribute to the district’s designation as a historic district pursuant to Section 1005.1(c) of this Article, including, without limitation, scenic and aesthetic conditions, gardens, landscapes and landscape features; (ii) identify as non-contributing resources any properties, structures, features or other resources located within the boundaries of the proposed historic district that have no relevance to the area’s identified significance, significant physical features or identifying characteristics; and (iii) include such further controls and standards as the Historic Preservation Commission may deem to be necessary or desirable to protect and maintain the integrity of the historic district and to ensure compatibility of alterations, additions and new construction within the historic district, including which may include, without limitation: (A) specific design standards guidelines for the preservation, alteration, addition or modification of contributing and noncontributing resources, and for new construction within the historic district (hereinafter referred to as “design standards guidelines”); and (B) setback, height and bulk controls to insure that any additions to contributing and noncontributing resources, and any new construction in the historic district will be compatible with the prevailing height and bulk of the historic district and contribute to the scale and continuity of the streetscape (hereinafter referred to as “height and bulk controls”).</u></p>	<p><u>contribute to the district’s designation as a historic district pursuant to Section 1005.1(c) of this Article, including, without limitation, scenic and aesthetic conditions, gardens, landscapes and landscape features; (ii) identify as non-contributing resources any properties, structures, features or other resources located within the boundaries of the proposed historic district that have no relevance to the area’s identified significance, significant physical features or identifying characteristics; and (iii) include such further controls and standards as the Historic Preservation Commission may deem to be necessary or desirable to protect and maintain the integrity of the historic district and to ensure compatibility of alterations, additions and new construction within the historic district, including which may include, without limitation: (A) specific design standards guidelines for the preservation, alteration, addition or modification of contributing and noncontributing resources, and for new construction within the historic district (hereinafter referred to as “design standards guidelines”); and (B) setback, height and bulk controls for additions and new construction in the historic district which will be presumed to be compatible with the height and bulk of the new historic district to insure that any additions to contributing and noncontributing resources, and any new construction in the historic district will be compatible with the prevailing height and bulk of the historic district and contribute to the scale and continuity of the streetscape (hereinafter referred to as “height and bulk controls”).</u></p>
Section 1007: Certificates of Appropriateness		
Section 1007.1(a)  <b>Summary: Definition of “demolition”.</b>	<p><b>Summary of recommendation: Both the HPC &amp; PC recommend a return to the definition currently in Article 10. The HPC proposes to add specific findings to allow them to call a project that technically meets the definition of demolition to proceed if they make specific findings.</b></p> <p><u>(a) Demolition. For purposes of this Article, demolition of a structure shall be defined as any one or more of the following:</u></p> <p><u>(1) Removal of more than 25 percent of the surface material of all external walls facing a public street(s); or</u></p> <p><u>(2) Removal of more than 50 percent of all external walls from their function as all external walls; or</u></p> <p><u>(3) Removal of more than <del>25</del> 50 percent of the surface material of all external walls as either external or internal walls; or</u></p> <p><u>(4) Removal of more than <del>75</del> 50 percent of the</u></p>	<p><b>Summary of recommendation: Both the HPC &amp; PC recommend a return to the definition currently in Article 10.</b></p> <p><u>(a) Demolition. For purposes of this Article, demolition of a structure shall be defined as any one or more of the following:</u></p> <p><u>(1) Removal of more than 25 percent of the surface material of all external walls facing a public street(s); or</u></p> <p><u>(2) Removal of more than 50 percent of all external walls from their function as all external walls; or</u></p> <p><u>(3) Removal of more than <del>25</del> 50 percent of the surface material of all external walls as either external or internal walls; or</u></p> <p><u>(4) Removal of more than <del>75</del> 50 percent of the</u></p>

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	<p><u>building's existing internal structural framework or floor plates unless the Historic Preservation Commission 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.</u></p> <p><u>(5) A project may not qualify as a demolition as defined above if the Historic Preservation Commission makes specific findings that the proposed project meets the requirements under Section 1007.5(d)(iv).</u></p>	<p><u>building's existing internal structural framework or floor plates unless the Historic Preservation Commission 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.</u></p>
<p>Section 1007.5(d): Standards of Review of Applications</p> <p><b>Summary: This Section outlines what types of projects/buildings in a historic district can be approved for demolition by the HPC.</b></p>	<p><b>Summary of recommendation: the HPC proposes to have a narrow ability to approve demolition. It should be noted that the HPC did not review the language approved by the PC.</b></p> <p><u>(d) Standards for Review of Demolitions.</u></p> <p><u>(1) Applications for demolition on landmark sites, of contributing resources within a historic district, or of a designated significant interior shall not be approved unless one of the following <del>two</del> determinations is made by the Historic Preservation Commission, based on evidence in the record:</u></p> <p><u>(i) It is determined that the property retains no substantial reasonable remaining market value or reasonable use, taking into account the costs of rehabilitation to meet the requirements of the Building Code, the provisions of the State Historical Building Code, the Mills Act, federal rehabilitation tax credits and any other available incentives. Costs of rehabilitation necessitated by alterations made: (A) in violation of this Article, (B) by demolition in violation of this Article, (C) by failure of the current or prior owners to maintain the property whether by intention or neglect in violation of Planning Code section 1011, (D) to accommodate the owner's specific personal or business needs or desires to expand the square footage or to make alterations inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in the calculation of rehabilitation costs for this purpose; or</u></p> <p><u>(ii) Pursuant to Section 1010(b) of this Article, the Director of the Department of Building Inspection or Chief of the Fire Department has declared in writing that a serious and imminent public safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or</u></p> <p><u>(iii) The building has been rescinded as an individual landmark or as a contributing structure in a historic district pursuant to Section 1005.9 of this Article; or</u></p>	<p><b>Summary of recommendation: the PC would like the HPC to have a broader ability to allow demolitions where warranted.</b></p> <p><u>(d) Standards for Review of Demolitions.</u></p> <p><u>(1) Applications for demolition on landmark sites, of contributing resources within a historic district, or of a designated significant interior shall not be approved unless one of the following <del>two</del> determinations is made by the Historic Preservation Commission, based on evidence in the record:</u></p> <p><u>(i) It is determined that the property retains no substantial reasonable remaining market value or reasonable use, taking into account the costs of rehabilitation to meet the requirements of the Building Code, the provisions of the State Historical Building Code, the Mills Act, federal rehabilitation tax credits and any other available incentives. Costs of rehabilitation necessitated by alterations made: (A) in violation of this Article, (B) by demolition in violation of this Article, (C) by failure of the current or prior owners to maintain the property whether by intention or neglect in violation of Planning Code section 1011, (D) to accommodate the owner's specific personal or business needs or desires to expand the square footage or to make alterations inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in the calculation of rehabilitation costs for this purpose; or</u></p> <p><u>(ii) Pursuant to Section 1010(b) of this Article, the Director of the Department of Building Inspection or Chief of the Fire Department has declared in writing that a serious and imminent public safety hazard exists and that demolition of the structure is the only feasible means to secure the public safety; or</u></p> <p><u>(iii) The Historic Preservation Commission adopts specific findings that: (1) the proposed project meets the Secretary of the Interior's Standards for Preservation, Restoration, or Reconstruction; and (2) that the proposed</u></p>

Code Section	HPC	PC
	<p>(iv) <u>The Historic Preservation Commission adopts specific findings that: (1) the proposed project meets the <i>Secretary of the Interior's Standards for Restoration, Preservation, or Reconstruction</i>; and (2) that the proposed alteration is the best method available to preserve and protect the subject property as an individual landmark or as a contributor to the district and to protect and enhance the integrity of the historic district.</u></p>	<p><u>alteration is the best method available to preserve and protect the subject property as an individual landmark or as a contributor to the district and to protect and enhance the integrity of the historic district; or</u></p> <p><u>(iv) Applications for demolition of contributing resources within an historic district shall not be approved unless the Replacement Structure provisions of Section 1007.5(e) are met and the Historic Preservation Commission adopts specific findings that:</u></p> <p><u>(i) The demolition will not significantly impair the integrity of the historic district in such a manner that the district no longer conveys its historical significance; and</u></p> <p><u>(ii) The structure proposed to replace the demolished contributory resource will implement the objectives and policies of the General Plan to a greater extent than would retention of the landmark or contributory resource.</u></p>
<p>Section 1007.1(b) Major &amp; Minor Alterations</p> <p><i>Summary: This Section outlines what types of work is considered to be major and minor alterations. Major alterations would require an HPC hearing; minor alterations would be approved at staff level</i></p>	<p><b>Summary of Recommendation: The HPC could not come to consensus (see note below) about how to handle this section.</b></p> <p><b>PLEASE NOTE: The HPC could not come to consensus on the following Section – Alterations. Commissioners Chase and Martinez approved the definition of alteration(s) as proposed by the Department in the draft Ordinance; Commissioners Damkroger and Hasz felt that a general definition was more appropriate because it would allow for greater flexibility in determining what types of projects needed Commission review. As a result, there was not a consensus vote on this topic.</b></p> <p><u>(b) Alterations. For purposes of this Article, alterations shall include Major and Minor Alterations. <del>the following</del> The Historic Preservation Commission will, from time to time, promulgate rules and regulations to define what consists of Major and Minor Alterations consistent with the definitions and provisions set forth in this Article. For the purposes of this Section, the Historic Preservation Commission shall determine what consists of a major and minor alteration within 180 days from the effective date of this Article and shall provide the list and any rules and guidelines associated with it in a separate document called "Guidelines for Alterations to Buildings subject to Articles 10 and 11 of the Planning Code", (hereinafter called</u></p>	<p><b>Summary of Recommendation: the PC proposes to keep the list in the Code narrow and allow for the HPC to come up with a policy document to address major &amp; minor alterations.</b></p> <p><u>(b) Alterations. For purposes of this Article, alterations shall include Major and Minor Alterations. <del>the following</del> The Historic Preservation Commission will, from time to time, promulgate rules and regulations to define what consists of Major and Minor Alterations consistent with the definitions and provisions set forth in this Article. For the purposes of this Section, the Historic Preservation Commission shall determine what consists of a major and minor alteration within 180 days from the effective date of this Article and shall provide the list and any rules and guidelines associated with it in a separate document called "Guidelines for Alterations to Buildings subject to Articles 10 and 11 of the Planning Code", (hereinafter called "Alteration</u></p>

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	<p><u>“Alteration Guidelines”) which shall be made available to the public for their reference and use. The Alteration Guidelines will be updated periodically as necessary by the Historic Preservation Commission.</u></p> <p><u>(1) Major Alteration. An alteration shall be considered a “major alteration” if any one or more of the following apply:</u></p> <p><u>(i) The alteration would result in damage to, or demolition of, a significant architectural feature of the structure of the building, or remove, cover or modify any portion of the historic exterior materials, or the historic exterior architectural appearance, or a portion of a significant interior, or replace them with substitutes inappropriate in material, scale, color or architectural style; or</u></p> <p><u>(ii) The alteration would relocate, add or remove windows or doors or replace them with substitutes inappropriate in material, scale or architectural style, or would add a garage; or</u></p> <p><u>(iii) The alteration would affect all or any part of a structure's interior structural framework, its floors or floor plates, interior or exterior columns or load-bearing walls; or</u></p> <p><u>(iii iv) The alteration would result in any increase in height or bulk above the existing height and bulk of the structure either by a vertical or horizontal addition, any addition to or alteration of the roofline or by raising the structure above the level of its existing foundation; or</u></p> <p><u>(iv v) The alteration would require temporarily lifting and supporting the structure above its existing foundation; or</u></p> <p><u>(vi v) Any work involving a sign, awning, marquee, canopy, mural or other appendage; or</u></p> <p><u>(vi vii) Addition of a roof deck, penthouse, or any other roof top features; or</u></p> <p><u>(ii viii) Any exterior changes or changes to designated significant interiors addressed in the design guidelines or height and bulk controls in the landmark or historic district designating ordinance, or changes to features identified as significant or contributing in the designating ordinance, regardless of whether or not a City permit is required, which changes may include, but shall not be limited to signage, landscaping, fencing, installation of lighting fixtures, awnings and any other building appendages; or</u></p> <p><u>(viii ix) Alterations to parks, squares, plazas, gardens and other landscape features on a landmark site, within a historic district or on a contributing resource within a designated historic district, where the designating ordinance identifies the significance or contribution of such features, or requires the</u></p>	<p><u>Guidelines”) which shall be made available to the public for their reference and use. The Alteration Guidelines will be updated periodically as necessary by the Historic Preservation Commission.</u></p> <p><u>(1) Major Alteration. An alteration shall be considered a “major alteration” if any one or more of the following apply:</u></p> <p><u>(i) The alteration would result in damage to, or demolition of, a significant architectural feature of the structure, remove, cover or modify any portion of the exterior materials, or the exterior architectural appearance, or a portion of a significant interior, or replace them with substitutes inappropriate in material, scale, color or architectural style; or</u></p> <p><u>(ii) The alteration would relocate, add or remove windows or doors or replace them with substitutes inappropriate in material, scale or architectural style, or would add a garage; or</u></p> <p><u>(iii) The alteration would affect all or any part of a structure's interior structural framework, its floors or floor plates, interior or exterior columns or load-bearing walls; or</u></p> <p><u>(iii iv) The alteration would result in any increase in height or bulk above the existing height and bulk of the structure either by a vertical or horizontal addition, any addition to or alteration of the roofline or by raising the structure above the level of its existing foundation; or</u></p> <p><u>(iv v) The alteration would require temporarily lifting and supporting the structure above its existing foundation; or</u></p> <p><u>(vi v) Any work involving a sign, awning, marquee, canopy, mural or other appendage; or</u></p> <p><u>(vi vii) Addition of a roof deck, penthouse, or any other roof top features; or</u></p> <p><u>(ii viii) Any exterior changes or changes to designated significant interiors addressed in the design guidelines or height and bulk controls in the landmark or historic district designating ordinance, or changes to features identified as significant or contributing in the designating ordinance, regardless of whether or not a City permit is required, which changes may include, but shall not be limited to signage, landscaping, fencing, installation of lighting fixtures, awnings and any other building appendages; or</u></p> <p><u>(viii ix) Alterations to parks, squares, plazas, gardens and other landscape features on a landmark site, within a historic district or on a contributing resource within a designated historic district, where the designating ordinance identifies the significance or contribution of such features, or requires the</u></p>

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	<p>approval of such changes pursuant to this Article, whether on City-owned or privately-owned property; or</p> <p><del>(iii ✕)</del> <u>Where the cumulative impacts of any and all prior alterations would fit the description for any alteration set forth in subsections (i) through (ii ✕) herein above.</u></p> <p><del>(2)</del> <u>Minor Alteration. Unless the designating ordinance provides otherwise, an alteration may be considered a “minor alteration” if the criteria set forth for a demolition pursuant to Section 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do not apply. and the work consists only of ordinary maintenance and repairs.</u></p> <p><del>(i)</del> <u>Minor Alterations shall include ordinary maintenance and repairs. “Ordinary maintenance and repairs” shall mean work that does not include any change in the design, materials or outer appearance of a structure, the sole purpose and effect of which is to correct minor deterioration, decay or damage.</u></p> <p><del>(ii)</del> <u>An alteration shall not be considered a minor alteration if the proposed alteration, in combination with all other alterations that have occurred to the resource over time, whether or not approved by the City, would constitute a major alteration as defined above. For this purpose, the cumulative impacts of any and all prior minor alterations shall be considered.</u></p> <p><del>(iii †)</del> <u>Other factors to determine whether an alteration is major or minor may be specified in the design guidelines in the landmark or historic district ordinance.</u></p> <p><del>(ii)</del> <u>The Historic Preservation Commission may promulgate rules and regulations to further define minor alterations consistent with the definitions and limitations set forth above.</u></p> <p><del>(iv ‡)</del> <u>The authority to approve, disapprove or modify a Certificate of Appropriateness for any proposed activity determined to be a minor alteration may be delegated by the Historic Preservation Commission to the Historic Preservation Officer pursuant to the procedures set forth in Section 1007.4 for Administrative Certificates of Appropriateness.</u></p>	<p>approval of such changes pursuant to this Article, whether on City-owned or privately-owned property; or</p> <p><del>(iii ✕)</del> <u>Where the cumulative impacts of any and all prior alterations would fit the description for any alteration set forth in subsections (i) through (ii ✕) herein above.</u></p> <p><del>(2)</del> <u>Minor Alteration. Unless the designating ordinance provides otherwise, an alteration may be considered a “minor alteration” if the criteria set forth for a demolition pursuant to Section 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do not apply. and the work consists only of ordinary maintenance and repairs.</u></p> <p><del>(i)</del> <u>Minor Alterations shall include ordinary maintenance and repairs. “Ordinary maintenance and repairs” shall mean work that does not include any change in the design, materials or outer appearance of a structure, the sole purpose and effect of which is to correct minor deterioration, decay or damage.</u></p> <p><del>(ii)</del> <u>An alteration shall not be considered a minor alteration if the proposed alteration, in combination with all other alterations that have occurred to the resource over time, whether or not approved by the City, would constitute a major alteration as defined above. For this purpose, the cumulative impacts of any and all prior minor alterations shall be considered.</u></p> <p><del>(iii †)</del> <u>Other factors to determine whether an alteration is major or minor may be specified in the design guidelines in the landmark or historic district ordinance.</u></p> <p><del>(ii)</del> <u>The Historic Preservation Commission may promulgate rules and regulations to further define minor alterations consistent with the definitions and limitations set forth above.</u></p> <p><del>(iv ‡)</del> <u>The authority to approve, disapprove or modify a Certificate of Appropriateness for any proposed activity determined to be a minor alteration may be delegated by the Historic Preservation Commission to the Historic Preservation Officer pursuant to the procedures set forth in Section 1007.4 for Administrative Certificates of Appropriateness.</u></p>

Code Section	HPC	PC
<p>Section 1007.4 Administrative Certificate of Appropriateness:</p> <p><b>Summary: Follows from previous section –outlines the process that the Department and HPC must follow for staff-level permits (Administrative Certificates of Appropriateness).</b></p>	<p><b>Summary of Recommendation: Both the HPC &amp; PC proposed substantial changes but both are in agreement on the process.</b></p> <p><u>SEC. 1007.4. Administrative Certificate of Appropriateness.</u>  <u>(a) If the Historic Preservation Officer has determined that a proposed activity is a minor alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the Historic Preservation Officer may issue an Administrative Certificate of Appropriateness, “an Administrative Certificate of Appropriateness” which shall be subject to the following procedures:</u>  <u>(i) Within five (5) ten (10) days after the date the Historic Preservation Officer has issued an Administrative Certificate of Appropriateness, “an Administrative Certificate of Appropriateness, the applicant and any individuals or organizations that have requested in writing to be notified of such determinations shall be notified in writing of the determination.</u>  <u>(ii) The Administrative Certificate of Appropriateness shall be placed on an “Administrative List” to be included in the agenda for the next regularly-scheduled Historic Preservation Commission hearing. This list shall include (1) the address of the property; (2) the landmark number or applicable historic district; (3) and a copy of the Administrative Certificate of Appropriateness document/motion which will contain a description of the proposed work and why it meets the requirements of an Administrative Certificate of Appropriateness. The Administrative Certificate of Appropriateness shall be placed on the consent calendar for the next meeting of the Historic Preservation Commission to be held at least ten (10) days following the date of the written notification required by subsection (i) above. Except as provided in subsection (iv) below, the notice and hearing requirements provided in Section 1007.3 of this Article shall not be required.</u>  <u>(iii) At the next regularly-scheduled hearing, the At or prior to the scheduled meeting of the Historic Preservation Commission, any member of the public, Historic Preservation Commission, based on public input or on their own expertise, may vote to have the Administrative Certificate of Appropriateness removed from the Administrative List and be scheduled for a future public hearing may object in writing to the issuance of the Administrative Certificate of Appropriateness and request that the Historic Preservation Commission schedule</u></p>	<p><b>Summary of Recommendation: Both the HPC &amp; PC proposed substantial changes but both are in agreement on the process.</b></p> <p><u>SEC. 1007.4. Administrative Certificate of Appropriateness.</u>  <u>(a) If the Historic Preservation Officer has determined that a proposed activity is a minor alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the Historic Preservation Officer may issue an Administrative Certificate of Appropriateness “an Administrative Certificate of Appropriateness” which shall be subject to the following procedures:</u>  <u>(i) Within five (5) ten (10) days after the date the Historic Preservation Officer has issued an Administrative Certificate of Appropriateness, “an Administrative Certificate of Appropriateness, the applicant and any individuals or organizations that have requested in writing to be notified of such determinations shall be notified in writing of the determination.</u>  <u>(ii) The Administrative Certificate of Appropriateness shall be placed on an “Administrative List” to be included in the agenda for the next regularly-scheduled Historic Preservation Commission hearing. This list shall include (1) the address of the property; (2) the landmark number or applicable historic district; (3) and a copy of the Administrative Certificate of Appropriateness document/motion which will contain a description of the proposed work and why it meets the requirements of an Administrative Certificate of Appropriateness. The Administrative Certificate of Appropriateness shall be placed on the consent calendar for the next meeting of the Historic Preservation Commission to be held at least ten (10) days following the date of the written notification required by subsection (i) above. Except as provided in subsection (iv) below, the notice and hearing requirements provided in Section 1007.3 of this Article shall not be required.</u>  <u>(iii) At the next regularly-scheduled hearing, the At or prior to the scheduled meeting of the Historic Preservation Commission, any member of the public, Historic Preservation Commission, based on public input or on their own expertise, may vote to have the Administrative Certificate of Appropriateness removed from the Administrative List and be scheduled for a future public hearing may object in writing to the issuance of the Administrative Certificate of Appropriateness and request that the Historic Preservation Commission schedule</u></p>

Code Section	HPC	PC
	<p><u>the proposed activity for a public hearing, in which event, the Historic Preservation Commission shall consider the proposed project pursuant to the requirements of Section 1007.3 of this Article.</u></p> <p><u>(iv) — At the scheduled meeting, any member of the Historic Preservation Commission or any member of the public may request that the proposed activity be removed from the consent calendar and scheduled for public hearing at a future meeting, in which event, the Historic Preservation Commission shall consider the proposed activity pursuant to the requirements of Section 1007.3 of this Article.</u></p> <p><u>(iv v) If the proposed project is not removed from the Administrative List, the Administrative Certificate of Appropriateness proposed activity is not removed from the consent calendar, the Administrative Certificate of Appropriateness shall become final and shall be treated as a Certificate of Appropriateness for all purposes of this Article.</u></p>	<p><u>the proposed activity for a public hearing, in which event, the Historic Preservation Commission shall consider the proposed project pursuant to the requirements of Section 1007.3 of this Article.</u></p> <p><u>(iv) — At the scheduled meeting, any member of the Historic Preservation Commission or any member of the public may request that the proposed activity be removed from the consent calendar and scheduled for public hearing at a future meeting, in which event, the Historic Preservation Commission shall consider the proposed activity pursuant to the requirements of Section 1007.3 of this Article.</u></p> <p><u>(v iv) If the proposed project is not removed from the Administrative List, the Administrative Certificate of Appropriateness proposed activity is not removed from the consent calendar, the Administrative Certificate of Appropriateness shall become final and shall be treated as a Certificate of Appropriateness for all purposes of this Article.</u></p>
<p>Section 1007.5(b): Standards for Review of Properties.</p> <p><b>Summary: Design/review standards that the Department, HPC, and PC must use when reviewing permits for alterations.</b></p>	<p><b>Summary of Recommendation: The HPC proposes to cite the Secretary of the Interior’s Standards in general. It should be noted that the HPC did not review the language approved by the PC.</b></p> <p><u>(b) Standards for Review of Work on Landmarks and Contributing Resources in Historic Districts. Applications for work on a landmark or within a historic district where a treatment Standard, as defined by the Secretary of the Interior, has not been specified, or there are no existing guidelines or standards outlined in the designation or relevant appendices of the Code, the Historic Preservation Commission shall review the proposed work against the Secretary of the Interior’s Standards for Rehabilitation and meet the following standards where applicable: For applications pertaining to work on landmark sites and on contributing resources within historic districts, and on designated significant interiors, other than demolitions, the proposed work shall not adversely affect any significant historical or architectural feature of the landmark, contributing resource, designated significant interior or district and shall meet all of the following standards:</u></p>	<p><b>Summary of Recommendation: the PC proposes to add in specific language from the preamble of the Standards.</b></p> <p><u>(b) Standards for Review of Work on Landmarks and Contributing Resources in Historic Districts. All applications for work on a landmark or within a historic district will be reviewed using the Secretary of the Interior’s Standards for the Treatment of Historic Properties. For applications for work on a landmark or within a historic district where a treatment Standard, as defined by the Secretary of the Interior, has not been specified, or there are no existing guidelines or standards outlined in the designation or relevant appendices of the Code, the Historic Preservation Commission shall review the proposed work against the Secretary of the Interior’s Standards for Rehabilitation, including the preamble to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, which states, “the standards will be applied taking into consideration the economic and technical feasibility of each project,” and meet the following standards where applicable: For applications pertaining to work on landmark sites and on</u></p>

Code Section	HPC	PC
		contributing resources within historic districts, and on designated significant interiors, other than demolitions, the proposed work shall not adversely affect any significant historical or architectural feature of the landmark, contributing resource, designated significant interior or district and shall meet all of the following standards
Section 1008: Right to Modify a Certificate of Appropriateness		
<p>Section 1008.1(b)(4)</p> <p><b>Summary: Defining the process between the PC and the HPC when the PC has the authority (pursuant to the Charter provisions) to modify the HPC's decision.</b></p>	<p><b>Summary of Recommendation: the HPC proposes that they have the ability to review the modifications one time and send it back to the PC for final approval.</b></p> <p><u>(a) For project applications that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness pursuant to Section 1007 of this Article before any other planning approval action.</u></p> <p><u>(b) Only as to those projects that (1) require a Planning Commission hearing on either a conditional use permit, as required under this Code as of November 4, 2008, or permit review as required under Sections 309 and 309.1 of this Code as of November 4, 2008 and (2) do not concern a designated landmark site, the Planning Commission may modify a decision of the Historic Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its members, pursuant to the following:</u></p> <p><u>(1) Any consideration by the Planning Commission of whether to modify a Certificate of Appropriateness shall take place during the noticed hearing on the related conditional use permit or Section 309 permit review.</u></p> <p><u>(2) In its consideration as to whether to modify a Certificate of Appropriateness, the Planning Commission may consider policies set forth in the General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall apply all applicable historic resources provisions of this Code, including the applicable provisions of Section 1007 of this Article, and any specific controls and standards embodied in the designating ordinance, including any design guidelines and</u></p>	<p><b>Summary of Recommendation: The PC proposes to send a report of their modification to the HPC.</b></p> <p><u>(a) For project applications that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness pursuant to Section 1007 of this Article before any other planning approval action.</u></p> <p><u>(b) Only as to those projects that (1) require a Planning Commission hearing on either a conditional use permit, as required under this Code as of November 4, 2008, or permit review as required under Sections 309 and 309.1 of this Code as of November 4, 2008 and (2) do not concern a designated landmark site, the Planning Commission may modify a decision of the Historic Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its members, pursuant to the following:</u></p> <p><u>(1) Any consideration by the Planning Commission of whether to modify a Certificate of Appropriateness shall take place during the noticed hearing on the related conditional use permit or Section 309 permit review.</u></p> <p><u>(2) In its consideration as to whether to modify a Certificate of Appropriateness, the Planning Commission <del>may</del> shall consider policies set forth in the General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall apply all applicable historic resources provisions of this Code, including the applicable provisions of Section 1007 of this Article, and any specific controls and standards embodied in the designating ordinance, including any design</u></p>

Code Section	HPC	PC
	<p><u>height and bulk controls.</u></p> <p><u>(3) Any decision of the Planning Commission to modify the Historic Preservation Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its members, and the Planning Commission's resolution shall include a statement of reasons for the modification, including identification of policies or objectives that would be promoted by a modification of the Certificate of Appropriateness, and findings as to how the Planning Commission's decision complies with all applicable historic resources provisions of this Code, including the applicable provisions of Section 1007 of this Article and any specific controls and standards embodied in the designating ordinance, including any design guidelines and height and bulk controls.</u></p> <p><u>(4) <del>A</del>Any proposed modification of a Certificate of Appropriateness pursuant to this Section 1008 that <del>would expand, broaden, or enlarge or materially modify the scope of the work proposed under the Certificate of Appropriateness that was considered by the Historic Preservation Commission shall be referred back to the Historic Preservation Commission for consideration before the Planning Commission's action to modify the Certificate of Appropriateness becomes final within twenty (20) days of the Planning Commission's action. The Historic Preservation Commission, at their next regularly-scheduled hearing, must vote on whether to re-hear the project to determine if the Planning Commission modifications are consistent with the purposes of this Article. If the Historic Preservation Commission votes to re-hear the item, such hearing must be scheduled within thirty (30) days, except that newspaper notice need only be given ten (10) days prior to the date of the hearing. After the Historic Preservation Commission re-hears the project, the Certificate of Appropriateness will be referred back to the Planning Commission. The Planning Commission may then act without any further referral back to the Historic Preservation Commission. If the Historic Preservation Commission votes not to re-hear the modified Certificate of Appropriateness or does not hear it within the thirty (30) day time frame, the Planning Commission's decision will become final. In all cases of referral back, the proposal shall be heard by the Historic Preservation Commission as a new proposal according to the requirements set forth in this Article, except that newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic Preservation Commission shall review the modifications within a reasonable</del></u></p>	<p><u>guidelines and height and bulk controls.</u></p> <p><u>(3) Any decision of the Planning Commission to modify the Historic Preservation Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its members, and the Planning Commission's resolution shall include a statement of reasons for the modification, including identification of policies or objectives that would be promoted by a modification of the Certificate of Appropriateness, and findings as to how the Planning Commission's decision <del>complies with</del> <u>applies all applicable historic resources provisions of this Code, including the applicable provisions of Section 1007 of this Article and any specific controls and standards embodied in the designating ordinance, including any design guidelines and height and bulk controls.</u></u></p> <p><u>(4) A written report which shall include findings adopted by the Planning Commission regarding a <del>Any proposed modification of a Certificate of Appropriateness pursuant to this Section 1008 that would expand, broaden, or enlarge or materially modify the scope of the work proposed under the Certificate of Appropriateness that was considered by the Historic Preservation Commission shall be referred provided</del> back to the Historic Preservation Commission for consideration before the Planning Commission's action to modify the Certificate of Appropriateness becomes final within twenty (20) days of the Planning Commission's action. In all cases of referral back, the proposal shall be heard by the Historic Preservation Commission as a new proposal according to the requirements set forth in this Article, except that newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic Preservation Commission shall review the modifications within a reasonable time of referral back. In the event the Historic Preservation Commission does not review the modifications within a reasonable time, the Planning Commission may finalize its decision.</u></p>

Code Section	HPC	PC
	<p>time of referral back. In the event the Historic Preservation Commission does not review the modifications within a reasonable time, the Planning Commission may finalize its decision.</p>	



# SAN FRANCISCO PLANNING DEPARTMENT

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April 13, 2009

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Department Case Number 2008.1393T:  
Rewrite of Articles 10 & 11  
Board File Number 08-1565**

**HISTORIC PRESERVATION COMMISSION Recommendation:  
Approval with Modifications**

Dear Ms. Calvillo,

On February 4<sup>th</sup>, March 4<sup>th</sup>, March 18<sup>th</sup>, and April 8<sup>th</sup>, the Historic Preservation Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance; and on April 2<sup>nd</sup> the Historic Preservation Commission and the Planning Commission conducted duly noticed joint public hearing to consider the proposed Ordinance.

The proposed Ordinance would rescind the existing Articles 10 and 11 and add a new Article 10 and 11 to the Planning Code, which would establish the procedures for historic preservation planning in San Francisco. It would also add a new Section 176(f) (Enforcement Against Violations) which would link any violations of Articles 10 and 11 to the enforcement proceedings in Article 1.7.

The proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

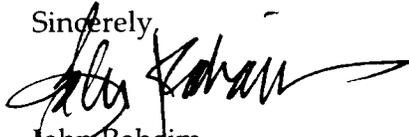
**At the April 8<sup>th</sup> hearing, the Historic Preservation Commission voted to recommend approval of the proposed Ordinance with modifications as detailed in Attachment A and hereby incorporated into this Recommendation.**

Please note, however, that the Historic Preservation Commission did not come to a consensus on one issue: Section 1007.1 (b): Alterations. Commissioners Chase and Martinez approved the definition of alteration(s) as proposed in the draft Ordinance; Commissioners Damkroger and Hasz felt that a general definition was more appropriate because it would allow for greater flexibility in determining what types of projects needed Commission review. As a result, there was not a consensus vote on this topic.

All other modifications in Attachment A were unanimously approved by the Historic Preservation Commission.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



John Rahaim  
Director of Planning

cc: Supervisor Daly  
Ron Miguel, President, Planning Commission

Attachments (one copy of the following):

- Historic Preservation Commission Resolution No. 633
- Attachment A: Historic Preservation Commission Modifications to Ordinance 08-1565
- Planning Department Executive Summary, dated April 1, 2009



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Preservation Commission Resolution No. 633 HEARING DATE: APRIL 8, 2009

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* April 1, 2009

*Project Name:* **Rewrite of Articles 10 & 11 of the Planning Code**

*Case Number:* 2008.1393T [Board File No. 08-1565]

*Initiated by:* Former Supervisor Peskin, Supervisor Daly /  
Introduced January 6, 2009

*Staff Contact:* Tara Sullivan, Legislative Affairs  
tara.sullivan@sfgov.org, 415-558-6257

*Reviewed by:* John Rahaim, Director, Planning Department  
john.rahaim@sfgov.org, 415-558-6411

*90-day Deadline:* April 14, 2009

*Recommendation:* **Recommend Approval with Modifications**

**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD RESCIND PLANNING CODE ARTICLES 10 AND 11 IN ITS ENTIRETY AND ADOPT NEW ARTICLES 10 AND 11 TO IMPLEMENT THE PROVISIONS OF NEW SAN FRANCISCO CHARTER SECTION 4.135, AND TO ADD A NEW PLANNING CODE SECTION 176(F).**

### **PREAMBLE**

Whereas, on January 6, 2009, former Supervisor Peskin and Supervisor Daly introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 08-1565 which would rescind the existing Articles 10 and 11, and add a new Article 10 and 11 to the Planning Code, which would establish the procedures for historic preservation planning in San Francisco. It would also add a new Section 176(f) (Enforcement Against Violations) which would link any violations of Articles 10 and 11 to the enforcement proceedings in Article 1.7; and

Whereas, on February 4<sup>th</sup>, March 4<sup>th</sup>, March 18<sup>th</sup>, and April 8<sup>th</sup>, the Historic Preservation Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance; and

Whereas, on April 2<sup>nd</sup> the Historic Preservation Commission and the Planning Commission conducted duly noticed joint public hearing to consider the proposed Ordinance; and

Whereas, the proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the 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 the applicant, Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance with modifications as detailed in Attachment A and hereby incorporated into this Resolution* and adopts the attached Draft Resolution to that effect.

However, that the Historic Preservation Commission did not come to a consensus on one issue: Section 1007.1 (b): Alterations. Commissioners Chase and Martinez approved the definition of alteration(s) as proposed in the draft Ordinance; Commissioners Damkroger and Hasz felt that a general definition was more appropriate because it would allow for greater flexibility in determining what types of projects needed Commission review. As a result, there was not a consensus vote on this topic.

All other modifications in Attachment A were unanimously approved by the Historic Preservation Commission.

## **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. Article 10 (Preservation of Historical Architectural and Aesthetic Landmarks) deals with Individual Landmarks and Historic Districts throughout San Francisco, and was added to the Planning Code in 1967. It sets up the procedural framework between the Planning Commission, Landmarks Preservation Advisory Board, and the Planning Department. The designation, permit review, and appeal processes for Individual Landmarks and Historic Districts are outlined in Article 10. Article 10 has remained largely unchanged since it was enacted; and
2. Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) deals solely with buildings in C-3 zoning districts and was added to the Planning Code in 1985.<sup>1</sup> These buildings are concentrated in downtown San Francisco and are

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<sup>1</sup> Ordinance 414-85, Approved 9/17/85.

either individually classified for significance or are located within Conservation Districts. As with Article 10, it sets up the framework for the designation and permit review processes; and

3. On November 4, 2008, Proposition J was passed by the voters of San Francisco. This proposition amended the Charter of the City and County of San Francisco Section 4.105 (Planning Commission) and added Section 4.135, establishing an independent Historic Preservation Commission. As of December 31, 2008, the Landmarks Preservation Advisory Board ceased to be a city body and the Historic Preservation Commission became effective (once a quorum of Commissioners was sworn in by the Mayor, which occurred on January 14, 2009); and
4. Due to the creation of an independent Historic Preservation Commission, Articles 10 and 11 must be amended to incorporate the new Commission into the review processes of historic preservation planning.
5. **The Commission is recommending the following modifications to the proposed Ordinance as detailed in Attachment A and hereby incorporated into this Resolution.**
6. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

#### **I. COMMERCE & INDUSTRY ELEMENT**

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

#### **GOALS**

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

#### **OBJECTIVE 1**

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

#### **POLICY 1.1**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed Ordinance will establish procedures which will minimize undesirable consequences to historic resources subject to Articles 10 and 11.*

#### **OBJECTIVE 6**

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

**POLICY 6.8**

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

*The proposed Ordinance will preserve historically and architecturally important buildings or groups of buildings in commercial districts.*

**II. URBAN DESIGN ELEMENT**

THE URBAN DESIGN ELEMENT OF THE GENERAL PLAN 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.

**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.

*The proposed Ordinance recognizes that buildings, particularly historic buildings, characterize the city and should be preserved.*

**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.

*The proposed Ordinance will preserve notable landmarks and historic districts and promotes the preservation of older buildings.*

**POLICY 2.5**

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

*The proposed Ordinance sets up procedures that ensures future remodeling of historic structures will enhance the character of the building and/or district.*

POLICY 2.6

Respect the character of older development nearby in the design of new buildings.

*The proposed Ordinance sets up review procedures for the design review and approval of new structures that are located adjacent to historic buildings and neighborhoods.*

POLICY 2.7

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

*The proposed Ordinance will protect and enhance outstanding and unique areas of historic and architectural importance in San Francisco.*

7. The proposed replacement project is 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 allow for the continued presence of neighborhood-serving retail uses while not negatively affecting opportunities for residential employment and ownership of small 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 would allow for the continued presence and economic viability of existing neighborhood establishments while not negatively affecting existing residential development, housing or neighborhood character.*

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

*The proposed Ordinance will have no adverse effect on the City's 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. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

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

*Landmarks and historic buildings would be enhanced and protected by the proposed amendments.*

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

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on April 9, 2009.



Linda Avery  
Commission Secretary

AYES: Chase, Damkroger, Martinez, Hasz

NAYS:

ABSENT:

ADOPTED: April 8<sup>th</sup> 2009

1 [Adopting a new Planning Code Article 10 and Article 11 and adding new Planning Code  
2 Section 176(f).]

3 **Ordinance rescinding Planning Code Article 10 in its entirety, rescinding Planning**  
4 **Code Article 11 in its entirety, and adopting a new Article 10 and a new Article 11 to**  
5 **implement the provisions of new San Francisco Charter Section 4.135; and adding**  
6 **new Planning Code Section 176(f).**

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

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

11 Section 1. Findings.

12 This Board of Supervisors finds that this Ordinance is necessary to implement the  
13 provisions of Section 4.135 of the Charter creating a Historic Preservation Commission  
14 and is consistent with the General Plan and Priority Policies of Section 101.1(b) of the  
15 Planning Code for the reasons set forth in the Planning Commission Resolution No.  
16 \_\_\_\_\_ and incorporates said Resolution herein by reference. A copy of said  
17 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

18 Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
19 Ordinance will serve the public necessity, convenience and welfare for the reasons set  
20 forth in Planning Commission Resolution No. \_\_\_\_\_ and incorporates said  
21 Resolution herein by reference. A copy of said resolution is on file with the Clerk of the  
22 Board of Supervisors in File No. \_\_\_\_\_.

23 Section 2. The San Francisco Planning Code is hereby amended by rescinding  
24 Article 10 in its entirety.

25 **ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
**To BOS File No. 08-1565: 4-8-09**

1 Section 3. The San Francisco Planning Code is hereby amended to add new  
2 Article 10, to read as follows:

3 ARTICLE 10 - HISTORIC PRESERVATION  
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5 SEC. 1001. GENERAL PROVISIONS.

6 1001.1. Findings.

7 1001.2. Purposes.

8 SEC. 1002. HISTORIC PRESERVATION COMMISSION.

9 1002.1. Composition and Qualifications

10 1002.2. Powers and Duties.

11 1002.3. Policies, Rules and Procedures.

12 SEC. 1003. PLANNING DEPARTMENT.

13 1003.1. Planning Department Head and Staff.

14 1003.2. Budget and Fees.

15 1003.3. Historic Preservation Officer.

16 1003.4. Powers and Duties of the Historic Preservation Officer.

17 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES.

18 SEC. 1005. DESIGNATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

19 1005.1. Criteria and Requirements.

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21 (b) Historic Districts.

22 (c) Contributing Resources.

23 (d) Significant Interiors.

24 (e) Noncontiguous Historic District.

25 (f) Designation Case Report.

1005.2. Nominations.

(a) City Commissions and Agencies

(b) Property Owners, Residents and Preservation Organizations.

1005.23. Initiation of Designation.

(a) Board of Supervisors.

(b) Historic Preservation Commission.

1005.3. Nominations.

(a) City Commissions and Agencies

(b) Property Owners, Residents and Preservation Organizations.

1005.4. Protection for Nominated Resources Pending Final Decision.

Protection for Nominated Resources for Which a Resolution of Intent to Designate has  
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(a) Notice of Hearing.

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1 SEC. 1009. APPEALS.

2 1009.1. Right of Appeal.

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4 1009.3. Appeals to the Board of Supervisors.

5 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

6 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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8 SEC. 1013. ENFORCEMENT AND PENALTIES.

9 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

10 1014.1. City-Owned Historic Resources.

11 1014.2. Historic Resources Owned by Other Public Agencies.

12 SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES.

13 1015.1. Comprehensive Survey Program Established.

14 1015.2. Implementation of Comprehensive Survey Program.

15 SEC. 1016. SAN FRANCISCO INVENTORY OF HISTORIC RESOURCES.

16 1016.1 San Francisco Inventory Established.

17 1016.2. Maintenance and Use of San Francisco Inventory.

18 SEC. 1017. PRESERVATION INCENTIVES.

19 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

20 SEC. 1019. SEVERABILITY.

21 Sec. 1001. General Provisions.

22 SEC. 1001.1. Findings.

23 It is hereby found that:

24 (a) Historic resources are important to the City's aesthetic and visual character;

25 (b) Historic buildings make up a major part of the City's existing housing stock, including some of the most affordable housing in the City and preserving historic resources is therefore important to maintaining and protecting against the loss of affordable housing;

(c) Maintaining the City's historic resources is critical to preserving and protecting neighborhood character;

**ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
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1 (d) San Franciscans from diverse cultures and affinity groups value historic  
2 structures and places as important parts of their history and culture;

3 (e d) Preserving and maintaining historic buildings and neighborhoods instead of  
4 demolishing them reduces consumption of scarce resources and is an important part of the City's  
5 efforts to promote sustainable development and combat climate change;

6 (f e) Following the 100-year anniversary of 1906 Earthquake and Fire, it is important to  
7 celebrate and preserve the significant physical reminders of this event of unique historic  
8 significance to San Francisco;

9 (g f) Preservation of San Francisco's historic resources enhances the City's economic,  
10 cultural and aesthetic standing, and its identity, livability, marketability and urban character;

11 (h g) Well-preserved and retained historic resources are essential to maintain and  
12 revitalize the City and stimulate economic activity;

13 (i h) The preservation and continued use of historic resources are effective tools to  
14 sustain and revitalize neighborhoods and business districts within the City, and to promote tourist  
15 trade and interest;

16 (j i) A number of historic resources in the City have been and continue to be  
17 unnecessarily destroyed or impaired, despite the feasibility and desirability of preserving them;

18 (k j) Historic structures, sites and other resources are irreplaceable and must be  
19 protected from deterioration, inappropriate alterations, demolition and damage; and

20 (l k) The prevention of such needless destruction and impairment is essential to the  
21 health, safety and welfare of the general public.

22 SEC. 1001.2. Purposes.

23 It is hereby declared that the purpose of this Article is to promote the health, safety and  
24 welfare of the general public by establishing procedures and providing regulations necessary to:

25 **ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
**To BOS File No. 08-1565: 4-8-09**

1           (a) Recognize that historic resources are important to the City's aesthetic and  
2 visual character;

3           (b) Enhance, perpetuate, and preserve architecturally and historically significant  
4 structures and sites;

5           (c) Celebrate and preserve the significant reminders of the 1906 Earthquake  
6 and Fire;

7           (d) Foster civic pride in the accomplishments of the past by promoting private  
8 stewardship of historic resources that represent these accomplishments;

9           (e) Promote the identification, documentation, and evaluation of the significance  
10 of individual historic resources and districts;

11           (f) Fulfill the City's responsibilities:

12                 (1) As a Certified Local Government under federal historic preservation  
13 laws; and

14                 (2) For Federal Section 106 review under the National Historic  
15 Preservation Act and for the California Environmental Quality Act regarding historic  
16 resources;

17           (g) Recognize the City's historic resources as economic assets, including  
18 commercial, industrial, and residential buildings;

19           (h) Promote public awareness of the value of rehabilitation, restoration, and  
20 maintenance of the existing building stock as a means to conserve reusable material and  
21 energy resources;

22           (i) Encourage and promote the adaptive reuse of the City's historic resources  
23 and promote the revitalization of historic neighborhoods and commercial areas;

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1           (k) Stabilize and improve property values, and enhance the aesthetic and visual  
2 character and environmental amenities of the City's historic properties and areas;

3           (l) Promote the City as a destination for tourists and as a desirable location for  
4 business; and

5           (m) Recognize and protect resources that are deemed of significant importance  
6 to a major or minority group for historical, spiritual, political, national, or other cultural  
7 reasons;

8           (n) To enhance the recognition and appreciation of the way in which the histories of  
9 structures and places tell the stories of the interactions of cultures and competing historical  
10 narratives; and

11           (o) Implement the provisions of the Charter Amendment approved by the voters on  
12 November 4, 2008, creating a Historic Preservation Commission, and to carry out the  
13 historic preservation goals, policies, and programs of the General Plan and the eight  
14 General Plan priority policies set forth in Section 101.1 of the Planning Code.

15           ~~(a) — Protect, enhance, perpetuate and use historic resources that are reminders~~  
16 ~~of past eras, events or persons important in local, state or national history, or which are~~  
17 ~~important elements of social, economic, political or architectural history, or which are~~  
18 ~~unique and irreplaceable assets to the City and its neighborhoods, or which provide for this~~  
19 ~~and future generations examples of the physical and cultural surroundings in which past~~  
20 ~~generations lived, or which may yield archeological information important to understanding~~  
21 ~~our past;~~

22           ~~—— (b) — Preserve a city of varied architectural styles, reflecting the distinct phases of~~  
23 ~~its history: cultural, social, economic, political and architectural;~~

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**ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
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- 1       ~~—— (c) — Preserve and celebrate the physical reminders of the 1906 Earthquake and~~  
2 ~~Fire and the City's rebuilding, which are of unique historic significance to San Francisco;~~  
3       ~~—— (d) — Develop and maintain appropriate settings and environments for historic~~  
4 ~~resources;~~  
5       ~~—— (e) — Protect and enhance the visual and aesthetic character and environmental~~  
6 ~~amenities of the City's historic areas;~~  
7       ~~—— (f) — Recognize the City's historic resources as economic assets necessary to~~  
8 ~~preserve existing housing stock and promote the City's tourist trade and interest;~~  
9       ~~—— (g) — Promote sustainable development, conserving building materials and energy~~  
10 ~~resources and combat climate change by reusing and rehabilitating the City's historic~~  
11 ~~buildings;~~  
12       ~~—— (h) — Foster civic pride in the beauty and accomplishments of the past;~~  
13       ~~—— (i) — Promote the City as a destination for tourists and a place to do business;~~  
14       ~~—— (j) — Enrich human life in its educational and cultural dimensions to serve spiritual~~  
15 ~~as well as material needs, by fostering knowledge of the living heritage of the past; and~~  
16       ~~—— (k) — Implement the provisions of the voter approved Charter Amendment creating~~  
17 ~~a Historic Preservation Commission, and to carry out the historic preservation objectives~~  
18 ~~and policies of the General Plan and Section 101.1 of the Planning Code.~~

19               SEC. 1002. HISTORIC PRESERVATION COMMISSION.

20               SEC. 1002.1. Composition and Qualifications.

21               In accordance with Section 4.135 of the Charter:

22               (a) The Historic Preservation Commission shall consist of seven members nominated by  
23 the Mayor and subject to approval by a majority of the Board of Supervisors. The term and tenure  
24 of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of  
25

**ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
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1 the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of  
2 the original appointments to the Historic Preservation Commission, four shall be for a four-year  
3 term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms  
4 and the even-numbered seats shall be for two-year terms. After the expiration of the original terms,  
5 all appointments shall be for four-year terms, provided however, that a member may holdover until  
6 a successor has been nominated by the Mayor and approved by the Board of Supervisors. There  
7 shall be no limit on the number of terms a member may serve.

8 Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a  
9 qualified person to fill the vacant seat for the term, or the remainder of the term, subject to  
10 approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the  
11 nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of  
12 Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be  
13 made by the President of the Board of Supervisors, subject to the approval of a majority of the  
14 Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors  
15 adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the  
16 nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

17 Members may be removed by the appointing officer only pursuant to Section 15.105 of the  
18 Charter.

19 (b) In addition to the specific requirements set forth below, all members of the Historic  
20 Preservation Commission shall be persons specially qualified by reason of interest, competence,  
21 knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions  
22 of the City, interested in the preservation of its historic structures, sites and areas, and residents of  
23 the City.

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1 (1) Six of the members of the Historic Preservation Commission shall be specifically  
2 qualified in the following fields:

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

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

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

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

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

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

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

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

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

23 (2) Seat 7 shall be an at large seat subject to the specified minimum qualifications for  
24 all members of the Historic Preservation Commission set forth in subsection (b) above.

25  
**ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
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1 of this Code, provided that the Historic Preservation Commission may delegate to the Historic  
2 Preservation Officer certain activities as may be set forth in Article 11;

3 (g) ~~Shall r~~Recommend to the Planning Commission a Preservation Element of the  
4 General Plan, and periodically recommend to the Planning Commission such amendments,  
5 revisions or additions to the Preservation Element that it deems necessary or appropriate to  
6 carrying out the purposes of this Article;

7 (h) ~~Shall p~~Provide comments and recommendations to the Planning Commission on  
8 other objectives, policies, and provisions of the General Plan and special area, neighborhood, and  
9 other plans designed to carry out the General Plan, and proposed amendments thereto, which are  
10 not contained within the Preservation Element but concern historic preservation, and recommend  
11 to the Planning Commission from time to time such amendments, revisions or additions to the  
12 General Plan that it deems necessary or appropriate to carrying out the purposes of this Article.  
13 The Planning Commission shall be required to refer these matters to the Historic Preservation  
14 Commission for comment and recommendations prior to action by the Planning Commission, which  
15 comments and recommendations shall be forwarded to the Board of Supervisors and included in its  
16 file on the matter;

17 (i) ~~Shall p~~Provide written reports to the Board of Supervisors, and to the Planning  
18 Commission if the Planning Commission is required to take any action on the matter, regarding the  
19 effects on historic or cultural resources of the following matters, which shall be required to be  
20 referred to the Historic Preservation Commission for its written report prior to any action by the  
21 Board of Supervisors or Planning Commission: (1) ordinances and resolutions concerning historic  
22 preservation issues and historic resources; (2) redevelopment project plans; and (3) waterfront  
23 land use and project plans;

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1           (j)      Shall r*Recommend to the Planning Commission and Board of Supervisors from time*  
2 *to time such amendments, revisions or additions to Articles 10 and 11 of this Code and to other*  
3 *articles and provisions of the Municipal Code to further the goals of historic preservation when*  
4 *necessary;*

5           (k)      May r*Review and comment on environmental review documents prepared by or on*  
6 *behalf of the City pursuant to the California Environmental Quality Act (CEQA) and the National*  
7 *Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or*  
8 *cultural resources, including ~~without limitation, those documents pertaining to (1) the~~*  
9 *identification of historic resources to which CEQA and NEPA may apply, (2) historic resource*  
10 *reports and surveys prepared in connection with environmental review of projects, (3) the potential*  
11 *impacts of a project upon historic resources, (4) the appropriate level of environmental review*  
12 *to be conducted, and (5) project alternatives or mitigation measures to be considered; and may*  
13 *take testimony on environmental documents, determinations and issues at public hearings*  
14 *held by the Historic Preservation Commission on certificates of appropriateness under this*  
15 *Article and permit review under Article 11;*

16           (l)      Shall a*Act as the City's local preservation review commission for the purposes of*  
17 *the Certified Local Government Program pursuant to the National Historic Preservation Act*  
18 *(NHPA) and carry out the following duties for the City including, without limitation: (1)*  
19 *recommend properties for inclusion in the National Register of Historic Places and review and*  
20 *comment on all National Register nominations; (2) review and comment on federal undertakings*  
21 *and other projects where authorized under the NHPA; (3) review and comment on historic*  
22 *preservation certification applications for federal tax incentives; (4) review and comment on*  
23 *agreements proposed under Section 106 of the NHPA where the City is a signatory prior to any*  
24 *City approval action on such agreement; and (5) review and comment on findings and*  
25

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1 determinations under Section 4(f) of the Department of Transportation Act; and (6) prepare  
2 the annual report of the activities of the City's Historic Preservation Commission;

3 (m) Shall oversee and direct the survey and inventory of historic resources in the City,  
4 and to publicize and periodically update survey results;

5 (n) Shall review and adopt historic context statements for the City's historic resources  
6 to be used for establishing priorities for surveys of the City's historic resources, for evaluating  
7 proposed landmarks and historic districts, and to aid in evaluating environmental impacts to  
8 historic resources from proposed projects;

9 (o) Shall establish and maintain the San Francisco Register of Historic Places  
10 pursuant to Section 1004 of this Article;

11 (p) Shall establish and maintain the San Francisco Inventory of Historic Resources  
12 pursuant to Section 1015 of this Article;

13 (q) Shall develop and implement a program of incentives for preservation of historic  
14 resources, including, but not by limitation, those incentives set forth in Section 1017 of this Article;

15 (r) Shall recommend approval, disapproval, or modification of historical property  
16 contracts under the Mills Act property-tax relief program (California Government Code Section  
17 50280 et seq.) to the Board of Supervisors, without referral to or recommendation of the  
18 Planning Commission, and develop and implement criteria for selecting eligible properties;

19 (s) Develop and implement procedures for rendering advice and guidance to  
20 project sponsors and property owners on appropriate restoration, rehabilitation,  
21 landscaping, repair and maintenance of historic resources, and on the availability of the  
22 State Historic Building Code and other historic preservation incentives, and maintain an  
23 Architectural Review Committee of the Historic Preservation Commission to review  
24 projects and provide such advice and guidance to project sponsors and owners as early as  
25

**ATTACHMENT A: HISTORIC PRESERVATION COMMISSION PROPOSED MODIFICATIONS**  
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1 possible in project design; May develop and implement procedures for reviewing projects  
2 and provide guidance to the public on the appropriate preservation, restoration,  
3 rehabilitation, repair and maintenance of historic resources, and on the availability of the  
4 State Historic Building Code and other preservation incentives;

5 \_\_\_\_\_(t)—— Develop design guidelines for the preservation, alteration, construction,  
6 demolition or relocation of historic resources, including new construction, located within  
7 historic districts, Conservation Districts, National Register Districts, areas identified by  
8 surveys as eligible historic districts, residential character districts or any other identified  
9 areas of the City containing historic resources;

10 (u)—— Establish and recommend to the Board of Supervisors such additional  
11 controls and standards, as it may deem necessary or desirable to protect and maintain the  
12 integrity of historic districts, including, without limitation, setback, height and bulk controls  
13 for proposed additions and new construction within the boundaries of historic districts and  
14 Conservation Districts;

15 \_\_\_\_\_(t ✕) Shall eEngage outside experts for technical advice when such expertise is  
16 unavailable from members of the Historic Preservation Commission or Planning Department staff  
17 and, in order to cover the City's cost to obtain this technical expertise, require project  
18 sponsors to provide the required funds that may be necessary to review the project  
19 application;

20 \_\_\_\_\_(u ✕) Shall rReview projects to alter or demolish buildings listed individually or included  
21 in a district listed on the National Register of Historic Places or the California Register of Historic  
22 Places;

23 \_\_\_\_\_(v ✕) Shall aAssign, at in its discretion, duties for the administration of this Article to the  
24 Planning Department or Historic Preservation Officer; and

25  
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1 (w y) To the extent that any of the powers given to the Historic Preservation Commission  
2 by the Charter or this Article may conflict with any plan or policy of the City or other provisions  
3 of the Municipal Code, the powers given to the Historic Preservation Commission shall govern and  
4 control as to all matters affecting historic resources.

5 SEC. 1002.3. Policies, Rules and Procedures.

6 The Historic Preservation Commission shall:

7 (a) Elect a President, Vice President and such other Officers, as it may deem  
8 appropriate from among its members; annually during the first quarter of the calendar year;

9 (b) Establish such committees and maintain such policies, rules and procedures,  
10 consistent with Section 4.135 of the Charter, this Article and with Article 11 of this Code, as it  
11 deems necessary and appropriate to administer and its powers and duties; and

12 (c) Maintain written minutes and records of all meetings, including attendance,  
13 resolutions, motions, findings, determinations and decisions made pursuant to Article 10 and  
14 Article 11 of this Code, which shall be public records and shall be available to the public on the  
15 Planning Department's web site.

16 SEC. 1003. PLANNING DEPARTMENT.

17 SEC. 1003.1. Planning Department Head and Staff.

18 The Director of the Planning Department (herein after "Planning Director") shall assume  
19 the powers and duties that would otherwise be executed by a Historic Preservation Commission  
20 department head. The Planning Department shall provide professionally trained preservation staff  
21 to assist the Historic Preservation Commission in carrying out its duties and responsibilities. The  
22 Director shall designate the Historic Preservation Officer in accordance with the  
23 qualifications and procedures outlined in Section 1003.3, and the Historic Preservation

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1 Commission Secretary, consistent with the rules and regulations of civil service in the  
2 CCSF.

3 SEC. 1003.2. Budget and Fees.

4 The Historic Preservation Commission shall have the authority to review and make  
5 recommendations on the Planning Department budget and on any rates, fees, and similar charges  
6 with respect to appropriate items coming within the Historic Preservation Commission's  
7 jurisdiction to the Director of the Planning Department or the Planning Commission.

8 SEC. 1003.3. Historic Preservation Officer.

9 The Historic Preservation Officer shall report directly to the Planning Director and  
10 shall oversee the professional preservation staff and administer the City's historic  
11 preservation program.

12 ~~(a) — The duties of the Planning Department to provide professionally trained~~  
13 ~~preservation staff assistance to the Historic Preservation Commission shall be~~  
14 ~~administered by a Historic Preservation Officer who shall report directly to the Director of~~  
15 ~~the Planning Department.~~

16 ~~(a)~~ The Historic Preservation Officer shall be chosen by the Planning Director, in  
17 consultation with the Historic Preservation Commission, selected on the basis of  
18 administrative and technical qualifications with specific regard for professional experience,  
19 academic training, and knowledge in historic preservation planning, preservation architecture  
20 and/or architectural history, meeting, at a minimum, the Secretary of the Interior's Professional  
21 Qualification Standards, including the June 20, 1997, Proposed Renaming and Revisions to "The  
22 Secretary of the Interior's Professional Qualification Standards," and/or land use and community  
23 planning, and shall in addition have experience in the field in a supervisory position.

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1       (b-e) The Historic Preservation Officer shall be chosen by the Director of the Planning  
2 Director. Department Prior to selection of the Historic Preservation Officer, the Planning  
3 Director will provide from a list of three (3) qualified candidates to the Historic Preservation  
4 Commission, which will review and comment on the candidates, submitted to the Director  
5 by the Historic Preservation Commission. The Historic Preservation Commission may  
6 solicit candidates from outside of the Planning Department, consistent with the City's hiring  
7 requirements and procedures.

8       (c) The Historic Preservation Officer shall be required to protect the interests of  
9 historic preservation through the environmental review and development process and  
10 when representing the Department in planning matters.

11       SEC. 1003.4. Powers and Duties of the Historic Preservation Officer.

12 The Historic Preservation Officer shall perform the duties set forth in this Section and elsewhere in  
13 this Article:

14       (a) Oversee the preservation planning staff, and any interns, consultants or volunteers  
15 affiliated with the City's historic preservation program;

16       (b) Review and/or prepare designation case reports, make preliminary determinations  
17 of eligibility, and make recommendations to the Historic Preservation Commission regarding  
18 nominations of landmarks, historic districts and contributing resources under this Article, and  
19 regarding nominations of Significant and Contributory buildings and Conservation Districts under  
20 Article 11 of this Code;

21       (c) Provide as early as possible to project applicants and property owners (i)  
22 preliminary review of proposed projects that may affect historic resources, (ii) advice and guidance  
23 on appropriate restoration, rehabilitation, alteration, landscaping, repair and maintenance of  
24 historic resources, and (iii) information on the availability of the State Historic Building Code and  
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1 other historic preservation incentives; and schedule proposed projects for ~~advice, guidance, and~~  
2 review by the Historic Preservation Commission's ~~Architectural Review Committee~~ as may be  
3 necessary and appropriate;

4 (d) Review and evaluate permit applications to determine whether an application for a  
5 Certificate of Appropriateness is required under the provisions of this Article;

6 (e) Review and evaluate Certificate of Appropriateness applications for compliance with  
7 this Article and prepare written evaluations and recommendations to the Historic Preservation  
8 Commission as required under the provisions of this Article;

9 (f) Review and evaluate permit applications under Article 11 of this Code to determine  
10 whether a proposed alteration to a Significant or Contributory building, or to a building in any  
11 Conservation District is a Major or Minor Alteration and prepare written evaluations and  
12 recommendations to the Historic Preservation Commission;

13 (g) Review and evaluate applications for permits to alter, or demolish, Significant and  
14 Contributory buildings or buildings in any Conservation Districts under Article 11 of this Code and  
15 prepare written evaluations and recommendations to the Historic Preservation Commission;

16 (h) Oversee and manage the City's ongoing comprehensive survey of the historic  
17 resources;

18 (i) Insure that the San Francisco Register of Historic Resources is maintained and  
19 updated pursuant to Section 1004 of this Article and that the San Francisco Inventory of Historic  
20 Resources is maintained and updated pursuant to Section 1016 of this Article, and make available  
21 to the public and to all City departments for use in reviewing project applications and activities;

22 (j) Review and make recommendations to the Historic Preservation Commission on the  
23 Preservation Element of the General Plan, and on other proposed objectives, policies and  
24 provisions of the General Plan, special area and neighborhood plans, redevelopment plans,

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1 waterfront land use plans, project plans, and other plans, ordinances and resolutions, policies,  
2 issues and activities that may affect historic resources;

3 (k) Represent the Historic Preservation Commission in communications of its testimony,  
4 comments, recommendations and policies to officials, departments, agencies, boards and  
5 commissions of the City, state and federal governments, and prepare any appeals that may be  
6 filed by the Historic Preservation Commission to appropriate City officials, commissions,  
7 boards, departments, or agencies, and represent the Historic Preservation Commission at  
8 hearings on such appeals;

9 (l) Periodically review the effectiveness and workability of the provisions of Articles 10  
10 and 11 of this Code and make recommendations to the Historic Preservation Commission as to any  
11 refinements or changes that may be appropriate to improve such provisions and compliance  
12 therewith;

13 (m) Assist the Historic Preservation Commission in carrying out the City's duties and  
14 responsibilities as a Certified Local Government;

15 (n) Work with the Zoning Administrator to 1) monitor and oversee compliance with  
16 the provisions and conditions of all Certificates of Appropriateness and provisions of this Article,  
17 consistent with Article 1.7 of this Code, 2) monitor and oversee compliance with the  
18 provisions and conditions of all Permits to Alter and the provisions of Article 11 consistent  
19 with Article 1.7 of this Code, 3) review all work performed under a Certificates of  
20 Appropriateness, 4) review all work performed under a Permit to Alter and to promptly report  
21 any violations to the Historic Preservation Commission and to the ~~Director of Planning~~ Director,  
22 Director of Building Inspection and other appropriate City officials, commissions, boards,  
23 departments or agencies and work with the Zoning Administrator and all other appropriate  
24 parties to correct such violations pursuant to all applicable enforcement procedures; and  
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1 recommend and prepare appeals that may be filed by the Historic Preservation  
2 Commission to any appropriate City officials, commissions, boards, departments or  
3 agencies, and represent the Historic Preservation Commission at hearings on such  
4 appeals; *and*

5 \_\_\_\_\_ (o) To perform any other duties assigned to the Historic Preservation Officer by the  
6 Historic Preservation Commission or as otherwise provided for in this Article 10 or Article 11.

7 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES

8 The San Francisco Register of Historic Resources (hereinafter "The San Francisco  
9 Register") shall be the official list of all buildings, structures, objects, sites, and districts  
10 worthy of preservation because of their significance to San Francisco's history,  
11 architecture, archaeology, engineering, or culture. The San Francisco Register shall  
12 consist of the following:

13 (a) The ordinances designating landmarks, historic districts and contributing resources  
14 within historic districts under this Article, and the ordinances designating Significant and  
15 Contributory buildings and Conservation Districts under Article 11 of this Code shall be  
16 known, collectively, as the San Francisco Register of Historic Resources (hereinafter  
17 referred to as the "San Francisco Register"). Individual landmarks and individual historic  
18 districts designated pursuant to Article 10 of this Code, all buildings that are rated  
19 Significant and Contributory (Categories I, II, III, and IV), and individual conservation  
20 districts designated pursuant to Article 11 of this Code. Buildings that have been identified  
21 as non-contributing or vacant sites are not included in the San Francisco Register.

22 (b) Pursuant to the criteria and procedures set forth in this Section, the Board of  
23 Supervisors may, by ordinance, designate landmarks, historic districts and contributing resources,  
24 and significant interiors.

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1 (c) Pursuant to the criteria and procedures set forth in Article 11 of this Code, the  
2 Board of Supervisors may, by ordinance, designate Significant and Contributory buildings and  
3 Conservation Districts.

4 (d) The San Francisco Register, as it is amended from time to time, shall be published in  
5 the Planning Code as appendices to Article 10 and 11, and shall be incorporated into the records  
6 and electronic database of the Planning Department and the Building Department.

7 (e) The original San Francisco Register and all subsequent amendments, inclusions, or  
8 deletions thereto shall be on file with the Clerk of the Board of Supervisors and the Historic  
9 Preservation Officer.

10 (f) The Clerk of the Board of Supervisors shall deliver a copy of the San Francisco  
11 Register, and all subsequent amendments, inclusions, or deletions thereto, to the City Attorney, the  
12 Planning Director the Central Permit Bureau, the Director of the Department of Building  
13 Inspection, the Environmental Review Officer, the Zoning Administrator, the Director of the  
14 Redevelopment Agency, the Director of the Port of San Francisco, the Director of the Department  
15 of Real Estate for inclusion in the City's Geographic Information Systems (GIS), and the Manager  
16 of the San Francisco Main Library History Room. All City agencies and departments shall be  
17 charged with notice of the San Francisco Register whether or not the Clerk delivers a copy to them.

18 (g) The Historic Preservation Officer shall insure that the San Francisco Register is  
19 maintained and updated by the Clerk of the Board of Supervisors, and that, upon each subsequent  
20 amendment, inclusion or deletion: (i) the Planning Code is promptly updated; (ii) the change is  
21 incorporated into the records and electronic database of the Planning and Building Departments;  
22 (iii) the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or  
23 deletions to all of the City officials and departments listed in subsection 1004(f), above; and (iv)  
24 notices of all listings on the San Francisco Register are properly and promptly recorded by the  
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1 Assessor/Recorder in the official property records of the City. The Historic Preservation Officer  
2 shall make the San Francisco Register available to the public and for use by all City agencies and  
3 departments in reviewing project applications and activities by publishing the San Francisco  
4 Register on the Planning Department’s web site and maintaining a copy in the Planning  
5 Department.

6 (h) All individual landmarks and historic districts designated pursuant to Article  
7 10 of this Code, all Significant and Contributory buildings and conservation districts  
8 designated pursuant to Article 11 landmarks, historic districts, Significant and Contributory  
9 buildings and Conservation Districts designated as of the date of enactment of this Article,  
10 including all designating ordinances and case reports, are hereby included on the San Francisco  
11 Register and shall be subject to the restrictions and conditions applicable to such designated  
12 resources. All compatible, potentially compatible, contributory or contributory altered resources  
13 within historic districts designated as of the date of enactment of this Article are hereby designated  
14 as “contributing resources” on the San Francisco Register, and shall be subject to the restrictions  
15 and conditions applicable to contributing resources contained in this Article.

16 \_\_\_\_\_  
17 SEC. 1005. DESIGNATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

18 SEC. 1005.1. Criteria and Requirements. The criteria and requirements for placement on,  
19 or deletion from, the San Francisco Register as a landmark, historic district, contributing resource  
20 or significant interior are as follows:

21 (a) Landmarks. A nominated individual historic resource or an integrated group of  
22 historic resources on a single lot or site Assessor’s lot, including appurtenances and  
23 environmental setting, may shall be added to the San Francisco Register as a landmark if the

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1 Board of Supervisors finds, after holding the hearing(s) required by this Article, that the  
2 requirements set forth below are satisfied:

3 (1) The designation of the nominated historic resource as a landmark is  
4 reasonable, appropriate and necessary to protect, promote, and further the goals and  
5 purposes of this Article and the goals and policies of the General Plan.

6 (2) Significance. The nominated historic resource must be significant under meets  
7 one or more of the following criteria:

8 (i) Significant ~~Historic~~ Event. It is associated with events that have made a significant  
9 contribution to the broad patterns of San Francisco, regional, state or national history, or the  
10 cultural heritage of San Francisco, the state or the nation, or it is the site of a significant historic  
11 event; or

12 (ii) Significant Person. It is associated with a person or persons who significantly  
13 contributed to the architectural, cultural, economic, historic, social, of other aspect of the  
14 development of San Francisco, the region, the state or the nation; or

15 (iii) Significant ~~Important~~ Architecture. It embodies the distinctive characteristics of a  
16 ~~property~~ type, architectural style, period or method of construction important to San Francisco, the  
17 region, the state or the nation; or

18 (iv) Significant ~~Important~~ Architect. It represents the work of an architect, designer,  
19 engineer or builder whose work is important to ~~in~~ the history or development of San Francisco, the  
20 region, the state or the nation; or

21 (v) Significant To San Francisco's ~~Important~~ Part of City's Heritage. It possesses  
22 a special character or special historical, architectural, cultural, economic, social or other aspect of  
23 the heritage of or aesthetic value significant to San Francisco the state or the nation; or

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1 ~~(vi)~~ Unique Visual Feature. Its unique location or distinctive physical appearance  
2 or presence, or its aesthetic interest or value, represents an established and visual feature  
3 of a neighborhood, community, or the City of San Francisco; or

4 ~~(vi vii)~~ Significant in Prehistory. It has yielded, or may be likely to yield, information  
5 important locally in prehistory or history or important in prehistory or history of the region, state  
6 or nation.

7 ~~(3 2)~~ Integrity. Integrity is the authenticity of a historic resource's physical identity  
8 evidenced by the survival of characteristics that existed during the resource's period of  
9 significance. Nominated historic resources must meet one of the criteria for significance  
10 described above and retain enough of their historic character or appearance to be  
11 recognizable as historical resources and to convey their reason for their significance. A  
12 The-nominated historic resource must have ~~has~~ integrity of location, design, setting, materials,  
13 workmanship, feeling or association. Integrity shall be evaluated with reference to the particular  
14 criterion or criteria specified in (1) above under which the nominated historic resource is proposed  
15 for designation.

16 ~~(4)~~ Additional Factors to be Considered: In determining whether to place a nominated  
17 historic resource on the San Francisco Register as a landmark, the following factors shall ~~may~~ be  
18 considered:

19 ~~(i)~~ The nominated resource must retain enough of its historic character or  
20 appearance to be recognizable as historic resource and to convey the reasons for its  
21 significance.

22 ~~(i ii)~~ Resources that have been rehabilitated or restored in a manner consistent with  
23 the Secretary of the Interior's Standards may be evaluated for listing.

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1 (ii ~~iii~~) A moved building, structure or object that is otherwise eligible may be listed on the  
2 San Francisco Register if it was moved to prevent its demolition at its former location and if the  
3 new location is compatible with the original character and use of the historic resource. An historic  
4 resource should retain its historic features and compatibility in orientation, setting, and general  
5 environment.

6 (iii ~~iv~~) A birthplace or grave is eligible if it is that of a historical figure of outstanding  
7 importance and there is no other appropriate site or structure directly associated with his or her  
8 productive life.

9 (iv ~~v~~) A reconstructed building is eligible if the reconstruction is historically accurate, if  
10 the structure is presented in a dignified manner as a part of a restoration plan, and if no other  
11 original structure survives that has the same association.

12 (v ~~vi~~) Properties that are primarily commemorative in intent are eligible if design, age,  
13 tradition, or symbolic value invest such properties with their own historical significance.

14 (vii) A structure may be eligible as a landmark based on its unique location or  
15 distinctive physical appearance or presence, or its aesthetic interest or value, or its value  
16 to a neighborhood, community, or San Francisco.

17 (vi ~~viii~~) A structure may eligible as a landmark if it embodies characteristics of an  
18 architectural style or theme distinctive to San Francisco, such as, for example, Victorian, Classical  
19 Revival or Art Deco styles, Earthquake Shacks or Earthquake survivors, even if it may not be  
20 eligible for listing on the California Register or the National Register.

21 (vii ~~ix~~) A resource achieving significance within the past fifty (50) years is eligible if it can  
22 be demonstrated that sufficient time has passed to understand its importance under the criteria  
23 under this Article for placing a resource on the San Francisco Register as a landmark.

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1 (viii) Appurtenances and environmental setting. Scenic and aesthetic conditions,  
2 landscapes and landscape features, including without limitation, gardens, squares, walkways,  
3 walls, stairs, gateways, trees and other vegetation, rocks, cliffs and other open space features  
4 located on the landmark site, which relate historically and/or physically and/or visually to its  
5 setting, should be included in the landmark designation as a protected feature of the landmark if  
6 they relate historically and physically and/or visually to its setting.

7 (b) Historic Districts. Historic districts are unified geographic entities which  
8 contain a concentration of historic buildings, structures, or sites united historically,  
9 culturally, or architecturally and ~~A nominated geographic area which contains a number of~~  
10 ~~historic resources, including contributing resources, appurtenances and environmental~~  
11 ~~setting, may shall be added to the San Francisco Register as a historic district if the Board of~~  
12 ~~Supervisors finds, after holding the hearing(s) required by this Article, that the requirements set~~  
13 ~~forth below are satisfied:~~

14 (1) The designation of the geographic area as a historic district is reasonable,  
15 appropriate and necessary to protect, promote, and further the goals and purposes of this  
16 Article and the goals and policies of the General Plan.

17 (2) The nominated historic district is defined by precise geographic boundaries  
18 The area is a geographically definable area.

19 (3) Significance. The nominated historic district shall meet at least one or more  
20 of the following criteria ~~The area possesses one or more of the following:~~

21 (i) A concentration or continuity of historic resources unified aesthetically by plan,  
22 physical development or architectural style, having a special character, historical interest or  
23 aesthetic value; or

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1 (ii) A concentration or continuity of historic resources unified by archeological  
2 significance; or

3 (iii) A concentration or continuity of historic resources which represents one or more  
4 architectural periods or styles typical of the history of San Francisco; or

5 (iv) An association with an event, person, or period significant~~ce~~ or important to San  
6 Francisco history.

7 (4 3) Integrity. Integrity is the authenticity of a historic resource's physical identity  
8 evidenced by the survival of characteristics that existed during the resource's period of  
9 significance. A nominated historic district shall meet one of the criteria for significance  
10 described above and retain enough historic character or appearance to be recognizable as  
11 historical resources and to convey their reason for their significance. A ~~The-nominated~~  
12 historic district resource shall have ~~has~~ integrity of location, design, setting, materials,  
13 workmanship, feeling or association. Integrity shall be evaluated with reference to the particular  
14 criterion or criteria specified in (3 4) above under which the nominated historic resource is  
15 proposed for designation.

16 (5 4) Additional Factors to be Considered for Historic Districts: In determining whether  
17 to place a geographic area on the San Francisco Register as a historic district, the following  
18 factors ~~shall~~ may be considered:

19 (i) A historic district should have integrity of design, setting, materials,  
20 workmanship, feeling, location or association.

21 (i ii) The collective historic value of the buildings and structures and other historic  
22 resources in a historic district taken together may be greater than the historic value of each  
23 individual building, structure, or other historic resource.

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1 (ii) (iii) A historic district may be eligible if the historic resources within the geographic  
2 area embody an architectural style, or theme distinctive to San Francisco such as, for example, an  
3 area with a concentration of Victorian, Classical Revival or Art Deco styles, even if the district may  
4 not be eligible for listing as a district on the California Register or National Register.

5 (iii) A group or multiple number of historic resources in a noncontiguous area  
6 may be eligible as a historic district if they are unified by a common theme or time period,  
7 and otherwise meet the criteria described in Section 1005.1(b) above.

8 (c) Contributing Resources in Historic Districts. Each nomination for a historic  
9 district shall include a description of the individual resources contributing to the historic district,  
10 including scenic and aesthetic features, landscapes and landscape features, which shall be added to  
11 the San Francisco Register as contributing resources if the Board of Supervisors finds, after  
12 holding the hearing(s) required by this Article, that the requirements set forth below are  
13 reasonably satisfied:

14 (1) The contributing resource is located within a historic district;

15 (2) The contributing resource either embodies the significant features and  
16 characteristics of the historic district or adds to the historical associations, architectural style,  
17 special character or aesthetic qualities of the historic district, or to the archaeological values  
18 identified for the historic district;

19 (3) The contributing resource was present during the period of historical significance of  
20 the historic district and relates to the significance of the historic district;

21 (4) The contributing resource either possesses integrity of location, design, setting,  
22 materials, workmanship, feeling and/or association, or is capable of yielding important  
23 information about the period of historical significance of the historic district. Integrity shall be  
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1 evaluated with reference to the particular criterion or criteria under which the nominated historic  
2 district is proposed for designation; and

3 (5) Individual buildings may be eligible as a contributing resource even if  
4 alterations have occurred over time, so long as they retain enough of their historic  
5 character or appearance to be recognizable as historic resources and convey the reason  
6 for their value to the district. As to such resources, the designating ordinance shall require  
7 that any changes would make the resource more compatible with the historic district.

8 (56) The designation of the resource as a contributing resource to the historic district is  
9 reasonable, appropriate and necessary to protect, promote and further the goals and purposes of  
10 this Article.

11 (6) Additional Factors to be Considered for Contributory Resources in Historic  
12 Districts: In determining whether an individual building, structure, object, or an appurtenance  
13 or environmental setting resources contributes to the historic district, the following factors shall  
14 may be considered:

15 (i) The contextual value of individual buildings and structures as contributors to the  
16 scale and continuity of their streetscape within the nominated historic district.

17 (ii) Individual buildings may be eligible as a contributing resource even if  
18 alterations have occurred over time, so long as they retain enough of their historic  
19 character or appearance to be recognizable as historic resources and convey the reason  
20 for their value to the district. As to such resources, the designating ordinance shall require  
21 that any changes would make the resource more compatible with the historic district.

22 (iii) Appurtenances and environmental setting. Scenic and aesthetic conditions,  
23 landscapes and landscape features, including without limitation, gardens, squares, walkways,  
24 walls, stairs, gateways, trees and other vegetation, rocks, cliffs and other open space features

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1 located within the boundaries of the historic district may be eligible as contributing resources  
2 and shall be designated as such, if they relate historically and physically and/or visually to its  
3 setting.

4 (d) Significant Interiors. The interior of a landmark or contributing resource within a  
5 historic district may be designated as a significant interior and listed in the designating ordinance  
6 as a protected feature of the landmark or contributing resource if:

7 (1) The Board of Supervisors finds that the interior is a unique or exceptional  
8 representation of the qualities that give the landmark or historic district cultural, historic or  
9 architectural significance as embodied in the criteria for designating the landmark or historic  
10 district, and the interior has a high degree of integrity in interior architectural design; and

11 (2) The landmark or contributing resource is either publicly owned or generally  
12 accessible to the public, or historically has been accessible to members of the public.

13 ~~(3) The interiors of all publicly owned landmarks and contributing resources that are~~  
14 ~~subject to review as of the date of enactment of this Article are hereby designated as~~  
15 ~~“significant interiors” and shall be subject to the restrictions and conditions applicable to~~  
16 ~~significant interiors under this Article.~~

17 (e) Noncontiguous Historic District. A group, or multiple number of historic resources  
18 that may not be located in a geographically definable area, but are unified by a common theme or  
19 time period, and otherwise meet the criteria described in Section 1005.1(b), may be designated by  
20 the Board of Supervisors as a historic district. Examples include, without limitation, a group of  
21 Earthquake shacks, Earthquake survivors, or multiple locations associated with gay history or the  
22 Beat Period of San Francisco.

23 (f) Designation Case Report. The Historic Preservation Commission shall prescribe  
24 the form and information required to be included in a designation case report consistent with the

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1 criteria and requirements for placement on the San Francisco Register as set forth in this Section  
2 1005.1.

3 SEC. 1005.2. NOMINATIONS.

4 Nomination applications for placement of historic resources on the San Francisco  
5 Register as landmarks, historic districts and contributing resources may be submitted by  
6 any commission or agency of the City, or by property owners, residents and preservation  
7 organizations pursuant to the procedures set forth in this Section 1005.2; provided,  
8 however, that the Planning Department may establish a nomination fee in an amount  
9 necessary to recover the cost of processing such nominations, and provided, further, that  
10 the Historic Preservation Commission may establish such additional procedures, or  
11 requirements as it may determine necessary or appropriate.

12 (a) City Commissions and Agencies.

13 (1) Any commission or agency of the City, including without limitation, the Arts  
14 Commission, Planning Commission, Recreation and Parks Commission, Port Commission,  
15 Public Utilities Commission, Redevelopment Agency Commission or Building Inspection  
16 Commission, may nominate historic resources for placement on the San Francisco  
17 Register as landmarks, historic districts and contributing resources by adopting a  
18 resolution containing a nomination application, which shall identify the nominated historic  
19 resource, and transmitting the resolution to the Historic Preservation Commission, together  
20 with a draft designation case report prepared in support of such nomination.

21 (2) The commission or agency nominating the historic resource shall be  
22 responsible for causing the preparation of the required draft designation case report, which  
23 can be prepared (i) by its staff or volunteers, (ii) by obtaining the services of an outside

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1 consultant, or (iii) by the Planning Department staff, subject to reimbursement of the  
2 Planning Department for the cost of preparing the report on its behalf.

3 (3) Upon receipt of the resolution nominating the historic resource for placement  
4 on the San Francisco Register, the Historic Preservation Officer shall immediately transmit  
5 a copy of the resolution to the Clerk of the Board of Supervisors.

6 (4) The Historic Preservation Officer shall promptly review the designation case  
7 report for adequacy and completeness and shall, within thirty (30) days of receipt, notify  
8 the nominating commission or agency of his or her determination of completeness,  
9 including the specific reasons for any determination of inadequacy or incompleteness.

10 (5) If the Historic Preservation Officer has determined and notified the  
11 nominating commission or agency that the supporting designation case report is  
12 inadequate or incomplete, the Historic Preservation Officer shall assist the commission or  
13 agency to revise the designation case report within (60) days of said notification to address  
14 the inadequacy or incompleteness of the case report.

15 (6) As soon as the Historic Preservation Officer has determined that the  
16 nomination application and draft designation case report are adequate and complete, the  
17 Historic Preservation Officer shall schedule a public hearing before the Historic  
18 Preservation Commission pursuant to the provisions of Section 1005.5 of this Article to  
19 consider a resolution of intent to designate.

20 (b) Property Owners, Residents and Preservation Organizations.

21 (1) Nomination applications to the Historic Preservation Commission for placing  
22 historic resources on the San Francisco Register may be made by property owners,  
23 residents and preservation organizations as follows:

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1 (i) Landmark. In the case of a proposal for the nomination of a landmark, either  
2 the owner(s), an organization which has historic preservation as a stated goal in its by-  
3 laws or articles of incorporation, or at least fifty (50) residents of the City may request the  
4 designation of a historic resource as a landmark by submitting a nomination application, on  
5 a form prescribed by the Historic Preservation Commission, to the Historic Preservation  
6 Officer, together with an adequate and complete draft designation case report.

7 (ii) Historic District and Contributing Resources. In the case of a proposal for  
8 the nomination of a historic district, either one-third (1/3) of the owners within the proposed  
9 district, an organization which has historic preservation as a stated goal in its by-laws or  
10 articles of incorporation, or at least one hundred fifty (150) residents of the City may  
11 request the designation of an area as a historic district by submitting a nomination  
12 application, on a form prescribed by the Historic Preservation Commission, to the Historic  
13 Preservation Officer, together with an adequate and complete draft designation case  
14 report.

15 (2) The Historic Preservation Officer shall promptly review the nomination  
16 application and supporting draft designation case report for adequacy and completeness  
17 and shall, within thirty (30) days of receipt, notify the nominating party or parties of his or  
18 her determination of adequacy, including the specific reasons for any determination of  
19 inadequacy or incompleteness.

20 (3) As soon as the Historic Preservation Officer has determined that an  
21 application and supporting designation case report are adequate and complete, the  
22 Historic Preservation Officer shall schedule a public hearing before the Historic  
23 Preservation Commission pursuant to the provisions of Section 1005.5 of this Article to  
24 consider a resolution of intent to designate.

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1 (4) If the Historic Preservation Officer has determined and notified the  
2 nominating party or parties that a nomination application and/or supporting draft  
3 designation case report are inadequate or incomplete, and the nominating party or parties  
4 submits, within sixty (60) days of notification, a revised nomination application and/or draft  
5 designation case report that reasonably addresses the inadequacy or incompleteness of  
6 the original application and case report, the Historic Preservation Officer shall notify the  
7 Central Permit Bureau of the nomination application and schedule a public hearing before  
8 the Historic Preservation Commission as provided in Section 1005.3(b)(3) above. If the  
9 nominating party or parties fail to submit a revised nomination application and draft  
10 designation case report that reasonably addresses the inadequacy or incompleteness of  
11 which they were notified within the said time period, the Historic Preservation Officer will  
12 not be required to schedule the nomination application before the Historic Preservation  
13 Commission. The foregoing notwithstanding, the Historic Preservation Officer may, in his  
14 or her discretion, or at the direction of the Historic Preservation Commission, complete or  
15 cause to be completed the draft designation case report.

16 SEC. 1005.2-3. INITIATION OF DESIGNATION.

17 The Board of Supervisors and the Historic Preservation Commission shall each have the  
18 authority to initiate designation of historic resources for placement on the San Francisco Register  
19 as landmarks, historic districts and contributing resources, or expansion or modification of the  
20 boundaries of a historic district, by adoption of a resolution of intent to designate. The procedures  
21 and requirements for the initiation of designations shall be as follows:

22 (a) Board of Supervisors.

23 (1) The Board of Supervisors may initiate a designation by adopting a resolution of  
24 intent to designate, which shall identify the nominated historic resource and shall direct the  
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1 Historic Preservation Commission to hold a public hearing to consider the proposed designation.  
2 The ~~initiating resolution~~ resolution of intent to designate will be transmitted by the Clerk of the  
3 Board of Supervisors to the Historic Preservation Commission together with a ~~draft~~ designation  
4 case report ~~if one has been prepared~~ in support of the proposed designation.

5 (2) Upon receipt of the resolution of intent to designate from the Clerk of the Board of  
6 Supervisors, the Historic Preservation Officer shall immediately transmit a copy of the Board of  
7 Supervisor's ~~initiating~~ resolution of intent to designate to the Central Permit Bureau.

8 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to  
9 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing  
10 shall be held within sixty (60) days following the adoption by the Board of Supervisors of the  
11 ~~initiating resolution~~ resolution of intent to designate; provided that if no designation case  
12 report was prepared in support of the proposed designation, or if the ~~draft~~ designation case  
13 report is determined by the Historic Preservation Officer to be inadequate or incomplete, the  
14 Historic Preservation Officer may request that the hearing be delayed by up to sixty (60) days, as  
15 necessary to prepare or cause to be prepared a complete and adequate ~~draft~~ designation case  
16 report.

17 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the  
18 proposed designation within one hundred ~~twenty-eighty~~ (120-180) days of adoption by the Board  
19 of Supervisors of the ~~initiating~~ resolution of intent to designate, the Board of Supervisors may, in  
20 its discretion, schedule a Board of Supervisor's hearing on the proposed designation, in which  
21 event, the failure of the Historic Preservation Commission to act within one hundred ~~twenty-eighty~~  
22 (120-180) days of the adoption of the initiating resolution shall not prevent the Board of  
23 Supervisors from approving the nomination.

24 (b) Historic Preservation Commission.  
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1 (1) The Historic Preservation Commission may, upon its own initiative or in response to  
2 a recommendation of the Historic Preservation Officer or a nomination ~~application~~ made pursuant  
3 to Section 1005.2 ~~3~~, initiate a designation by adopting a resolution of intent to designate, which  
4 shall identify the nominated historic resource and, set the time and place for a public hearing to  
5 consider the proposed designation, which hearing shall be held by the Historic Preservation  
6 Commission within sixty (60) days of the adoption of its resolution of intent to designate.

7 (2) The Historic Preservation Officer shall immediately transmit a copy of the Historic  
8 Preservation Commission's ~~initiating~~ resolution of intent to designate to the Central Permit  
9 Bureau and to the Clerk of the Board of Supervisors.

10 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to  
11 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing  
12 shall be held within sixty (60) days following the adoption by the Historic Preservation Commission  
13 of the ~~initiating~~ resolution of intent to designate; provided that if ~~if~~, for any reason, no  
14 designation case report was prepared in support of such nomination prior to the Historic  
15 Preservation Commission's adoption of the resolution of intent, or if the ~~draft~~ designation  
16 case report is determined by the Historic Preservation Officer to be inadequate or incomplete, the  
17 Historic Preservation Officer may request that the hearing be delayed by up to sixty (60) days, as  
18 necessary to prepare or cause to be prepared a complete and adequate ~~draft~~ designation case  
19 report.

20 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the  
21 proposed designation within one hundred ~~twenty eighty~~ (120-180) days of its adoption of the  
22 ~~initiating~~ resolution of intent to designate, the Board of Supervisors may, in its discretion,  
23 schedule a Board of Supervisor's hearing on the proposed designation, in which event, the failure  
24 of the Historic Preservation Commission to act within one hundred ~~twenty eighty~~ (120-180) days  
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1 ~~of the adoption of the initiating resolution of intent to designate shall not prevent the Board of~~  
2 ~~Supervisors from approving the nomination.~~

3 ~~\_\_\_\_\_ SEC. 1005.3. NOMINATIONS.~~

4 ~~Nominations for placement of historic resources on the San Francisco Register as~~  
5 ~~landmarks, historic districts and contributing resources may be made by any commission~~  
6 ~~or agency of the City, or by property owners, residents and preservation organizations~~  
7 ~~pursuant to the procedures set forth in this Section 1005.3; provided, however, that the~~  
8 ~~Planning Department may establish a nomination fee in an amount necessary to recover~~  
9 ~~the cost of processing such nominations, and provided, further, that the Historic~~  
10 ~~Preservation Commission may establish such additional procedures, or requirements as it~~  
11 ~~may determine necessary or appropriate.~~

12 ~~\_\_\_\_\_ (a) \_\_\_\_\_ City Commissions and Agencies.~~

13 ~~\_\_\_\_\_ (1) \_\_\_\_\_ Any commission or agency of the City, including without limitation, the Arts~~  
14 ~~Commission, Planning Commission, Recreation and Parks Commission, Port Commission,~~  
15 ~~Public Utilities Commission, Redevelopment Agency Commission or Building Inspection~~  
16 ~~Commission, may nominate historic resources for placement on the San Francisco~~  
17 ~~Register as landmarks, historic districts and contributing resources by adopting a~~  
18 ~~resolution, which shall identify the nominated historic resource, and transmitting the~~  
19 ~~resolution to the Historic Preservation Commission, together with a designation case~~  
20 ~~report prepared in support of such nomination.~~

21 ~~\_\_\_\_\_ (2) \_\_\_\_\_ The commission or agency nominating the historic resource shall be~~  
22 ~~responsible for causing the preparation of the required designation case report, which can~~  
23 ~~be prepared (i) by its staff or volunteers, (ii) by obtaining the services of an outside~~

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1 consultant, or (iii) by the Planning Department staff, subject to reimbursement of the  
2 Planning Department for the cost of preparing the report on its behalf.

3 ~~—— (3) — Upon receipt of the resolution nominating the historic resource for placement  
4 on the San Francisco Register, the Historic Preservation Officer shall immediately transmit  
5 a copy of the resolution to the Central Permit Bureau and to the Clerk of the Board of  
6 Supervisors.~~

7 ~~—— (4) — The Historic Preservation Officer shall promptly review the designation case  
8 report for adequacy and completeness and shall, within thirty (30) days of receipt, notify  
9 the nominating commission or agency of his or her determination, including the specific  
10 reasons for any determination of inadequacy or incompleteness.~~

11 ~~—— (5) — If the Historic Preservation Officer has determined and notified the  
12 nominating commission or agency that the supporting designation case report is  
13 inadequate or incomplete, the Historic Preservation Officer shall assist the commission or  
14 agency to revise the designation case report within (60) days of said notification to address  
15 the inadequacy or incompleteness of the case report.~~

16 ~~—— (6) — As soon as the Historic Preservation Officer has determined that the  
17 supporting designation case report is adequate and complete, the Historic Preservation  
18 Officer shall schedule a public hearing before the Historic Preservation Commission  
19 pursuant to the provisions of Section 1005.5 of this Article to consider initiation of the  
20 proposed designation.~~

21 ~~—— (b) — Property Owners, Residents and Preservation Organizations.~~

22 ~~—— (1) — Nominations to the Historic Preservation Commission for placing historic  
23 resources on the San Francisco Register may be made by property owners, residents and  
24 preservation organizations as follows:~~

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1       ~~—— (i) —— Landmark. In the case of a proposal for the nomination of a landmark, either~~  
2       ~~the owner(s), an organization which has historic preservation as a stated goal in its by-~~  
3       ~~laws or articles of incorporation, or at least fifty (50) residents of the City may request the~~  
4       ~~designation of a historic resource as a landmark by submitting an application, on a form~~  
5       ~~prescribed by the Historic Preservation Commission, to the Historic Preservation Officer,~~  
6       ~~together with an adequate and complete designation case report.~~

7       ~~—— (ii) —— Historic District and Contributing Resources. In the case of a proposal for~~  
8       ~~the nomination of a historic district, either one-third (1/3) of the owners within the proposed~~  
9       ~~district, an organization which has historic preservation as a stated goal in its by-laws or~~  
10       ~~articles of incorporation, or at least one hundred fifty (150) residents of the City may~~  
11       ~~request the designation of an area as a historic district by submitting an application, on a~~  
12       ~~form prescribed by the Historic Preservation Commission, to the Historic Preservation~~  
13       ~~Officer, together with an adequate and complete designation case report.~~

14       ~~—— (2) —— The Historic Preservation Officer shall promptly review the application and~~  
15       ~~supporting designation case report for adequacy and completeness and shall, within thirty~~  
16       ~~(30) days of receipt, notify the nominating party or parties of his or her determination,~~  
17       ~~including the specific reasons for any determination of inadequacy or incompleteness.~~

18       ~~—— (3) —— As soon as the Historic Preservation Officer has determined that an~~  
19       ~~application and supporting designation case report are adequate and complete, the~~  
20       ~~Historic Preservation Officer shall notify the Central Permit Bureau of the nomination and~~  
21       ~~schedule a public hearing before the Historic Preservation Commission pursuant to the~~  
22       ~~provisions of Section 1005.5 of this Article to consider initiation of the proposed~~  
23       ~~designation..~~

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1 ~~———— (4) ——— If the Historic Preservation Officer has determined and notified the~~  
2 ~~nominating party or parties that an application and/or supporting designation case report~~  
3 ~~are inadequate or incomplete, and the nominating party or parties submits, within sixty (60)~~  
4 ~~days of notification, a revised application and/or designation case report that reasonably~~  
5 ~~addresses the inadequacy or incompleteness of the original application and case report,~~  
6 ~~the Historic Preservation Officer shall notify the Central Permit Bureau of the nomination~~  
7 ~~and schedule a public hearing before the Historic Preservation Commission as provided in~~  
8 ~~Section 1005.3(b)(3) above. If the nominating party or parties fail to submit a revised~~  
9 ~~application and designation case report that reasonably addresses the inadequacy or~~  
10 ~~incompleteness of which they were notified within the said time period, the Historic~~  
11 ~~Preservation Officer will not be required to schedule the nomination before the Historic~~  
12 ~~Preservation Commission. The foregoing notwithstanding, the Historic Preservation~~  
13 ~~Officer may, in his or her discretion, or at the direction of the Historic Preservation~~  
14 ~~Commission, complete or cause to be completed the designation case report.~~

15 SEC. 1005.4. PROTECTION FOR NOMINATED RESOURCES FOR WHICH A  
16 RESOLUTION OF INTENT TO DESIGNATE HAS BEEN ADOPTED, PENDING FINAL  
17 DECISION.

18 (a) Subject to the time limits set forth in Section 1005.4(c) below, any historic resource  
19 that has been nominated for which a resolution of intent to designate has been adopted by  
20 the Historic Preservation Commission or the Board of Supervisors, pursuant to the  
21 provisions of this Article, for listing on the San Francisco Register as a landmark or historic  
22 district, or is located within the geographic area boundaries defined in the draft designation  
23 report of a nominated historic district, shall be considered to be a landmark, historic district or  
24 contributing resource for the purposes of this Article, and shall be subject to the restrictions, and  
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1 protections, permit review, and entitlement processes of this Article, as well as any additional  
2 design guidelines that may be specified in the proposed designating ordinance, as if it were a  
3 landmark, historic district or contributing resource for the period of time specified below. These  
4 provisions shall apply as to any permit application filed prior to the date of any such ~~nomination,~~  
5 resolution of intent to designate so long as the City has not issued the permit on the date the  
6 nomination was made.

7 (b) For the purposes of this section, the initiation of landmark designation a  
8 resource shall be considered to have been nominated for designation as a landmark or  
9 historic district upon the adoption of a resolution of intent to designate by either the Board of  
10 Supervisors pursuant to Section 1005.23(a) or the Historic Preservation Commission pursuant to  
11 Section 1005.23(b), or by the adoption of a resolution nominating the resource by any  
12 commission or agency pursuant to Section 1005.3(a), or by the filing of an adequate and  
13 complete nomination application by a property owner, resident or preservation  
14 organization pursuant to Section 1005.3(b).

15 (c) These restrictions and protections shall apply for a period of one hundred eighty  
16 (180) days from the date the resource was nominated. After one hundred eighty (180) days have  
17 elapsed from the date of the nomination, if the Board of Supervisors has not adopted an ordinance  
18 designating the nominated historical resource, the restrictions and protections established by  
19 subsection (a) above shall no longer apply unless a majority of the Board of Supervisors adopts a  
20 resolution to extend the time period to consider the ~~proposed designation~~ resolution of intent to  
21 designate. The Board of Supervisors may extend the time period for an additional 180 days.

22 (d) ~~Listed Designated~~ historic resources proposed for deletion from the San Francisco  
23 Register shall be subject to the restrictions and protections of this Article unless and until a final  
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1 decision is made by the Board of Supervisors to delete the ~~listed~~ designated resource from the San  
2 Francisco Register.

3 SEC. 1005.5. HISTORIC PRESERVATION COMMISSION HEARING.

4 (a) Notice of Hearing. Notice of the hearing before the Historic Preservation  
5 Commission shall be provided as follows:

6 (1) Notice of Hearing:

7 (i) Mail. Written notice shall be given by first class mail not less than twenty (20) days  
8 prior to the hearing to the owner(s) of the historic resource(s) proposed for listing on the San  
9 Francisco Register, as shown on the latest equalized assessment roll, and in the case of a historic  
10 district, the notice shall be provided to all property owners within the proposed district, as shown  
11 on the latest equalized assessment roll; the individual(s) or organization(s) who submitted a  
12 nomination application for ~~nominated~~ the historic resource(s); and other interested parties who  
13 have in writing or by email to the Historic Preservation Officer requested such notices. Failure to  
14 send notice by mail to any such property owner where the address of such owner is not shown on  
15 such assessment roll shall not invalidate any proceedings in connection with the proposed  
16 designation.

17 (ii) Publication. Notice shall be published once in a newspaper of general circulation  
18 not less than twenty (20) days prior to the hearing date.

19 (iii) Posting. In the case of a nomination of a historic resource other than a historic  
20 district, notice shall also be posted not less than twenty (20) days prior to the hearing date on the  
21 nominated resource, ~~or in a location adjacent to the resource.~~

22 (iv) Planning Commission Comments on Historic Districts. In the case of a nomination  
23 application regarding a historic district, the Historic Preservation Commission shall also send a  
24 copy of the notice of hearing to the Secretary of the Planning Commission. The Planning  
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1 Commission may review the ~~proposed draft~~ designation report and boundaries of the historic  
2 district, and may forward its comments to the Historic Preservation Commission for consideration  
3 during the public hearing. Failure of the Planning Commission to provide comments prior to the  
4 hearing shall not prevent the Historic Preservation Commission from acting on the nomination  
5 application, provided that any comments received from the Planning Commission within 45 days of  
6 the hearing notice shall be forwarded to the Board of Supervisors together with the Historic  
7 Preservation Commission's recommendation. The Planning Commission may waive its right to  
8 comment on the proposed nomination of the historic district, and its failure to do so within said 45-  
9 day period shall constitute a waiver.

10 (v) Other. The Historic Preservation Commission may give such other notice as it may  
11 deem desirable.

12 (2) Form and Contents of Notice.

13 The notice shall contain the following information:

14 (i) Common address(es) and Assessors Parcel Number(s), if any, of the historic  
15 resource(s) proposed for listing on, or deletion from, the San Francisco Register, including, in the  
16 case of ~~the a~~ nomination application ~~of for~~ a historic district, all properties within boundaries of  
17 the proposed district and a map of the proposed historic district.

18 (ii) A general explanation of the proposed designation or proposed deletion.

19 (iii) Such other information as the Historic Preservation Commission may deem  
20 appropriate. Notwithstanding the foregoing, if an individual, organization, or other  
21 interested party has consented to receipt of notice by electronic mail, such notice shall  
22 satisfy the requirements of this section and mailed notice shall not be required.

23 (b) Public Record. A record shall be kept of all pertinent information received by the  
24 Historic Preservation Commission pertaining to a nomination application and draft designation

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1 and such record shall be maintained as a part of the public records of the Historic Preservation  
2 Commission in the Planning Department. Any comments or recommendations timely submitted by  
3 the Planning Commission to the Historic Preservation Commission regarding historic district  
4 designations shall also be made a part of the public record and shall be forwarded to the Board of  
5 Supervisors.

6 (c) Recommendation by the Historic Preservation Commission. Upon the conclusion of  
7 its public hearing or hearings, the Historic Preservation Commission shall forward its findings and  
8 recommendations to the Clerk of the Board of Supervisors consistent with the following:

9 (1) If the Historic Preservation Commission determines that the historic resource under  
10 consideration is eligible for inclusion on the San Francisco Register based upon the criteria,  
11 considerations, and assessment of integrity and significance outlined in Section 1005.1 of this  
12 Article, the Historic Preservation Commission shall make a recommendation to the Board of  
13 Supervisors to include the historic resource on the San Francisco Register as a landmark, historic  
14 district or contributing resource. In its recommendation to the Board of Supervisors, the Historic  
15 Preservation Commission shall specify the criteria justifying designation of the historic resource  
16 pursuant to Section 1005.1 of this Article and may include any controls or standards that may be  
17 necessary or desirable to protect and maintain a landmark or contributing resource or to review  
18 alterations thereto.

19 (2) In the case of historic district recommendations, the Historic Preservation  
20 Commission shall, as a part of its recommendation: (i) identify and describe the individual  
21 resources that contribute to the district's designation as a historic district pursuant to Section  
22 1005.1(c) of this Article, including, without limitation, scenic and aesthetic conditions, gardens,  
23 landscapes and landscape features; (ii) identify as non-contributing resources any properties,  
24 structures, features or other resources located within the boundaries of the proposed historic  
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1 district that have no relevance to the area's identified significance, significant physical features or  
2 identifying characteristics; and (iii) include such further controls and standards as the Historic  
3 Preservation Commission may deem to be necessary or desirable to protect and maintain  
4 the integrity of the historic district and to ensure compatibility of alterations, additions and new  
5 construction within the historic district, including which may include, without limitation: (A)  
6 specific design standards guidelines for the preservation, alteration, addition or modification of  
7 contributing and noncontributing resources, and for new construction within the historic district  
8 (hereinafter referred to as "design standards guidelines"); and (B) setback, height and bulk  
9 controls to insure that any additions to contributing and noncontributing resources, and any  
10 new construction in the historic district will be compatible with the prevailing height and  
11 bulk of the historic district and contribute to the scale and continuity of the streetscape  
12 (hereinafter referred to as "height and bulk controls").

13 (3) In the case of a recommendation that the interior of a landmark or contributing  
14 resource be designated as a significant interior, the Historic Preservation Commission shall, as a  
15 part of its recommendation, include any controls and standards that may be necessary or desirable  
16 to protect and maintain the character-defining features of the designated significant interior,  
17 and to review alterations thereto.

18 (4) In the case of a recommendation that a park, square, plaza, garden, landscape or  
19 landscape features be designated as a landmark, or where such resources contribute to and relate  
20 historically and physically and/or visually to the environmental setting of a landmark site or  
21 historic district, the Historic Preservation Commission shall, as a part of its recommendation,  
22 include any further controls and standards for the review of alterations to such resources, whether  
23 or not a permit is or may be required.

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1           (5) Decisions by the Historic Preservation Commission to disapprove a designation  
2 shall be final unless appealed to the Board of Supervisors pursuant to Subsection  
3 1005.6(a)(2) below.

4           SEC. 1005.6. ACTION BY BOARD OF SUPERVISORS.

5           (a) Hearing. The Board of Supervisors shall hear and decide on all nominations for  
6 placement on the San Francisco Register in accordance with the following:

7           (1) The Historic Preservation Officer shall transmit to the Clerk of the Board of  
8 Supervisors for review by the Board of Supervisors the Historic Preservation Commission's  
9 recommendations to approve, disapprove or modify the proposal for inclusion on the San Francisco  
10 Register, together with any comments and recommendations received from the Planning  
11 Commission.

12           (2) Appeal to Board of Supervisors. If the Historic Preservation Commission  
13 disapproves the proposed designation or change of designation, such action shall be final  
14 except upon the filing of a notice of appeal to the Board of Supervisors within 30 days by  
15 the applicant or any of the persons, organizations or groups listed in Section 1005.3(a) or  
16 (b); provided, however, that if the proposal was initiated by the Board of Supervisors, the  
17 Clerk of the Board shall be notified immediately of the disapproval without the necessity for  
18 an appeal.

19           (3 2) Upon receipt of the recommendations of the Historic Preservation  
20 Commission or upon a valid appeal, the Board of Supervisors shall schedule a public hearing on  
21 the proposal for inclusion on the San Francisco Register pursuant to its rules and procedures,  
22 provided that if the Historic Preservation Commission has failed to act within one-hundred ~~twenty~~  
23 eighty (120/180) days from the date of adoption of the ~~initiating~~ resolution of intent to designate  
24 by the Board of Supervisors or Historic Preservation Commission, the Board of Supervisors may  
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1 schedule a public hearing on the proposal at any time after said one-hundred ~~twenty-eighty~~  
2 (~~120~~180) day period. Notwithstanding the foregoing, upon the request of the Historic Preservation  
3 Commission, the Board of Supervisors may, by resolution, extend the time within which the Historic  
4 Preservation Commission may transmit its recommendations to the Board of Supervisors.

5 ~~(4 3)~~ The Board of Supervisors shall either approve, or modify and approve, by  
6 ordinance, the action(s) recommended by the Historic Preservation Commission, or disapprove it  
7 in its entirety by resolution. In the alternative, the Board of Supervisors may return the proposed  
8 ~~nomination~~ ~~designation~~ to the Historic Preservation Commission for further information,  
9 hearings, consideration or study.

10 ~~(5 4)~~ In reviewing the findings and action(s) recommended by the Historic Preservation  
11 Commission, the Board of Supervisors shall consider the criteria and requirements for designation  
12 set forth in Section 1005.1 of this Article.

13 ~~(6 5)~~ In acting upon any proposed inclusion(s) on the San Francisco Register, the Board  
14 of Supervisors may modify said designation proposal, provided that the Board of Supervisors shall  
15 not take final action upon the proposal if it contains any material modification that has not been  
16 considered by the Historic Preservation Commission. Should the Board of Supervisors adopt a  
17 resolution proposing to materially modify the proposed designation as recommended by the  
18 Historic Preservation Commission while it is before ~~the said~~ Board, the designation and the  
19 resolution proposing modification shall be referred back to the Historic Preservation Commission  
20 for its consideration. In all cases of referral back, the designation and the proposed modification  
21 shall be heard by the Historic Preservation Commission according to the requirements set forth in  
22 this Article for a new proposal, except that newspaper notice need only be given ten (10) days prior  
23 to the date of the hearing.

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1 (b) Content of Designating Ordinance. Each designating ordinance adopted by the  
2 Board of Supervisors shall include, or shall incorporate by reference as though fully set forth in  
3 such designating ordinance:

4 (1) The pertinent resolutions of the Historic Preservation Commission then on file with  
5 the Clerk of the Board of Supervisors, if any;

6 (2) The location and boundaries of the landmark site or historic district;

7 (3) A description of the criteria, which justify the designation of the landmark or historic  
8 district;

9 (4) Any controls or standards that may be necessary or desirable to protect and  
10 maintain a landmark or contributing resource or to review alterations thereto;

11 (5) The designation case report;

12 (6) For historic districts: (i) a list and description of all contributing resources and  
13 features, including, without limitation, scenic and aesthetic conditions, gardens, landscapes and  
14 landscape features; (ii) a list and description of noncontributing resources; and may include (iii)  
15 any applicable design and setback, height, and bulk guidelines as outlined in Section  
16 1005.5 that the Historic Preservation Commission recommends any controls and  
17 standards that may be necessary or desirable to protect and maintain the integrity of the  
18 historic district and ensure compatibility of alterations, additions and new construction within the  
19 historic district, including any design guidelines and height and bulk controls recommended  
20 by the Historic Preservation Commission pursuant to Section 1005.5 of this Article;

21 (7) A description of the interior of a landmark or contributing resource designated as a  
22 significant interior, if any, and any controls that may be necessary or desirable to protect and  
23 maintain the designated significant interior; and

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1 (8) For a park, square, plaza or garden, or for a landscape or landscape features that  
2 relate historically and physically and/or visually to the environmental setting of the landmark site  
3 or historic district, any further controls and standards for the review of alterations, whether or not  
4 a permit is or may be required.

5 (c) Inclusion on the San Francisco Register. The landmark, historic district and/or  
6 contributing resources so designated shall, upon designation, be included on the San Francisco  
7 Register and be subject to the controls and standards set forth in this Article, and to all such further  
8 controls and standards as set forth in the designating ordinance.

9 SEC. 1005.7. Notice of Designation and Recordation. When a landmark, historic district  
10 and/or contributing resource has been designated by the Board of Supervisors, the Historic  
11 Preservation Officer shall notify the owners of the property(ies) so designated within thirty (30)  
12 days following the ~~Mayor's signature~~ effective date of ~~on~~ the ordinance and ensure that a notice  
13 of its designation is properly and promptly recorded in all of the official property records of the  
14 City. In addition, as provided in Section 1004 of this Article, the Historic Preservation Officer shall  
15 insure that: (i) the Planning Code is promptly updated; (ii) the change is incorporated into the  
16 records and electronic database of the Planning and Building Departments; and (iii) the Clerk of  
17 the Board of Supervisors has delivered a copy of the amendment, inclusions or deletions to City  
18 officials and departments. The Central Permit Bureau shall maintain a current record of all  
19 landmarks, historic districts and contributing resources.

20 SEC. 1005.8. Frequency of Nominations. When a nomination application for placement of  
21 a historic resource on the San Francisco Register as a landmark, historic district or contributing  
22 resource has been denied by the Board of Supervisors, no new nomination application for  
23 placement of the same or substantially the same historic resource may be filed or submitted within  
24 one year following the date of final disapproval of the nomination by the Board of Supervisors.

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1 However, a nomination application may be ~~reinitiated~~ reconsidered by the Historic  
2 Preservation Commission or the Board of Supervisors, pursuant to Sections 1005.2 and  
3 1005.3 of this Article upon presentation of significant new evidence not previously submitted  
4 showing that the nominated historic resource meets the criteria for designation in Section 1005.1,  
5 or, in the case of a nominated historic district, that the boundaries of the proposed historic district  
6 are substantially different from the previously disapproved nomination.

7 SEC. 1005.9. Amendment or ~~Recession~~ Rescission of a Designation. The Board of  
8 Supervisors may amend or rescind a landmark or historic district designation by following all of  
9 the procedures set forth in this Article 10 for a designating ordinance, provided that:

10 (1) Prior to rescinding any designation, the Board of Supervisors shall find, after  
11 holding the hearings required by this Article, that the historic resource no longer meets any of the  
12 criteria described in Section 1005.1 which originally led to such designation or that the historic  
13 resource has lost its integrity as a historic resource since its designation; provided that where a  
14 landmark or contributing resource is proposed for de-designation due to a loss of integrity, the loss  
15 of integrity was not the result of any alteration, willful neglect or failure to maintain the historic  
16 resource by the owner or agent of the owner, or of any violation of the terms and conditions of any  
17 Certificate of Appropriateness; and

18 (2) De-designation may be initiated only by a majority vote of the Historic Preservation  
19 Commission or by a majority vote of the Board of Supervisors.

20 (3) When a landmark or historic district designation has been amended or rescinded,  
21 the Historic Preservation Officer shall promptly notify the owners of the property included therein,  
22 and shall cause a copy of the appropriate ordinance or notice thereof to be recorded in all of the  
23 official property records of the City. In addition, the Historic Preservation Officer shall insure that

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1 the Planning Code is promptly updated and that the change is incorporated into the records and  
2 electronic database of the Planning and Building Departments.

3 SEC. 1006. CONFORMITY AND PERMITS.

4 The following requirements are intended to ensure conformity between existing City permit  
5 processes and the provisions of this Article:

6 (a) No person shall carry out or cause to be carried out on any historic resource that is  
7 listed on or has been nominated for listing on the San Francisco Register, including without  
8 limitation, on any landmark site, on any site within a historic district, on a contributing resource  
9 within a historic district, or on a designated significant interior, any alteration, construction,  
10 relocation, removal or demolition of any structure, appurtenance, object or feature, except in  
11 conformity with the provisions of this Article. Except where explicitly so stated, nothing in this  
12 Article shall be construed as relieving any person from other applicable permit requirements. In  
13 addition, no such work shall take place unless all other applicable laws and regulations have been  
14 complied with, and any required permits have been issued for said work.

15 (b) Upon receipt of any application for a building permit, demolition permit, site permit,  
16 alteration permit, or any other permit that may affect any historic resource that is listed on or has  
17 been nominated for listing on the San Francisco Register as a landmark, historic district or  
18 contributing resource, the Central Permit Bureau shall promptly forward the application to the  
19 Historic Preservation Officer and shall not issue any permit unless the Historic Preservation  
20 Officer has determined, in accordance with this Article and any rules and regulations issued by the  
21 Historic Preservation Commission, that such application is exempt from the provisions of this  
22 Article or that a Certificate of Appropriateness has been issued and the permit application  
23 conforms with the Certificate of Appropriateness that has been issued. If a Certificate of  
24 Appropriateness is required and has not been issued, or if, in the judgment of the Historic  
25

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1 Preservation Officer, the permit application is not in strict conformance with a Certificate of  
2 Appropriateness that has been issued, no action shall be taken to grant or deny the permit  
3 application until such time as conformity does exist. The Historic Preservation Commission shall  
4 resolve any question as to conformity of a permit application with a Certificate of Appropriateness.  
5 The approval of any project or the issuance or amendment of any permit by the Central Permit  
6 Bureau that is inconsistent with any provision of this Article, or with any provision or condition of a  
7 Certificate of Appropriateness that has been issued pursuant to this Article, is invalid and shall be  
8 revoked or rescinded by the Zoning Administrator and/or the Director of the Department of  
9 Building Inspection.

10 (c) The Department of Building Inspection shall not give final approval or a  
11 Certificate of Final Completion on any building permit for work on a building or site for which  
12 a Certificate of Appropriateness has been issued pursuant to this Article unless and until the  
13 Historic Preservation Officer has determined in writing that the work has been completed in  
14 accordance with the terms and conditions of the Certificate of Appropriateness. The Historic  
15 Preservation Commission shall resolve any questions as to conformity of work with the terms and  
16 conditions of a Certificate of Appropriateness. Any final approval or a Certificate of Final  
17 Completion on such work without a determination that the work has been completed in conformity  
18 with the Certificate of Appropriateness shall be invalid and shall be revoked or rescinded by the  
19 Zoning Administrator and/or the Director of the Department of Building Inspection.

20 (d) The installation of a new general advertising sign is prohibited in any historic district,  
21 or on the site of any landmark, which is listed on or has been nominated for listing on the San  
22 Francisco Register.

23 (e) No abatement proceedings shall be undertaken by any department, agency, board or  
24 commission of the City for any historic resource that is listed on the San Francisco Register or has

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1 been nominated for listing on the San Francisco Register without prior consultation with the  
2 Historic Preservation Commission.

3 SEC. 1007. CERTIFICATES OF APPROPRIATENESS.

4 SEC. 1007.1. Certificate of Appropriateness Required.

5 A Certificate of Appropriateness shall be required and shall govern review of permit applications  
6 for any construction, addition, alteration, relocation, removal or demolition of a structure, object  
7 or feature on a designated landmark site, in a designated historic district, on a contributing  
8 resource within a designated historic district or in a designated interior, regardless of whether or  
9 not the proposed change is visible from a public street or other public place, except in the specific  
10 cases set forth in Section 1007.1(e-d). Certificates of Appropriateness shall be required for any  
11 construction, addition, alteration, relocation, removal or demolition of a structure, object or feature  
12 on a City-owned property listed on the San Francisco Register, regardless of whether or not a City  
13 permit is required, provided that this requirement shall not ~~supercede~~ supersede, impair or  
14 modify provisions of the City Charter or laws governing the State of California and the United  
15 States of America. All governmental bodies shall work cooperatively with the Historic Preservation  
16 Commission to assure the appropriate treatment of historic resources. The definitions, procedures,  
17 requirements, controls and standards contained in Sections 1007.1 through 1007.5 shall apply to  
18 all Certificate of Appropriateness applications; provided, however, that the designation ordinance  
19 for a landmark, historic district or significant interior, or for a park, square, plaza or garden on a  
20 landmark site, may add to these procedures, requirements, controls and standards.

21 (a) Demolition. For purposes of this Article, demolition of a structure shall be defined  
22 as any one or more of the following:

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

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

3 (3) Removal of more than 25 50 percent of the surface material of all external walls as  
4 either external or internal walls; or

5 (4) Removal of more than 75 50 percent of the building's existing internal structural  
6 framework or floor plates unless the Historic Preservation Commission determines that such  
7 removal is the only feasible means to meet the standards for seismic load and forces of the latest  
8 adopted version of the San Francisco Building Code and the State Historical Building Code.

9 (5) A project may not qualify as a demolition as defined above if the Historic  
10 Preservation Commission makes specific findings that the proposed project meets the  
11 requirements under Section 1007.5(d)(iv).

12 **PLEASE NOTE: The HPC could not come to consensus on the following Section –**  
13 **Alterations. Commissioners Chase and Martinez approved the definition of**  
14 **alteration(s) as proposed by the Department in the draft Ordinance; Commissioners**  
15 **Damkroger and Hasz felt that a general definition was more appropriate because it**  
16 **would allow for greater flexibility in determining what types of projects needed**  
17 **Commission review. As a result, there was not a consensus vote on this topic.**

18 (b) Alterations. For purposes of this Article, alterations shall include Major and Minor  
19 Alterations. ~~the following~~ The Historic Preservation Commission will, from time to time,  
20 promulgate rules and regulations to define what consists of Major and Minor Alterations  
21 consistent with the definitions and provisions set forth in this Article. For the purposes of  
22 this Section, the Historic Preservation Commission shall determine what consists of a  
23 major and minor alteration within 180 days from the effective date of this Article and shall  
24 provide the list and any rules and guidelines associated with it in a separate document

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1 called “Guidelines for Alterations to Buildings subject to Articles 10 and 11 of the Planning  
2 Code”, (hereinafter called “Alteration Guidelines”) which shall be made available to the  
3 public for their reference and use. The Alteration Guidelines will be updated periodically  
4 as necessary by the Historic Preservation Commission.

5 (1) Major Alteration. An alteration shall be considered a “major alteration” if any one  
6 or more of the following apply:

7 (i) The alteration would result in damage to, or demolition of, a significant  
8 architectural feature of the structure of the building, or remove, cover or modify any portion of  
9 the historic exterior materials, or the historic exterior architectural appearance, or a portion of a  
10 significant interior, or replace them with substitutes inappropriate in material, scale, color or  
11 architectural style; or

12 ~~\_\_\_\_\_ (ii) The alteration would relocate, add or remove windows or doors or replace~~  
13 ~~them with substitutes inappropriate in material, scale or architectural style, or would add a~~  
14 ~~garage; or~~

15 ~~\_\_\_\_\_ (iii) The alteration would affect all or any part of a structure's interior structural~~  
16 ~~framework, its floors or floor plates, interior or exterior columns or load-bearing walls; or~~

17 ~~(iii iv) The alteration would result in any increase in height or bulk above the~~  
18 ~~existing height and bulk of the structure either by a vertical or horizontal addition, any~~  
19 ~~addition to or alteration of the roofline or by raising the structure above the level of its~~  
20 ~~existing foundation; or~~

21 ~~\_\_\_\_\_ (iv v) The alteration would require temporarily lifting and supporting the structure~~  
22 ~~above its existing foundation; or~~

23 ~~\_\_\_\_\_ (vi v) Any work involving a sign, awning, marquee, canopy, mural or other~~  
24 ~~appendage; or~~

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1 ~~\_\_\_\_\_ (vi vii) Addition of a roof deck, penthouse, or any other roof top features; or~~

2 ~~\_\_\_\_\_ (ii viii) Any exterior changes or changes to designated significant interiors addressed in the~~  
3 ~~design guidelines or height and bulk controls in the landmark or historic district designating~~  
4 ~~ordinance, or changes to features identified as significant or contributing in the designating~~  
5 ~~ordinance, regardless of whether or not a City permit is required, which changes may include,~~  
6 ~~but shall not be limited to signage, landscaping, fencing, installation of lighting fixtures,~~  
7 ~~awnings and any other building appendages; or~~

8 ~~\_\_\_\_\_ (viii ix) Alterations to parks, squares, plazas, gardens and other landscape features~~  
9 ~~on a landmark site, within a historic district or on a contributing resource within a~~  
10 ~~designated historic district, where the designating ordinance identifies the significance or~~  
11 ~~contribution of such features, or requires the approval of such changes pursuant to this~~  
12 ~~Article, whether on City-owned or privately-owned property; or~~

13 ~~\_\_\_\_\_ (iii x) Where the cumulative impacts of any and all prior alterations would fit the~~  
14 ~~description for any alteration set forth in subsections (i) through (ii ix) herein above.~~

15 ~~\_\_\_\_\_ (2) Minor Alteration. Unless the designating ordinance provides otherwise, an~~  
16 ~~alteration may be considered a “minor alteration” if the criteria set forth for a demolition pursuant~~  
17 ~~to Section 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do~~  
18 ~~not apply. and the work consists only of ordinary maintenance and repairs.~~

19 ~~\_\_\_\_\_ (i) Minor Alterations shall include ordinary maintenance and repairs. “Ordinary~~  
20 ~~maintenance and repairs” shall mean work that does not include any change in the design,~~  
21 ~~materials or outer appearance of a structure, the sole purpose and effect of which is to correct~~  
22 ~~minor deterioration, decay or damage.~~

23 ~~\_\_\_\_\_ (ii) An alteration shall not be considered a minor alteration if the proposed alteration, in~~  
24 ~~combination with all other alterations that have occurred to the resource over time, whether or not~~

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1 approved by the City, would constitute a major alteration as defined above. For this purpose, the  
2 cumulative impacts of any and all prior minor alterations shall be considered.

3 (iii i) Other factors to determine whether an alteration is major or minor may be specified  
4 in the design guidelines in the landmark or historic district ordinance.

5 ~~\_\_\_\_\_ (ii) The Historic Preservation Commission may promulgate rules and regulations~~  
6 ~~to further define minor alterations consistent with the definitions and limitations set forth~~  
7 ~~above.~~

8 (iv iii) The authority to approve, disapprove or modify a Certificate of Appropriateness for  
9 any proposed activity determined to be a minor alteration may be delegated by the Historic  
10 Preservation Commission to the Historic Preservation Officer pursuant to the procedures set forth  
11 in Section 1007.4 for Administrative Certificates of Appropriateness.

12 (c) Seismic Retrofit. A Certificate of Appropriateness shall be required for any  
13 proposed work to comply with the UMB Seismic Retrofit Ordinances if such work constitutes a  
14 demolition pursuant to Section 1007.1(a) hereof or an alteration pursuant to Section 1007.1(b)  
15 hereof.

16 (d) Exemptions. Permit applications for the following activities are exempt from this  
17 Article and shall be returned by the Historic Preservation Officer, with that determination noted, to  
18 the Central Permit Bureau for further processing; provided, however, that the Zoning  
19 Administrator may then take any other authorized action with respect to the application.

20 (1) The determination of the Historic Preservation Officer that an application is  
21 exempt from the provisions of this Article shall be subject to appeal to the Historic  
22 Preservation Commission.

23 (2 4) An application for a permit to construct on a landmark site where the landmark has  
24 been lawfully demolished and the site is not within a designated historic district; or

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1 (3 2) An application for a permit to make interior alterations only on a privately owned  
2 structure unless (i) the interior has been designated a significant interior; or (ii) the alterations  
3 constitute a demolition pursuant to Section 1007.1(a); (iii) the alterations constitute a major  
4 alteration as defined in Section 1007.1(b); or (iv) the alterations impact significant  
5 architectural features of the exterior of the building; or

6 (4 3) A serious and imminent public safety hazard has been declared to exist pursuant to  
7 Section 1010(b) of this Article, and the alteration or demolition of the structure or feature  
8 concerned is the only feasible means to secure the public safety and there has been consultation  
9 of this serious and imminent public safety hazard with the Historic Preservation  
10 Commission president.

11 ~~The determination of the Historic Preservation Officer that an application is exempt from~~  
12 ~~the provisions of this Article shall be subject to appeal to the Historic Preservation~~  
13 ~~Commission.~~

14 SEC. 1007.2. Applications for Certificates of Appropriateness.

15 (a) Required Filing. For all permit applications requiring a Certificate of  
16 Appropriateness, an application for a Certificate of Appropriateness shall be filed with the Historic  
17 Preservation Officer by the owners of the property or their authorized agents, together with the  
18 required fee.

19 (b) Content of Applications. The content of applications shall be in accordance with the  
20 policies, rules and regulations adopted by the Historic Preservation Commission. All applications  
21 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all  
22 information required to assure the presentation of pertinent facts for proper consideration of the  
23 application and for the permanent record. In general, the application shall be accompanied by  
24 architectural plans, elevation(s), section(s), detail drawings, and specifications showing (1) the  
25

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1 existing exterior architectural appearance and features, including but not limited to texture of  
2 materials, architectural design and detail drawings, (2) and photographs showing the structure  
3 or site in the context of its surroundings; (3 2) the proposed exterior architectural appearance  
4 and features which are proposed to be preserved, repaired, restored, altered, relocated or  
5 demolished, and the proposed changes or modifications thereto, including but not limited to  
6 texture of materials, architectural design and detail drawings; (4 3) detail drawings showing  
7 any interior changes, including but not by limitation limited to any changes to the internal  
8 structural framework or floor plates, removal of interior walls, or changes to the foundation; (5 4)  
9 technical specifications for any exterior restoration or cleaning work; and (6 5) any other  
10 information that may be required by the Historic Preservation Commission or Historic  
11 Preservation Officer. The applicant will also be required to file with his/her application the  
12 information needed for the preparation and mailing of notices as required in Section 1007.3(a) of  
13 this Article.

14 (c) Additional Requirements for Demolition Applications. Applications for a Certificate  
15 of Appropriateness proposing demolition of a landmarks or contributory or contributory altered  
16 structures within historic districts pursuant to Section 1007.5(d), shall be required to provide the  
17 following information:

18 (1) For all property: (i) the amount paid for the property; (ii) the date of purchase and  
19 the party from whom purchased; (iii) the cost of any improvements since purchase by the applicant  
20 and date incurred; (iv) the assessed value of the land, and the assessed value of the improvements  
21 thereon, according to the most recent assessments; (v) real estate taxes for the previous two years;  
22 (vi) annual debt service, if any, for the previous two years; (vii) all appraisals obtained within the  
23 previous five years by the owner or applicant in connection with his or her purchase, financing or  
24 ownership of the property; (viii) any listing of the property for sale or rent, price asked and offers  
25

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1 received, if any; and (ix) any consideration by the owner for profitable and adaptive uses for the  
2 property, including renovation studies, plans, and bids, if any; and

3 (2) For income producing property: (i) annual gross income from the property for the  
4 previous four years; (ii) itemized operating and maintenance expenses for the previous four years;  
5 and (iii) annual cash flow for the previous four years; and

6 (3) Applications for the demolition of any buildings which are or may be eligible for  
7 Transfer of Development Rights ("TDR") shall also contain a description of such rights ~~any~~  
8 Transferable Development Rights, ~~any TDR's~~ or the right to such rights which have been  
9 transferred from the property, a statement of the quantity of such TDRs ~~rights~~ and untransferred  
10 rights remaining, the ~~purchase~~ amount received for rights transferred from the property, the  
11 transferee, and a copy of each document effecting a transfer of such rights. Properties which are or  
12 may be eligible for the transfer of Transferable Development Rights ~~from~~ from the property shall  
13 contain a description of the rights available for transfer, the quantity of such rights and the current  
14 value of such rights.

15 (4) For all proposed demolitions or new construction within historic districts, detail  
16 plans for the proposed new construction shall be required, including but not limited to, (1)  
17 architectural plans, elevations, sections, detail drawings, and specifications for the new  
18 construction showing the proposed exterior architectural appearance and features and  
19 materials; (2) photograph montages and drawings showing the proposed new structure  
20 and site in the context of its surroundings; and (3) any other information that may be  
21 requested by the Historic Preservation Commission or the Historic Preservation Officer.

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

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1 (e) Review of Applications.

2 (1) An application for a Certificate of Appropriateness shall first be reviewed by the  
3 Historic Preservation Officer who shall determine whether or not the application is complete and  
4 accurate. Incomplete or inaccurate applications shall be returned to the applicant.

5 (2) Once the application has been determined to be complete and accurate, the Historic  
6 Preservation Officer shall review and evaluate the project for consistency with the standards for  
7 review of applications set forth in Section 1007.5, and shall determine whether the proposed project  
8 constitutes a minor alteration pursuant to Section 1007.1(b)(2).

9 (3) If the Historic Preservation Officer has determined that a proposed project  
10 constitutes a minor alteration, the Historic Preservation Officer may issue an Administrative  
11 Certificate of Appropriateness pursuant to Section 1007.4. Otherwise, the Historic Preservation  
12 Commission shall hold a public hearing on the Certificate of Appropriateness pursuant to Section  
13 1007.3.

14 SEC. 1007.3. Hearing and Decision.

15 (a) Scheduling and Notice of Hearing. Unless the Historic Preservation Officer has  
16 determined that a proposed project constitutes a minor alteration and proceeds to issue an  
17 Administrative Certificate of Appropriateness pursuant to Section 1007.4, the Historic Preservation  
18 Commission shall hold a public hearing on the Certificate of Appropriateness within forty-five (45)  
19 days (45) after the application has been determined complete. Notice of the time, place and  
20 purpose of the hearing shall be given not less than ten (10) twenty (20) days prior to the date of  
21 the hearing as follows:

22 (1) By mail to the applicant.

23 (2) By mail to the owners of all real property within 300-feet of the exterior boundaries  
24 of any landmark site that is the subject of the application and, in the case of an application for a  
25

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1 project in a historic district to all property owners within 300 feet of the exterior boundaries of the  
2 property that is the subject of the application, using for this purpose the names and addresses of the  
3 owners as shown on the latest equalized assessment roll in the office of the Tax Collector. Failure  
4 to send notice by mail to any such property owner where the address of such owner is not shown on  
5 such assessment roll shall not invalidate any proceedings in connection with such action.

6 (3) By mail to all other interested parties who have in writing to the Historic  
7 Preservation Officer requested such notices.

8 (4) By posting notice on the project site that is the subject of the application, ~~or in a~~  
9 location adjacent to the project site.

10 (5) Such other notice as the Historic Preservation Commission shall deem appropriate.

11 (6) The notice shall include ~~a photo of the existing resource, a brief description of~~  
12 its historic significance, ~~detailed~~ plans of any proposed alterations or additions to the existing  
13 resource, and all other items required under Section 311(c)(5) of this Code. In the case of a  
14 proposed demolition or new construction within a historic district, detail plans for the new  
15 construction shall be included.

16 (7) Notwithstanding the foregoing, if an individual, organization, or any other  
17 interested party has consented to receipt of notice by electronic mail, such notice shall  
18 satisfy the requirements of this section and mailed notice shall not be required.

19 (b) Report and Recommendations. The Historic Preservation Officer shall make all  
20 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
21 and shall prepare a written report containing (1) the results of the review and evaluation with  
22 written recommendations, (2) ~~including the results of the environmental review of the proposed~~  
23 project under CEQA or NEPA, including, ~~without limitation,~~ any environmental impact report,  
24 negative declaration or determination that the project is exempt from environmental review, (3)  
25

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1 ~~together with~~ proposed findings and a motion on the merits of the proposed project; and (4)  
2 any other material that may be necessary for the Historic Preservation Commission to  
3 make its determination. The Historic Preservation Officer's recommendation of the  
4 proposed project may be to approve, approve with conditions, or disapprove the  
5 application. The report, together with the complete Certificate of Appropriateness application,  
6 shall be submitted to the Historic Preservation Commission at least five (5) days prior to the date  
7 set for hearing.

8 (c) Record. A record shall be kept of the pertinent information presented at the hearing,  
9 and such record shall be maintained as a part of the permanent public records of the Historic  
10 Preservation Commission in the Planning Department.

11 (d) Continuances. The Historic Preservation Commission shall determine the instances  
12 in which applications for a Certificate of Appropriateness scheduled for hearing may be continued  
13 or taken under advisement. The Historic Preservation Commission may also continue a hearing on  
14 an application pending completion of adequate and complete environmental review of the proposed  
15 project. In such cases, new notice need not be given of the further hearing date, provided such date  
16 is announced at the scheduled hearing.

17 (e) Decision.

18 (1) The Historic Preservation Commission's decision to approve, disapprove or modify  
19 an application shall be in writing and shall state the findings of fact relied upon in reaching the  
20 decision, which findings of fact shall become a material part of the final Certificate of  
21 Appropriateness.

22 (2) In all cases where the Historic Preservation Commission has made a decision to  
23 require modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ thirty  
24 ~~(30)~~ days of the decision by the Historic Preservation Commission, a revised application

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1 containing all modifications prior to a final action of the Historic Preservation Commission. In  
2 such cases the hearing may be continued until the revised application has been submitted. A new  
3 notice need not be given of the further hearing date, provided such date is announced at the  
4 scheduled hearing; provided, however, that if the applicant does not revise the application within  
5 said ~~forty-five (45)~~ ~~thirty (30)~~-day period or if the revised application is determined to be  
6 inconsistent with the Historic Preservation Commission's decision, the Historic Preservation  
7 Commission may disapprove the Certificate of Appropriateness or schedule a new hearing to  
8 consider the application. Failure to submit a revised application containing all modifications  
9 required by the Historic Preservation Commission within ~~forty-five (45)~~ ~~thirty (30)~~ days of the  
10 decision shall be deemed to constitute disapproval of the application.

11 (3) The decision of the Historic Preservation Commission, in approving, disapproving  
12 or modifying an application, shall be final except upon the filing of a valid appeal to the Board of  
13 Appeals or Board of Supervisors as provided in Section 1009 of this Article, or upon the valid  
14 modification of the Certificate of Appropriateness decision by the Planning Commission as  
15 provided in Section 1008 of this Article.

16 (f) Time Limit for Exercise. The Certificate of Appropriateness shall be valid for a  
17 period of three (3) years from the date it becomes final, after which time it shall be null and void if  
18 all permits have not been issued by the City to allow the project to proceed to completion in  
19 compliance with the Certificate of Appropriateness.

20 (g) Reconsideration. When an application for a Certificate of Appropriateness has been  
21 disapproved by the Historic Preservation Commission, no application, the same or substantially the  
22 same as that which was disapproved, shall be resubmitted to or reconsidered by the Historic  
23 Preservation Commission for a period of one year from the final action upon the earlier  
24 application.

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1        SEC. 1007.4. Administrative Certificate of Appropriateness.

2        (a) If the Historic Preservation Officer has determined that a proposed activity is a  
3 minor alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the  
4 Historic Preservation Officer may issue an Administrative Certificate of Appropriateness ~~“an~~  
5 ~~Administrative Certificate of Appropriateness”~~ which shall be subject to the following procedures:

6        (i) Within ~~five (5)~~ ~~ten (10)~~ days after the date the Historic Preservation Officer has  
7 issued an Administrative Certificate of Appropriateness, ~~“an Administrative Certificate of~~  
8 ~~Appropriateness,~~ the applicant and any individuals or organizations that have requested in  
9 writing to be notified of such determinations shall be notified in writing of the determination.

10        (ii) The Administrative Certificate of Appropriateness shall be placed on an  
11 “Administrative List” to be included in the agenda for the next regularly-scheduled Historic  
12 Preservation Commission hearing. This list shall include (1) the address of the property;  
13 (2) the landmark number or applicable historic district; (3) and a copy of the Administrative  
14 Certificate of Appropriateness document/motion which will contain a description of the  
15 proposed work and why it meets the requirements of an Administrative Certificate of  
16 Appropriateness. The Administrative Certificate of Appropriateness shall be placed on the  
17 consent calendar for the next meeting of the Historic Preservation Commission to be held  
18 at least ten (10) days following the date of the written notification required by subsection (i)  
19 above. Except as provided in subsection (iv) below, the notice and hearing requirements  
20 provided in Section 1007.3 of this Article shall not be required.

21        (iii) At the next regularly-scheduled hearing, the ~~At or prior to the scheduled~~  
22 meeting of the Historic Preservation Commission, any member of the public, Historic  
23 Preservation Commission, based on public input or on their own expertise, may vote to  
24 have the Administrative Certificate of Appropriateness removed from the Administrative

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1 List and be scheduled for a future public hearing may object in writing to the issuance of  
2 the Administrative Certificate of Appropriateness and request that the Historic Preservation  
3 Commission schedule the proposed activity for a public hearing, in which event, the  
4 Historic Preservation Commission shall consider the proposed project pursuant to the  
5 requirements of Section 1007.3 of this Article.

6 ~~\_\_\_\_\_ (iv) — At the scheduled meeting, any member of the Historic Preservation~~  
7 ~~Commission or any member of the public may request that the proposed activity be~~  
8 ~~removed from the consent calendar and scheduled for public hearing at a future meeting,~~  
9 ~~in which event, the Historic Preservation Commission shall consider the proposed activity~~  
10 ~~pursuant to the requirements of Section 1007.3 of this Article.~~

11 ~~\_\_\_\_\_ (iv ✓) If the proposed project is not removed from the Administrative List, the~~  
12 ~~Administrative Certificate of Appropriateness proposed activity is not removed from the~~  
13 ~~consent calendar, the Administrative Certificate of Appropriateness shall become final and~~  
14 ~~shall be treated as a Certificate of Appropriateness for all purposes of this Article.~~

15 SEC. 1007.5. STANDARDS FOR REVIEW OF APPLICATIONS.

16 Review of all applications for Certificates of Appropriateness shall be governed by the standards in  
17 this Section.

18 (a) General Standards.

19 (1) The proposed work shall be appropriate for the effectuation of, and consistent with,  
20 the purposes of this Article.

21 (2) The proposed work shall comply with any specific controls and standards embodied  
22 in the designating ordinance, including any design guidelines or height and bulk controls.

23 (3) Secretary of the Interior's Standards for the Treatment of Historic Properties. As  
24 set forth in Section 1007.5(b) below, ~~T~~the Secretary of the Interior's Standards for the  
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1 Treatment of Historic Properties Rehabilitation (codified in the Code of Federal Regulations  
2 Volume 36, section 67, as such may be amended from time to time) shall be used by the Historic  
3 Preservation Commission in its review of Certificate of Appropriateness applications, along with  
4 any applicable Guidelines, Bulletins, or brochures issued by the U.S. Department of the  
5 Interior or their designee. Additional treatment methods for the preservation,  
6 reconstruction and restoration of cultural resources listed in the Secretary of the Interior's  
7 Standards for the Treatment of Historic Properties shall also be used by the Historic  
8 Preservation Commission in its review of Certificate of Appropriateness Applications.

9 (4) In the event of any conflict between the Secretary's Standards and any other  
10 standards and controls set forth in this Section 1007.5 or contained in the designating ordinance,  
11 the more protective standard shall control.

12 (5) Any exterior change to a property within a historic district that is not already  
13 compatible with the character of the historic district shall bring the site, structure or object  
14 closer to compatibility, and in no event shall there be a greater deviation from compatibility.

15 (b) Standards for Review of Work on Landmarks and Contributing Resources in Historic  
16 Districts. Applications for work on a landmark or within a historic district where a treatment  
17 Standard, as defined by the Secretary of the Interior, has not been specified, or there are  
18 no existing guidelines or standards outlined in the designation or relevant appendices of  
19 the Code, the Historic Preservation Commission shall review the proposed work against  
20 the Secretary of the Interior's Standards for Rehabilitation and meet the following

21 standards where applicable.: For applications pertaining to work on landmark sites and on  
22 contributing resources within historic districts, and on designated significant interiors, other  
23 than demolitions, the proposed work shall not adversely affect any significant historical or  
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1 architectural feature of the landmark, contributing resource, designated significant interior  
2 or district and shall meet all of the following standards:

3 (1) A property shall be used as it was historically or be given a new use that requires  
4 minimal change to its distinctive materials, features, spaces, and spatial relationships.

5 (2) The historic character and features of a property shall be retained and preserved.  
6 The removal of distinctive materials or alteration of features, spaces, and spatial relationships that  
7 characterize a property shall be avoided shall not be allowed.

8 (3) Each property shall be recognized as a physical record of its time, place, and use.  
9 Changes that create a false sense of historical development, such as adding conjectural features or  
10 elements from other historic properties, shall not be undertaken. shall not be allowed.

11 (4) Changes or alterations to a property that have acquired historic significance in their  
12 own right shall be retained and preserved.

13 (5) Distinctive materials, features, finishes, and construction techniques or examples of  
14 craftsmanship that characterize a property shall be preserved.

15 (6) Deteriorated historic features will shall be repaired rather than replaced. Where  
16 the severity of deterioration requires replacement of a distinctive feature, the new feature will shall  
17 match the old in design, color, texture, and where possible, materials. Replacement of missing  
18 features shall be substantiated by documentary and physical evidence.

19 (7) Chemical or physical treatments, if appropriate, shall be undertaken using the  
20 gentlest means possible. Treatments that cause damage to historic materials shall not be used.

21 (8) New additions, exterior alterations, or related new construction shall not destroy  
22 historic materials, features, or spatial relationships that characterize the property. The new work  
23 shall be differentiated from the old and shall be compatible with the historic materials,  
24 features, size, scale, and proportion, and massing to protect the integrity of the property  
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1 and its environment. While the new work should be differentiated from the old, it shall be  
2 compatible with the historic materials, features, size, scale and proportion, and massing to  
3 protect the integrity of the property and its environment.

4 (9) New exterior additions and adjacent or related new construction shall be  
5 undertaken in such a manner that, if removed in the future, can be removed in the future and  
6 in such a manner that if removed in the future, the essential form and integrity of the historic  
7 property and its environment would be unimpaired without extensive restoration or  
8 reconstruction.

9 (10) Archaeological resources shall be protected and preserved in place. If such  
10 resources must be disturbed, mitigation measures shall be undertaken.

11 (11) The proposed work shall also comply with any specific controls and  
12 standards embodied in the designating ordinance, including design guidelines and height  
13 and bulk controls.

14 (c) Additional Standards for Projects in Historic Districts Standards for Review of  
15 New Construction and Other Work in Historic Districts. For applications pertaining to a site  
16 or feature in a historic district, other than on a landmark site or on a site of a contributing  
17 resource, any new construction, addition, alteration or exterior change shall meet the following  
18 requirements: (1) on the whole, generally be compatible with respect to height, massing,  
19 fenestration, materials, color, texture, detail, style, scale and proportion, signage, landscaping and  
20 other features, which define the character of the historic district as described in the designating  
21 ordinance; and (2) comply with any specific controls or standards that may be embodied in the  
22 designating ordinance, including, but not by limitation, design guidelines and height and bulk  
23 controls; and (3) preserve, enhance or restore, and not damage or destroy, the exterior  
24 architectural appearance of any site, structure or object which is compatible with the  
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1 character of the historic district. Notwithstanding the foregoing, any exterior change to a  
2 property within a historic district that is not already compatible with the character of the  
3 historic district shall bring the site, structure or object closer to compatibility, and in no  
4 event shall there be a greater deviation from compatibility

5 (d) Standards for Review of Demolitions.

6 (1) Applications for demolition on landmark sites, of contributing resources within a  
7 historic district, or of a designated significant interior shall not be approved unless one of the  
8 following ~~two~~ determinations is made by the Historic Preservation Commission, based on evidence  
9 in the record:

10 (i) It is determined that the property retains no substantial reasonable remaining  
11 market value or reasonable use, taking into account the costs of rehabilitation to meet the  
12 requirements of the Building Code, the provisions of the State Historic Building Code, the Mills  
13 Act, federal rehabilitation tax credits and any other available incentives. Costs of rehabilitation  
14 necessitated by alterations made: (A) in violation of this Article, (B) by demolition in violation of  
15 this Article, (C) by failure of the current or prior owners to maintain the property whether by  
16 intention or neglect in violation of Planning Code section 1011, (D) to accommodate the owner's  
17 specific personal or business needs or desires to expand the square footage or to make alterations  
18 inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in the  
19 calculation of rehabilitation costs for this purpose; or

20 (ii) Pursuant to Section 1010(b) of this Article, the Director of the Department of  
21 Building Inspection or Chief of the Fire Department has declared in writing that a serious and  
22 imminent public safety hazard exists and that demolition of the structure is the only feasible means  
23 to secure the public safety; or

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1           (iii) The building has been rescinded as an individual landmark or as a  
2 contributing structure in a historic district pursuant to Section 1005.9 of this Article; or

3           (iv) The Historic Preservation Commission adopts specific findings that: (1) the  
4 proposed project meets the Secretary of the Interior's Standards for Restoration,  
5 Preservation, or Reconstruction; and (2) that the proposed alteration is the best method  
6 available to preserve and protect the subject property as an individual landmark or as a  
7 contributor to the district and to protect and enhance the integrity of the historic district.

8           (2) If the application proposes removal or demolition on a landmark site, or of a  
9 contributing resource within a historic district, or of a designated significant interior, the Historic  
10 Preservation Commission may determine, in its sole discretion, that additional time is necessary to  
11 make a determination with regard to the standards required by Section 1007.5(d)(1)(i), above, or to  
12 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,  
13 the Historic Preservation Commission may suspend action on the application for a period not to  
14 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good  
15 cause shown, extend the suspension for an additional period not to exceed 180 days.

16           (3) If the application proposes removal or demolition of a structure in a designated  
17 historic district other than on a landmark site, or site of a contributing resource, or of a designated  
18 significant interior, the Historic Preservation Commission may disapprove or approve the  
19 application, or may suspend action on it for a period not to exceed 90 days, subject to extension by  
20 the Historic Preservation Commission as provided in the preceding subsection; provided; however,  
21 that the designating ordinance for the historic district may authorize the suspension of action for an  
22 alternate period which may exceed 90 days and in such event the provision of the designating  
23 ordinance shall govern, subject to extension by the Historic Preservation Commission as provided  
24 herein.

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1 (e) Replacement Structures. Except where the Director of the Department of Building  
2 Inspection or Chief of the Fire Department has declared that a serious and imminent public safety  
3 hazard exists and that demolition of the structure is the only feasible means to secure the public  
4 safety (as provided in Section 1007.5(d)(1)(ii), above), no application for a demolition permit in a  
5 historic district, whether pertaining to a contributing resource or a noncontributing resource, shall  
6 be approved until a Certificate of Appropriateness for the replacement structure has been approved  
7 by the Historic Preservation Commission in accordance with the standards for new construction in  
8 a historic district as provided in Section 1007.5(c) of this Article.

9 (f) Independent Experts. The Historic Preservation Commission may call upon the  
10 services of an independent expert to aid in evaluation of the economic, structural, engineering,  
11 construction or other data when reasonably necessary for decisions regarding demolition or major  
12 alterations. The applicant shall pay for the reasonable costs of the services of such independent  
13 expert(s) who shall be selected and hired by, and report directly to, the Historic Preservation  
14 Commission or Historic Preservation Officer.

15 SEC. 1008. ~~PLANNING COMMISSION~~ RIGHT TO MODIFY A CERTIFICATE OF  
16 APPROPRIATENESS.

17 SEC. 1008.1. Projects Requiring Multiple Approvals.

18 (a) For project applications that require multiple planning approvals, the Historic  
19 Preservation Commission must review and act on any Certificate of Appropriateness pursuant to  
20 Section 1007 of this Article before any other planning approval action.

21 (b) Only as to those projects that (1) require a Planning Commission hearing on either  
22 a conditional use permit, ~~as required under this Code as of November 4, 2008,~~ or permit  
23 review as required under Sections 309 and 309.1 of this Code ~~as of November 4, 2008~~ and (2) do  
24 not concern a designated landmark site, the Planning Commission may modify a decision of the

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1 Historic Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its  
2 members, pursuant to the following:

3 (1) Any consideration by the Planning Commission of whether to modify a Certificate of  
4 Appropriateness shall take place during the noticed hearing on the related conditional use permit  
5 or Section 309 permit review.

6 (2) In its consideration as to whether to modify a Certificate of Appropriateness, the  
7 Planning Commission may consider policies set forth in the General Plan and the Priority Policies  
8 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall  
9 apply all applicable historic resources provisions of this Code, including the applicable provisions  
10 of Section 1007 of this Article, and any specific controls and standards embodied in the designating  
11 ordinance, including any design guidelines and height and bulk controls.

12 (3) Any decision of the Planning Commission to modify the Historic Preservation  
13 Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its  
14 members, and the Planning Commission's resolution shall include a statement of reasons for the  
15 modification, including identification of policies or objectives that would be promoted by a  
16 modification of the Certificate of Appropriateness, and findings as to how the Planning  
17 Commission's decision complies with all applicable historic resources provisions of this Code,  
18 including the applicable provisions of Section 1007 of this Article and any specific controls and  
19 standards embodied in the designating ordinance, including any design guidelines and height and  
20 bulk controls.

21 (4) ~~Any proposed~~ modification of a Certificate of Appropriateness pursuant to this  
22 Section 1008 that ~~would expand, broaden, or enlarge or materially modify the scope of the~~  
23 ~~work proposed under the Certificate of Appropriateness that~~ was considered by the Historic  
24 Preservation Commission shall be referred ~~back to the Historic Preservation Commission for~~

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1 ~~consideration before the Planning Commission's action to modify the Certificate of~~  
2 ~~Appropriateness becomes final within twenty (20) days of the Planning Commission's~~  
3 ~~action. The Historic Preservation Commission, at their next regularly-scheduled hearing,~~  
4 ~~must vote on whether to re-hear the project to determine if the Planning Commission~~  
5 ~~modifications are consistent with the purposes of this Article. If the Historic Preservation~~  
6 ~~Commission votes to re-hear the item, such hearing must be scheduled within thirty (30)~~  
7 ~~days, except that newspaper notice need only be given ten (10) days prior to the date of~~  
8 ~~the hearing. After the Historic Preservation Commission re-hears the project, the~~  
9 ~~Certificate of Appropriateness will be referred back to the Planning Commission. The~~  
10 ~~Planning Commission may then act without any further referral back to the Historic~~  
11 ~~Preservation Commission. If the Historic Preservation Commission votes not to re-hear~~  
12 ~~the modified Certificate of Appropriateness or does not hear it within the thirty (30) day~~  
13 ~~time frame, the Planning Commission's decision will become final. In all cases of referral~~  
14 ~~back, the proposal shall be heard by the Historic Preservation Commission as a new~~  
15 ~~proposal according to the requirements set forth in this Article, except that newspaper~~  
16 ~~notice need only be given ten (10) days prior to the date of the hearing. The Historic~~  
17 ~~Preservation Commission shall review the modifications within a reasonable time of~~  
18 ~~referral back. In the event the Historic Preservation Commission does not review the~~  
19 ~~modifications within a reasonable time, the Planning Commission may finalize its decision.~~  
20 SEC. 1008.2. Planning Commission Review of Discretionary Review Applications

21 (a) The Planning Commission shall not conduct Discretionary Review hearings  
22 under Sections 311 or 312 of this Code for projects on sites identified in the San Francisco  
23 Register, defined in Section 1004 of this Article, that include exterior modifications subject  
24 to a Certificate of Appropriateness. For mandatory Discretionary Reviews by the Planning  
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1 Commission pursuant to Section 317 or other applicable sections of the Code, if there is a  
2 Certificate of Appropriateness that must be approved or disapproved by the Historic  
3 Preservation Commission, the Planning Commission cannot modify said Certificate of  
4 Appropriateness unless the proposed project meets the provisions outlined in Section  
5 1008.1(b).

6 SEC 1008.3 Zoning Administrator's Review of Variance Applications.

7 (a) For project applications that require a Variance from the Planning Code in  
8 addition to a Certificate of Appropriateness, the Historic Preservation Commission must  
9 review and act on any Certificate of Appropriateness pursuant to Section 1007 of this  
10 Article before the Zoning Administrator may take action on the Variance application.

11 (b) The Zoning Administrator does not have the authority to modify Variance  
12 applications on sites identified in the San Francisco Register, defined in Section 1004 of  
13 this Article, that include exterior modifications subject to a Certificate of Appropriateness.  
14 Upon final action by the Historic Preservation Commission, the Zoning Administrator may  
15 consider and act upon the Variance application, provided that any final action taken by the  
16 Zoning Administrator does not result in the modification of the approved Certificate of  
17 Appropriateness.

18 SEC. 1008.42. Projects Located on Vacant Lots.

19 For projects that are located on vacant lots, the Planning Commission may modify a  
20 decision of the Historic Preservation Commission on a Certificate of Appropriateness by a two-  
21 thirds vote of its members, pursuant to the following:

22 (a) Within ten (10) days of the decision of the Historic Preservation Commission on a  
23 Certificate of Appropriateness, the Planning Commission may consider and adopt a resolution of  
24 intent to review and consider modifying the Certificate of Appropriateness.

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1 (b) The Planning Commission shall review and consider at a public meeting any  
2 proposed modification of a Certificate of Appropriateness at a public hearing to be held within  
3 forty five (45) ~~twenty (20)~~ days of the adoption of the resolution of intent. Notice of such  
4 meeting(s) shall be given not less than ~~ten (10)~~ twenty (20) days prior to the meeting date in the  
5 same manner as required for a Certificate of Appropriateness.

6 (c) In its consideration as to whether to modify a Certificate of Appropriateness, the  
7 Planning Commission may consider policies set forth in the General Plan and the Priority Policies  
8 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall  
9 apply all applicable historic resources provisions of this Code, including the applicable provisions  
10 of Section 1007 of this Article, and any specific controls and standards embodied in the designating  
11 ordinance, including any design guidelines and height and bulk controls.

12 (d) Any decision of the Planning Commission to modify a Certificate of Appropriateness  
13 shall require a two-thirds vote of its members, and the Planning Commission's resolution shall  
14 include a statement of reasons for the modification, including identification of policies or objectives  
15 that would be promoted by a modification of the Certificate of Appropriateness, and findings as to  
16 how the Planning Commission's decision complies with all applicable historic resources provisions  
17 of this Code, including those listed in (c) above.

18 (e) ~~Any proposed~~ modification of a Certificate of Appropriateness pursuant to  
19 this Section 1008.4 that ~~would expand, broaden, or enlarge or materially modify the scope of~~  
20 the work proposed under the Certificate of Appropriateness that ~~was considered by the~~  
21 Historic Preservation Commission shall be referred ~~back to the Historic Preservation Commission~~  
22 for consideration before the Planning Commission's action to modify the Certificate of  
23 Appropriateness becomes final ~~within twenty (20) days of the Planning Commission's~~  
24 action. ~~The Historic Preservation Commission, at their next regularly-scheduled hearing,~~  
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1 must vote on whether to re-hear the project to determine if the Planning Commission  
2 modifications are consistent with the purposes of this Article. If the Historic Preservation  
3 Commission votes to re-hear the item, such hearing must be scheduled within thirty (30)  
4 days, except that newspaper notice need only be given ten (10) days prior to the date of  
5 the hearing. After the Historic Preservation Commission re-hears the project, the  
6 Certificate of Appropriateness will be referred back to the Planning Commission. The  
7 Planning Commission may then act without any further referral back to the Historic  
8 Preservation Commission. If the Historic Preservation Commission votes not to re-hear  
9 the modified Certificate of Appropriateness or does not hear it within the thirty (30) day  
10 time frame, the Planning Commission's decision will become final. In all cases of referral  
11 back, the proposal shall be heard by the Historic Preservation Commission as a new  
12 proposal according to the requirements set forth in this Article, except that newspaper  
13 notice need only be given ten (10) days prior to the date of the hearing. The Historic  
14 Preservation Commission shall review the modifications within a reasonable time of  
15 referral back. In the event the Historic Preservation Commission does not review the  
16 modifications within a reasonable time, the Planning Commission may finalize its decision.  
17 (f) If the Planning Commission takes Discretionary Review of any project upon which  
18 the Historic Preservation Commission has made a decision on a permit to alter pursuant to  
19 this Article, any decision of the Planning Commission that would , broaden, enlarge or  
20 materially modify the scope of the work proposed under the permit that was considered by  
21 the Historic Preservation Commission shall be referred back to the Historic Preservation  
22 Commission for review, which may approve, disapprove, or approve with conditions, any  
23 changes proposed by the Planning Commission. In all cases of referral back to the Historic  
24 Preservation Commission under this subsection, the proposal shall be heard by the  
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1 ~~Historic Preservation Commission as a new application according to the requirements set~~  
2 ~~forth in this Article for the permit, except that newspaper notice need only be given ten (10)~~  
3 ~~days prior to the date of the hearing. The Historic Preservation Commission shall review~~  
4 ~~the modifications within a reasonable period of referral back. In the event the Historic~~  
5 ~~Preservation Commission does not review the modifications within a reasonable period,~~  
6 ~~the Planning Commission may finalize its decision.~~

7 (f) For the purposes of this Section, a “vacant lot” shall not include any vacant  
8 lot created by subdivision, lot line adjustment, or other divisions of a lot, parcel, or site,  
9 upon which a landmark or contributory structure is located, or any lot, parcel, or site  
10 located within a historic district at any time following the designation of such landmark or  
11 contributory structure or historic district.

12 SEC. 1009. APPEALS.

13 SEC. 1009.1. Right of Appeal. The Historic Preservation Commission's decision on a  
14 Certificate of Appropriateness, or the Planning Commission's modification of a Historic  
15 Preservation Commission's decision on a Certificate of Appropriateness pursuant to Section 1008  
16 of this Article, shall be final unless appealed to the Board of Appeals, which may modify the  
17 decision on a Certificate of Appropriateness by a 4/5 vote; provided, however, that if the project  
18 requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional  
19 use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of  
20 Supervisors, which may modify the Historic Preservation Commission's decision on a Certificate of  
21 Appropriateness, or Planning Commission's modification of a Certificate of Appropriateness, by a  
22 majority vote. A decision appealed to the Board of Appeals shall not become effective unless and  
23 until the Board of Appeals' decision on the Certificate of Appropriateness becomes final. Any  
24 decision appealed to the Board of Supervisors shall not become effective until the Board of

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1 Supervisors' approval or action on the appeal. Nothing in this Section shall be construed to  
2 authorize the appeal of any decision of the Historic Preservation Commission under Section  
3 1007.5(d) of this Article to suspend action on a Certificate of Appropriateness application.

4 SEC. 1009.2. Appeals to the Board of Appeals.

5 (a) Any appeal under this Section to the Board of Appeals shall be taken by filing  
6 written notice of appeal with the Board of Appeals within (15) days after the date of the decision by  
7 the Historic Preservation Commission or the Planning Commission, where applicable, by the  
8 property owner or any interested party in writing to the Board of Appeals.

9 (b) Notice of any appeal to the Board of Appeals of a Certificate of Appropriateness  
10 shall, in addition to being given pursuant to the notice requirements of the Board of Appeals, be  
11 given to (1) the owners of all real property within 300-feet of the exterior boundaries of any  
12 landmark site that is the subject of the appeal, and (2) in the case of an appeal of a Certificate of  
13 Appropriateness for a project in a historic district, to all property owners within 300 feet of the  
14 exterior boundaries of the property that is the subject of the appeal, and, (3) to all other interested  
15 parties who have in writing or email to the Historic Preservation Officer requested such notices.

16 (c) Any decision of the Board of Appeals to modify a Certificate of Appropriateness  
17 shall require a 4/5 vote of its members.

18 (d) Except as otherwise provided in this subsection, the procedures and requirements  
19 governing hearings before the Board of Appeals shall apply.

20 SEC. 1009.3. Appeals to the Board of Supervisors.

21 (a) The Historic Preservation Commission's decision on a Certificate of  
22 Appropriateness, or the Planning Commission's modification of a Historic Preservation  
23 Commission's decision on a Certificate of Appropriateness pursuant to Section 1008 of this Article,  
24  
25

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1 are subject to appeal to the Board of Supervisors only if the projects requires Board of Supervisors  
2 approval or is appealed to the Board of Supervisors as a conditional use.

3 (b) Any appeal under this Section to the Board of Supervisors shall be taken by filing  
4 written notice of appeal with the Board of Supervisors within (15) days after the date of the  
5 decision by the Historic Preservation Commission or the Planning Commission, where applicable,  
6 by the property owner or any interested party in writing to the Clerk of the Board of Supervisors.

7 (c) Upon filing of such written notice of appeal, the Board of Supervisors or the Clerk  
8 thereof shall set a time and place for hearing such appeal, which hearing may be conducted at the  
9 same meeting that the Board of Supervisors considers the project's required approvals or the  
10 conditional use appeal, as applicable; provided that said hearing and decision must be made not  
11 more than 60 days from the date of filing of the appeal. Failure of the Board of Supervisors to act  
12 within such time limit shall be deemed to constitute approval by the Board of Supervisors of the  
13 action of the Historic Preservation Commission, or, if applicable, the Planning Commission.

14 (d) Any decision of the Board of Supervisors to modify the Historic Preservation  
15 Commission's decision on a Certificate of Appropriateness, or Planning Commission's modification  
16 of a Certificate of Appropriateness, shall require a majority vote.

17 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

18 Where the Director of the Department of Building Inspection or Chief of the Fire Department  
19 determines that a condition on or within a landmark site or a structure or object within a historic  
20 district is unsafe or dangerous, whether caused by failure to properly maintain the structure or by a  
21 major disaster such as fire, earthquake or other calamity, by Act of God, or by the public enemy,  
22 the following provisions shall apply:

23 (a) If the unsafe or dangerous condition does not pose a serious and imminent public  
24 safety hazard, the Director of the Department of Building Inspection or Chief of the Fire

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1 Department shall attempt to determine the measures of repair or other work necessary to correct  
2 the unsafe condition in a manner consistent with the purposes and standards set forth in this  
3 Article. To the extent possible, such officials shall consult with the Historic Preservation  
4 Commission and shall consider relevant provisions of the State Historical Building Code. Where  
5 possible, temporary measures which have minimal intervention with the structure or object shall be  
6 implemented in order to allow sufficient time for proper review by the Historic Preservation  
7 Commission. In the event of disagreement as to whether alteration, repair or other work rather  
8 than demolition is the best available means to secure the public safety, the opinion of an  
9 independent expert with experience in historic preservation shall be obtained by the Historic  
10 Preservation Commission from a list of qualified consultants. The findings of this expert shall be  
11 given due weight by the Director of the Department of Building Inspection and Chief of the Fire  
12 Department when determining how to abate a hazardous condition.

13 (b) If the Director of the Department of Building Inspection or Chief of the Fire  
14 Department declares in writing that the condition does pose a serious and imminent public safety  
15 hazard and that alteration or demolition of the structure is the only feasible means to secure the  
16 public safety, none of the provisions of this Article shall be construed to prevent any measures of  
17 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of  
18 any structure, other feature, or part thereof; provided, however, that only such work as is  
19 absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to  
20 this Section. In the event of disagreement as to whether alteration, repair or other work  
21 rather than demolition is the best available means to secure the public safety, the opinion  
22 of an independent expert with experience in historic preservation shall be obtained by the  
23 Historic Preservation Commission from a list of qualified consultants. The findings of this  
24  
25

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1 expert shall be given due weight by the Director of the Department of Building Inspection  
2 and Chief of the Fire Department when determining how to abate a hazardous condition.

3 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

4 (a) Maintenance. The owner, lessee, or other person responsible for maintenance or  
5 operation of a landmark or of a structure or object in a historic district shall comply with all  
6 applicable codes, laws and regulations governing the maintenance of property. It is the intent of  
7 this section:

8 (1) To preserve designated landmarks and contributory structures or objects within  
9 historic districts, including the interior portions thereof when designated as significant interiors,  
10 from neglect and/or the negative cumulative effects of successive alterations; and

11 (2) To preserve landmarks and contributory structures or objects within historic  
12 districts, including the interior portions thereof when designated as significant interiors, against  
13 decay and deterioration and to keep them free from structural defects. Such defects may include  
14 but not be limited to the following:

15 (A) Facades, which may fall and injure the public or property;

16 (B) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor  
17 supports, deteriorated walls or other vertical structural supports;

18 (C) Members of ceilings, roofs, ceiling and roof supports, parapets, cornices or other  
19 horizontal members, which sag, split or buckle due to defective material or deterioration;

20 (D) Deteriorated ornamental features;

21 (E) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or  
22 floors, including broken windows or doors;

23 (F) Defective or insufficient weather protection for exterior wall covering, including  
24 lack of paint or weathering due to lack of paint or other protective covering;

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1 (E G) Any fault or defect in the resource, which renders it not properly watertight, secure,  
2 or structurally unsafe.

3 (b) Enforcement Procedures. Failure to maintain property as provided in a manner  
4 that complies with all applicable codes, laws and regulations governing maintenance  
5 property herein shall be unlawful and is hereby declared to be a public nuisance. Violations of  
6 this Section 1011 shall be subject to enforcement procedures as set forth in Sections 1012 and 1013  
7 of this Article, and as set forth in Sections 176 and 176.1 of this Code.

8 SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

9 (a) In addition to any other penalties provided in this Code or elsewhere, whenever the  
10 Historic Preservation Commission, Zoning Administrator or Historic Preservation Officer  
11 determines that there has been an alteration or demolition of a landmark or any building within a  
12 historic district in violation of the provisions of this Article, the site may not be developed in excess  
13 of the floor area ratio, dwelling unit density or building volume of the altered or demolished  
14 building for a period of 20 years from the unlawful alteration or demolition. The Zoning  
15 Administrator shall send written notice to the property owner of such determination. No  
16 department shall approve or issue a permit that would authorize construction of a structure  
17 contrary to the provisions of this Section.

18 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:

19 (1) As to an unlawful alteration or demolition, the owner can demonstrate to the  
20 satisfaction of the Historic Preservation Commission and the Zoning Administrator that the work  
21 alleged to be a violation did not require a Certificate of Appropriateness as provided in Section  
22 1007 of this Article; or

23 (2) As to an unlawful alteration, the owner restores the original distinguishing qualities  
24 and character of the building destroyed or altered, including exterior character-defining spaces,

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1 materials, features, finishes, exterior walls and exterior ornamentation. A property owner who  
2 wishes to effect a restoration pursuant to this Section 1012(b)(2) shall, in connection with the filing  
3 of a building or site permit application, file an application for a Certificate of Appropriateness.  
4 The Historic Preservation Commission may not approve the Certificate of Appropriateness unless it  
5 finds that the restoration can be accomplished with a substantial degree of success in accordance  
6 with the standards for issuance of a Certificate of Appropriateness set forth in this Article 10. Upon  
7 such approval, and the completion of such work in a satisfactory manner, the limitation on floor  
8 area ratio set forth in Section 1012(a) above shall not thereafter apply.

9 (3) As to an unlawful demolition, the owner agrees to reconstruct the building in-  
10 kind, matching the height, bulk, setback of the former structure and any and all decorative  
11 material that characterized the former structure.

12 (c) In the event that the owner does not (1) respond to the Zoning Administrator's  
13 written notice within 30 days of the date of such notice or (2) demonstrate that no violation has  
14 occurred or (3) restore as described above, the Zoning Administrator shall cause to be filed with  
15 the Recorder of the City and County of San Francisco a Notice of Special Restriction limiting the  
16 development of the site.

17 (d) In addition to the penalties described in this Section 1012, any building owner who  
18 violates this Article 10 shall be subject to the enforcement procedures and penalties described in  
19 Section 1013 of this Article and Sections 176 and 176.1 of this Code.

20 SEC. 1013. ENFORCEMENT AND PENALTIES.

21 The provisions of this Article and any provision or condition of any certificate of appropriateness  
22 that has been obtained pursuant to this Article shall be enforced and penalties shall be assessed as  
23 provided in Sections 176 and 176.1 of this Code.

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1 (a) Authority of Historic Preservation Commission. The Historic Preservation  
2 Commission shall have the power to (1) file appeals on its own behalf to any appropriate City  
3 officials, commissions, boards, departments or agencies; and (2) initiate enforcement actions and  
4 imposition of penalties pursuant to Sections 176 and 176.1 of this Code by providing notice of any  
5 violation to the Director of the Planning Department, Director of Building Inspection, Zoning  
6 Administrator, City Attorney, District Attorney or other appropriate City officials, commissions,  
7 boards, departments or agencies who shall be required to immediately institute enforcement  
8 proceedings;

9 (b) Duty to Administer and Enforce. It shall be the duty of the Zoning Administrator  
10 Director of the Planning Department, or the Zoning Administrator's Director's delegate, to  
11 administer and enforce the provisions of this Article 10. Upon request, the Department of Building  
12 Inspection shall assist the Zoning Administrator Director of the Planning Department in the  
13 performance of this duty.

14 (c) Inspection of Premises. In the performance of his duties, the Zoning Administrator  
15 Director of the Planning Department and employees of the Department properly authorized to  
16 represent the Zoning Administrator Director of the Planning Department shall have the right to  
17 enter any building or premises for the purposes of investigation and inspection upon reasonable  
18 notice to the owner; and provided further, that such right of entry shall be exercised only at  
19 reasonable hours, and that in no case shall entry be made to any building without notice to the  
20 owner or tenant thereof without the written order of a court of competent jurisdiction.

21 (d) Methods of Enforcement. In addition to the regulations of this Article 10, Article 11,  
22 other Articles of this Code and provisions of the Charter which govern enforcement procedures and  
23 the approval or disapproval of applications for building permits or other permits or licenses  
24 affecting the use of land or buildings, the Zoning Administrator Director of the Planning  
25

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1 ~~Department~~ shall have the additional authority to implement the enforcement thereof by the  
2 following means:

3 (1) ~~The Zoning Administrator Director of the Planning Department~~ may serve  
4 notice requiring the removal of any violation of this Article 10 or Article 11 upon the owner, agent  
5 or tenant of the building or land, or upon the architect, builder, contractor or other person who  
6 commits or assists in any such violation; and

7 (2) ~~The Zoning Administrator Director of the Planning Department~~ may call upon  
8 the District Attorney to institute any necessary legal proceedings to enforce the provisions of this  
9 Article 10 or Article 11, and the District Attorney is hereby authorized to institute appropriate  
10 actions to that end.

11 (e) Penalties. Any person, firm or corporation violating any of the provisions of this  
12 Article 10 or Article 11 shall be deemed guilty of a misdemeanor and upon conviction thereof shall  
13 be fined in an amount not exceeding \$1,000.00 or be imprisoned for a period not exceeding six  
14 months or be both so fined and imprisoned. Each day such a violation is committed or permitted to  
15 continue shall constitute a separate offense and shall be punishable as such hereunder.

16 (f) Injunctive Relief. The City Attorney may maintain an action for injunctive relief to  
17 cause, where possible, the complete or partial restoration or reconstruction of any building altered  
18 or demolished in violation of this Article 10 or Article 11, or an abatement action to cause the  
19 correction or removal of any violation of this Article 10 or Article 11.

20 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

21 SEC. 1014.1 City-Owned Historic Resources.

22 (a) All officials, boards, commissions, agencies and departments of the City shall  
23 cooperate with the Historic Preservation Commission in carrying out the spirit and intent of this  
24 Article.

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1 (b) Except as otherwise provided in this Article, Certificates of Appropriateness under  
2 the provisions of Section 1007 of this Article are required for all projects affecting historic  
3 resources listed on the San Francisco Register which are owned, leased, or otherwise under the  
4 jurisdiction or control of any City board, commission, agency or department, the agency, even if the  
5 project is not subject to the permit review procedures of the City, provided that this requirement  
6 shall not supersede, impair or modify provisions of the City Charter or laws governing the State of  
7 California and the United States of America. All governmental bodies shall work cooperatively  
8 with the Historic Preservation Commission to assure the appropriate treatment of historic  
9 resources.

10 (c) City officials, boards, commissions, agencies and departments shall cooperate with  
11 the Historic Preservation Commission in surveying and preparing architectural and historic  
12 inventories and surveys of their properties.

13 SEC. 1014.2. Historic Resources Owned by Other Public Agencies.

14 The Historic Preservation Officer shall take appropriate steps to notify all other public agencies  
15 which own, lease, may acquire, or have within their jurisdiction properties listed on the San  
16 Francisco Register, about the existence and character of the historic resource and shall cause a  
17 current record of such historic resources to be provided to each such public agency. In the case of  
18 a proposed project affecting any historic resource listed on the San Francisco Register which is not  
19 subject to the permit review procedures of the City or to the requirements to obtain a Certificate of  
20 Appropriateness under this Article, the Historic Preservation Commission shall provide such  
21 advice, consultation and assistance to the public agency as it may deem necessary or appropriate  
22 based on the purposes and standards of this Article.

23 SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES

24 SEC. 1015.1. Comprehensive Survey Program Established.

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1 An ongoing program to comprehensively survey all historic resources within the boundaries of the  
2 City, including, without limitation, all historic resources owned by the City and other local, state or  
3 federal entities, is hereby established in the Planning Department under the direction of the  
4 Historic Preservation Commission.

5 SEC. 1015.2. Implementation of Comprehensive Survey Program.

6 To implement and carry out the comprehensive survey program, the Historic Preservation Officer  
7 shall have the following duties and responsibilities:

8 (a) The Historic Preservation Officer shall develop and implement a comprehensive  
9 plan for conducting historic resource surveys on a citywide basis, including without limitation the  
10 adoption of context statements. The plan shall be subject to review and approval by the Historic  
11 Preservation Commission.

12 (b) To further the implementation of the comprehensive survey program, the Historic  
13 Preservation Officer will work with interns and volunteers, and with nonprofit organizations that  
14 have access to private funding for the purpose of conducting historic resource surveys.

15 (c) All surveys shall be conducted in conformance with state survey standards and  
16 procedures established by the State Office of Historic Preservation, using the criteria for  
17 landmarks, historic districts and contributing resources set forth in Section 1005.1 of this Article.

18 (d) The Historic Preservation Officer shall work with the Environmental Review  
19 Officer on ~~oversee and manage~~ all historic resource surveys required to be conducted by the  
20 City in connection with the environmental review of projects, plans or studies, including without  
21 limitation historic resource surveys performed in conjunction with the environmental review of  
22 projects pursuant to the California Environmental Quality Act<sup>7</sup>. The Historic Preservation  
23 Officer shall oversee and manage any historic resource surveys required pursuant to the  
24 National Environmental Protection Act and Section 106 of the National Historic Preservation Act<sup>2</sup>.

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1 as well as any surveys performed in connection with general plan elements, area plans, community  
2 plans, rezoning plans or proposals Redevelopment Area plans and studies, and any other land use  
3 plans or studies within the boundaries of the City or may assist in conducting any other historic  
4 resource surveys. ~~The Environmental Review Officer shall be required to conduct all~~  
5 ~~historic resource surveys and studies by and through the Historic Preservation Officer.~~ All  
6 such survey activities shall be an integral part of the comprehensive survey program established by  
7 this Section.

8 (e) The Historic Preservation Officer shall present the results of all surveys to the  
9 Historic Preservation Commission for review at a public hearing pursuant to procedures adopted  
10 by the Historic Preservation Commission for this purpose, at the conclusion of which the Historic  
11 Preservation Commission shall adopt, adopt with modifications or disapprove the survey results.  
12 The decision of the Historic Preservation Commission shall be final.

13 (f) Following the adoption of a survey, the Historic Preservation Officer shall include  
14 the survey results on the San Francisco Inventory of Historic Resources established pursuant to  
15 Section 1015 of this Article and shall make the results of the survey available for use in the  
16 planning processes of City officials, departments, agencies and commissions, and other local, state  
17 and federal agencies as to their activities within the jurisdiction of the City.

18 (g) The Historic Preservation Officer shall forward all survey results to the State Office  
19 of Historic Preservation for integration into the statewide comprehensive historic preservation  
20 planning process including the State Historic Resources Database.

21 (h) All historic resource surveys that have been recognized, accepted or adopted by the  
22 Board of Supervisors; identified as having historic status in the General Plan; endorsed by the  
23 Planning Commission; or prepared by the Planning Department with funding through a federal  
24 grant administered by the State Office of Historic Preservation as of the date of enactment of this  
25

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1 Article are and for all purposes shall be considered to be adopted historic resource surveys and  
2 included on the San Francisco Inventory of Historic Resources pursuant to Section ~~4015~~1016 of  
3 this Article.

4 SEC. 1016. SAN FRANCISCO INVENTORY OF HISTORIC RESOURCES.

5 SEC. 1016.1. San Francisco Inventory Established.

6 (a) The Historic Preservation Commission shall maintain a list or compilation of  
7 identified historic resources ~~that have been identified as worthy of preservation that but have~~  
8 not been designated pursuant to the provisions of this Article, ~~as landmarks or contributing~~  
9 resources or are not situated in designated historic districts pursuant to the provisions of  
10 this Article. Such list or compilation shall be known as the San Francisco Inventory of Historic  
11 Resources (hereinafter referred to as the "San Francisco Inventory").

12 (b) The San Francisco Inventory shall include, ~~but not by limitation,~~ all individual  
13 resources and districts, and contributing resources located in such districts, that, as of the effective  
14 date of this Article or at anytime thereafter, are: (1) listed individually or included in a district  
15 listed on the National Register of Historic Places or the California Register of Historical  
16 Resources; (2) included in surveys approved, adopted or endorsed by the Historic Preservation  
17 Commission; (3) identified as having historic status in the General Plan; (4) designated as  
18 California State Landmarks or Points of Historic Interest; (5) listed in the California Resources  
19 Inventory System (CHRISD) Database maintained by the State Office of Historic Preservation  
20 as being eligible for listing in, or that appear eligible for listing in the National Register of Historic  
21 Places or the California Register of Historic Resources (6) designated as Structures of Merit as of  
22 the effective date of this Article; (7) identified as having architectural, cultural, or historic  
23 significance in historic resource surveys, ~~including without limitation, those conducted by San~~  
24 Francisco Architectural Heritage, which surveys that the City has approved, adopted or  
25

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1 endorsed; (8) identified as "AS" in the 1976 Architectural Survey; (9) identified as architecturally,  
2 culturally, or historically significant in surveys conducted in connection with environmental review  
3 pursuant to the California Environmental Quality Act, the National Environmental Policy Act or  
4 Section 106 of the National Historic Preservation Act, where the City or the Historic Preservation  
5 Commission has ~~approved~~, adopted or endorsed such survey or where the subject environmental  
6 review document is approved and certified by the city in connection with project approval; and (10)  
7 otherwise identified by the Historic Preservation Commission, Planning Commission or Board of  
8 Supervisors as having significance to the architectural or cultural history of San Francisco.

9 (c) The Historic Preservation Officer may remove a site or structure from the San  
10 Francisco Inventory if a written determination is issued finding that the site or structure is  
11 has lost its integrity through inappropriate additions and modifications, and this  
12 determination is reviewed by the Historic Preservation Commission.

13 ~~(c) Any changes to or deletions from the Inventory shall be subject to prior review~~  
14 ~~by the Historic Preservation Commission.~~

15 SEC. 1016.2 1015.2. Maintenance and Use of San Francisco Inventory.

16 (a) The Historic Preservation Officer ~~shall~~ may take appropriate steps to maintain and  
17 regularly update the San Francisco Inventory and to make it available for public review and use.

18 (b) The Historic Preservation Officer shall insure that the San Francisco Inventory, as it  
19 is amended from time to time, is incorporated into the records and electronic database of the  
20 Planning and Building Departments.

21 (c) The Historic Preservation Officer shall deliver a copy of the San Francisco  
22 Inventory, as it is amended from time to time, to the Clerk of the Board of Supervisors and to all of  
23 the City officials and departments listed in Section 1004(f) of this Article.

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1 (d) The San Francisco Inventory is intended to be used as a planning tool to be taken  
2 into consideration by the City departments, agencies and commissions in making decisions as to  
3 projects and plans that may impact historic preservation. ~~and the Historic Preservation~~  
4 ~~Commission may develop and implement guidelines and procedures for appropriate~~  
5 ~~review of projects that would alter or demolish properties included on the San Francisco~~  
6 ~~Inventory.~~

7 SEC. 1017. PRESERVATION INCENTIVES.

8 The Historic Preservation Commission shall develop and implement incentives for  
9 preservation of historic resources, which may include, but not by limitation, the following:

10 (a) Developing and implementing a program to encourage the use of ~~require the~~  
11 ~~Department of Building Inspection to use~~ the State Historical Building Code for all eligible  
12 projects, including but not by limitation, for projects involving properties listed on the San  
13 Francisco Register or San Francisco Inventory;

14 (b) Promoting the use and implementation of Mills Act property-tax relief program  
15 (California Government Code Section 50280 et seq.) for owners of historic properties;

16 (c) Investigating the use by the City of the Marks Historical Rehabilitation Act for  
17 issuance of tax-exempt industrial development bonds;

18 (d) Promoting of the use of the federal historic rehabilitation tax credit program;

19 (e) Investigating and recommending additional historic preservation incentives,  
20 including without limitation, economic and tax incentives, acquisition of development rights,  
21 transfer of development rights, preservation easements, fee adjustments and negotiated agreements;

22 (f) Conferring recognition upon the owners of landmarks or the owners of sites,  
23 structures and objects within historic districts, and recognize and honor other historic preservation

24  
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1 efforts in other areas of the City of San Francisco by means of certificates, plaques, markers,  
2 signage and awards;

3 (g) Exploring the use of available federal, State, local or private funding sources and  
4 mechanisms to promote and support historic preservation;

5 (h) Developing and recommending to the Mayor, Board of Supervisors, Planning  
6 Commission and other boards and commissions, a program of incentives for preservation of  
7 historic resources.

8 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

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

12 SEC. 1019. SEVERABILITY.

13 If any section, subsection, subdivision, sentence, clause or phrase of this Article is for any  
14 reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,  
15 such decision shall not affect the validity of the remaining portions of this Article 10 or any part  
16 thereof. The Board of Supervisors hereby declares that it would have passed this ordinance and  
17 adopted this Article and each section, subsection, subdivision, sentence, clause or phrase thereof,  
18 irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses  
19 or phrases be declared invalid or unconstitutional.

1 Section 4. The San Francisco Planning Code is hereby amended by rescinding  
2 Article 11 in its entirety.

3 Section 5. The San Francisco Planning Code is hereby amended to add new  
4 Article 11, to read as follows:

5 ARTICLE 11 – HISTORIC PRESERVATION IN C-3 ZONING DISTRICTS  
6 PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL,  
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11       SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION DISTRICTS.

- 12       1113.1        *Standards for Review of New and Replacement Structures.*

13       SEC. 1114. ~~PLANNING COMMISSION'S RIGHT TO MODIFY A DECISION OF THE~~  
14       ~~HISTORIC PRESERVATION COMMISSION.~~

- 15       1114.1.       *Projects Requiring Multiple Approvals.*  
16       1114.2.       *Planning Commission Review of Discretionary Review Applications.*  
17       1114.3        *Zoning Administrator's Review of Variance Applications.*  
18       1114.4        *Projects Located on Vacant Lots.*

19       SEC. 1115. APPEALS.

- 20       1115.1.       *Right of Appeal.*  
21       1115.2.       *Appeals to the Board of Appeals.*  
22       1115.3.       *Appeals to the Board of Supervisors.*

23       SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

24       SEC. 1117. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

25       SEC. 1118. UNLAWFUL ALTERATION OR DEMOLITION.

SEC. 1119. ENFORCEMENT AND PENALTIES.

SEC. 1020. RELATIONSHIP TO ARTICLE 10.

SEC. 1121. NOTICE OF AMENDMENT.

SEC. 1122. NOTICE PROCEDURE.

SEC. 1123. TIME PROVISIONS.

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1 SEC. 1024. SEVERABILITY.

2  
3 SEC. 1101. FINDINGS AND PURPOSES.

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

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

20 ~~\_\_\_\_\_ (c) — It is therefore declared that the protection, enhancement, and perpetuation of~~  
21 ~~buildings and definable subareas of special architectural, historical, and aesthetic interest~~  
22 ~~is necessary to promote the health, safety, prosperity and welfare of the people of the City.~~  
23 ~~Accordingly, the purposes of this Article are:~~

24  
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1       ~~\_\_\_\_\_ (1) — The protection, enhancement, and perpetuation of structures and subareas~~  
2 ~~of special architectural, historical, and aesthetic character which contribute to the urban~~  
3 ~~environment;~~

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

6       ~~\_\_\_\_\_ (3) — The protection and improvement of the City's attractiveness to tourists and~~  
7 ~~other visitors, and the stimulus to business provided thereby;~~

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

11       ~~\_\_\_\_\_ (d) — It is further found that the use of Transferable Development Rights as~~  
12 ~~provided herein is necessary to promote the urban planning and design goals of the~~  
13 ~~General Plan by (1) maintaining appropriate overall development capacities in each zoning~~  
14 ~~district within the C-3 area, as defined by applicable floor area, height, bulk and other~~  
15 ~~parameters; (2) encouraging and directing development into the Special Development~~  
16 ~~District in order to maintain a compact downtown financial district; and (3) requiring the~~  
17 ~~retention of Significant Buildings, providing incentives for the retention of Contributory~~  
18 ~~Buildings, and encouraging the compatible replacement or alteration of Unrated buildings~~  
19 ~~in Conservation Districts, as defined herein.~~

20       ~~\_\_\_\_\_ (e) — It is further found that the provisions of this Article 11 implement the~~  
21 ~~provisions of the voter approved Charter Amendment creating a Historic Preservation~~  
22 ~~Commission and establishing its powers and duties.~~

23       ~~(a) A substantial number of the buildings in the C-3 District have a special~~  
24 ~~architectural, historical, and aesthetic value. These buildings contribute substantially to~~

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1 San Francisco's reputation throughout the United States as a City of outstanding beauty  
2 and physical harmony;

3 (b) Encourage and promote the adaptive reuse of the City's historic resources;

4 (c) Conserve resources that provide continuity with San Francisco's past;

5 (d) Implement the historic preservation goals, policies, and programs of the  
6 General Plan, specifically the Downtown Element, and the eight General Plan priority  
7 policies set forth in Section 101.1 of the Planning Code in balance with the overall goals of  
8 the General Plan;

9 (e) Preserve notable landmarks and areas of historic, architectural, or aesthetic  
10 value, and promote the preservation of other buildings and features that provide continuity  
11 with past development;

12 (f) San Franciscans from diverse cultures and affinity groups value historic  
13 structures and places as important parts of their history and culture;

14 (g) Use care in the remodeling of significant older buildings to enhance rather  
15 than weaken their original character;

16 (h) Design new buildings to respect the character of older development nearby;

17 (i) Celebrate and preserve significant reminders of the 1906 Earthquake and  
18 Fire;

19 (j) Promote the identification, documentation, and evaluation of the significance  
20 of individual historic resources and conservation districts;

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1 (k) Promote public awareness of the value of rehabilitation, restoration, and  
2 maintenance of the existing building stock as a means to conserve reusable material and  
3 energy resources;

4 (l) Recognize the City's historic resources as economic assets;

5 (m) Stabilize and improve property values, and enhance the aesthetic and visual  
6 character and environmental amenities of the City's historic properties and areas;

7 (n) The use of Transferable Development Rights as provided herein is  
8 necessary to promote the urban planning and design goals of the General Plan by (1)  
9 maintaining appropriate overall development capacities in each zoning district within the C-  
10 3 area, as defined by applicable floor area, height, bulk and other parameters; (2)  
11 encouraging and directing development into the Special Development District in order to  
12 maintain a compact downtown financial district; and (3) requiring the retention of  
13 Significant Buildings, providing incentives for the retention of Contributory Buildings, and  
14 encouraging the compatible replacement or alteration of Unrated buildings in Conservation  
15 Districts, as defined herein; and

16 (o) It is further found that the provisions of this Article 11 implement the  
17 provisions of the voter approved Charter Amendment creating a Historic Preservation  
18 Commission and establishing its powers and duties.

19 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

20 The buildings in the C-3 Districts are divided into five categories according to the Building Rating  
21 methodology as set forth and explained in the Preserving the Past section of the Downtown Plan, a  
22 component of the General Plan. Those categories are as follows:

23 (a) Significant Buildings - Category I. Buildings which:

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1 (1) Are at least 40 years old; and  
2 (2) Are judged to be Buildings of Individual Importance; and  
3 (3) Are rated Excellent in Architectural Design or are rated Very Good in both  
4 Architectural Design and Relationship to the Environment.

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

6 (1) Which meet the standards in Section 1102(a) above; and

7 (2) Are located on deep interior lots with non-architecturally treated side and rear  
8 walls; and

9 (3) To which, because of their depth and relationship to other structures, more  
10 substantial alteration of the back of these buildings can be accommodated, without affecting their  
11 architectural quality or the appearance of the retained portions from their ability to function as  
12 separate structures. Such alterations could be a rear addition to the building, a new, taller  
13 structure at the rear of the building, or replacement of the rear of the building with a new taller  
14 structure, even if such alterations are visible when viewing the principal facades, provided that  
15 such alteration could be done without affecting the architectural quality of the building or its  
16 relationship to the environment and without affecting the appearance of the retained portions as a  
17 separate structure when viewing the principal facades. The addition or new construction would be  
18 required to meet the standards and criteria for new construction in Conservation Districts as set  
19 forth in Section 1113 of this Article. The designation of Category II Buildings shall identify for  
20 each building the portion of the building beyond which such additions may be permitted.

21 (c) Contributory Buildings - Category III. Buildings which:

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

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

24 (3) Are judged to be Buildings of Individual Importance; and  
25

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1 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in  
2 Relationship to the Environment.

3 (d) Contributory Buildings - Category IV. Buildings which:

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

5 (2) Are at least 40 years old;

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

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

10 (e) Unrated Buildings - Category V. Buildings which are not designated as Significant  
11 or Contributory.

12 SEC. 1102.1. Designation of Buildings.

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

14 (a) Significant Buildings - Category I. The buildings listed in Appendix A to Article 11  
15 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
16 Significant Buildings - Category I.

17 (b) Significant Buildings - Category II. The buildings listed in Appendix B to Article 11  
18 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
19 Significant Buildings - Category II.

20 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to Article  
21 11 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
22 Contributory Buildings - Category III. Once any Transfer Development Rights have been  
23 transferred from a Contributory Building, that building is subject to the same restrictions on

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1 demolition and alteration as a Significant Building. These restrictions may not be removed  
2 by the transfer of TDR back to the building.

3 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to Article  
4 11 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
5 Contributory Buildings - Category IV. Once any Transfer Development Rights have been  
6 transferred from a Contributory Building, that building is subject to the same restrictions on  
7 demolition and alteration as a Significant Building. These restrictions may not be removed  
8 by the transfer of TDR back to the building.

9 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise  
10 designated in this Section are hereby designated as Unrated - Category V. Once a Category V  
11 building has been deemed Compatible by the Historic Preservation Commission, the  
12 buildings is subject to the same restrictions on demolition and alteration as a Significant  
13 Building. These restrictions may not be removed by the transfer of TDR back to the  
14 building.

15 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.  
16 Portions of the C-3 District may be designated as Conservation Districts if they contain substantial  
17 concentrations of buildings that together create geographic areas of special architectural and  
18 aesthetic importance. In these areas, buildings of a somewhat lesser quality than those required to  
19 be retained take on an increased importance since they help create a setting that reinforces and  
20 compliments the qualities of the more significant structures, and their own attributes are more  
21 apparent and appreciated. Such areas shall contain substantial concentrations of Significant and  
22 Contributory Buildings and possess substantial overall architectural, aesthetic or historic qualities  
23 justifying additional controls in order to protect and promote those qualities and to facilitate  
24 preservation of the quality and character of the area as a whole.

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1        SEC. 1103.1. Conservation District Designations.

2        The following Conservation Districts are hereby designated for the reasons indicated in the  
3        appropriate Appendix:

4        (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as set  
5        forth in Appendix E to Planning Code Article 11 included in the San Francisco Planning Code as of  
6        January 6, 2009.

7        (b) The New Montgomery-Second Street Conservation District is hereby designated as  
8        set forth in Appendix F to Planning Code Article 11 included in the San Francisco Planning Code  
9        as of January 6, 2009.

10       (c) The Commercial-Leidesdorff Conservation District is hereby designated as set forth  
11       in Appendix G to Planning Code Article 11 included in the San Francisco Planning Code as of  
12       January 6, 2009.

13       (d) The Front-California Conservation District is hereby designated as set forth in  
14       Appendix H to Planning Code Article 11 included in the San Francisco Planning Code as of  
15       January 6, 2009.

16       (e) The Kearny-Belden Conservation District is hereby designated as set forth in  
17       Appendix I to Planning Code Article 11 included in the San Francisco Planning Code as of January  
18       6, 2009.

19       (f) The Pine-Sansome Conservation District is hereby designated as set forth in  
20       Appendix J to Planning Code Article 11 included in the San Francisco Planning Code as of  
21       January 6, 2009.

22       SEC. 1104. INCLUSION ON THE SAN FRANCISCO REGISTER.

23       (a) In accordance with the provisions of Planning Code Section 1004, all buildings that  
24       are rated Significant and Contributory buildings and individual properties within Conservation

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1 Districts designated as of the date of enactment of this Article, including all designating  
2 ordinances and related Appendices, are hereby included on the San Francisco Register and  
3 shall be subject to all restrictions and conditions applicable to such designated resources under this  
4 Article 11.

5 (b) The Historic Preservation Officer shall insure that the requirements set forth in  
6 Planning Code Section 1004 have been met as to designated Significant and Contributory buildings  
7 and properties within Conservation Districts, including, without limitation, the requirement that all  
8 designated Significant and Contributory buildings and properties within Conservation Districts  
9 shall be incorporated into the records and electronic database of the Planning and Building  
10 Departments, that notices of such designations have been properly recorded in the official property  
11 records in the office of the County recorder, and that such resources are included on the San  
12 Francisco Register published on the Planning Department's web site. The Central Permit Bureau  
13 shall maintain a current record of such Buildings and Conservation Districts.

14 SEC. 1105. CONFORMITY AND PERMITS.

15 The following requirements are intended to ensure conformity between existing City permit  
16 processes and the provisions of this Article:

17 (a) No person shall carry out or cause to be carried out on any historic resource, which  
18 is listed on or has been nominated for listing on the San Francisco Register as a Significant or  
19 Contributory Building or building located within a Conservation District, any alteration,  
20 construction, relocation, removal or demolition of any structure, appurtenance, object or feature,  
21 except in conformity with the provisions of this Article. Except where explicitly so stated, nothing  
22 in this Article shall be construed as relieving any person from other applicable permit  
23 requirements. In addition, no work shall take place unless all other applicable laws and  
24 regulations have been complied with, and any required permits have been issued for said work.

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1        (b) Upon receipt of any application for a building permit, demolition permit, site permit,  
2 alteration permit, or any other permit that may affect any historic resource that is listed on or has  
3 been nominated for listing on the San Francisco Register as a Significant or Contributory Building  
4 or a building within a Conservation District, the Central Permit Bureau shall promptly forward the  
5 application to the Historic Preservation Officer and shall not issue any permit unless the Historic  
6 Preservation Officer has determined, in accordance with this Article and any rules and regulations  
7 issued by the Historic Preservation Commission, that such application is exempt from the  
8 provisions of this Article or that the permit application conforms with the decision action of the  
9 Historic Preservation Commission on such application. If review by the Historic Preservation  
10 Commission is required and has not been obtained, or if, in the judgment of the Historic  
11 Preservation Officer, the permit application is not in strict conformance with the decision of the  
12 Historic Preservation Commission, no action shall be taken to grant or deny the permit application  
13 until such time as conformity does exist. The Historic Preservation Commission shall resolve any  
14 question as to conformity of a permit application with its decision on the project that is the subject  
15 of the permit application. The approval of any project or the issuance or amendment of any permit  
16 by the Central Permit Bureau that is inconsistent with any provision of this Article, or with any  
17 provision or condition of the decision action of the Historic Preservation Commission pursuant to  
18 this Article, is invalid and shall be revoked or rescinded by the Zoning Administrator or the  
19 Director of the Department of Building Inspection.

20        (c) The Department of Building Inspection shall not give final approval or a certificate  
21 of final completion on any building permit for work on a Significant or Contributory Building or a  
22 building within a Conservation District unless and until the Historic Preservation Officer has  
23 determined in writing that the work has been completed in accordance with the terms and  
24 conditions of the approval action by the Historic Preservation Commission. The Historic  
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1 Preservation Commission shall resolve any questions as to conformity of work with the terms and  
2 conditions of its approval action. Any final approval or a certificate of final completion on such  
3 work without a determination that the work has been completed in conformity with the  
4 Commission's approval action shall be invalid and shall be revoked or rescinded by the Zoning  
5 Administrator or the Director of the Department of Building Inspection in conformance the  
6 provisions in Article 1.7 of this Code.

7 (d) No abatement proceedings or enforcement proceedings shall be undertaken by any  
8 department, agency, board or commission of the City for any Significant or Contributory Building  
9 or building located within a Conservation District that is listed on the San Francisco Register or  
10 has been nominated for listing on the San Francisco Register without prior notification of and  
11 consultation with the Historic Preservation Commission where feasible. Such proceedings shall  
12 comply with the provisions of this Article where feasible.

13 SEC. 1106. PROCEDURES FOR DESIGNATION OF ADDITIONAL BUILDINGS OR  
14 CHANGE OF DESIGNATION.

15 Buildings may be designated or their designation may be changed through amendment of  
16 Appendices A, B, C and D of this Article. The Historic Preservation Commission shall have the  
17 authority to recommend approval, disapproval, or modification of all Significant or Contributory  
18 building designations to the Board of Supervisors pursuant to this Article 11. Such designation or  
19 change of designation shall be governed by the following provisions in lieu of the provisions of  
20 Section 302:

21 (a) Initiation of Designation or Change in Designation. The designation or change of  
22 designation of a building may be initiated by motion of the Board of Supervisors; ~~or~~ initiated by  
23 motion of the Historic Preservation Commission; ~~by resolution of the Planning Commission;~~  
24 upon the verified application of the owner or authorized agent of the affected property; ~~upon the~~  
25

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1 application of any organization or group which has historic preservation stated as one of its goals  
2 in its bylaws or articles of incorporation; or upon the application of at least 50 registered voters of  
3 the City. Except in the case of initiation by governmental bodies, any such application shall be filed  
4 with the Historic Preservation Officer upon forms prescribed by the Historic Preservation  
5 Commission, and shall be accompanied by all data required by the Historic Preservation  
6 Commission.

7 (b) Notice; Review by the Historic Preservation Officer; Referral to the Historic  
8 Preservation Commission. Upon determination by the Historic Preservation Officer that a verified  
9 application is complete and contains all necessary information or upon receipt of the motion or  
10 resolution of one of the governmental bodies set forth in Subsection (a) above, the Historic  
11 Preservation Officer shall (1) send notice of the proposed designation or change of designation by  
12 mail to the owner of the affected property, unless the application is that of the owner, and to any  
13 other interested person or organization requesting such notices, (2) notify the Central Permit  
14 Bureau of the proposed designation, (3) promptly undertake a study of the proposed designation or  
15 change of designation and prepare a report and recommendation to the Historic Preservation  
16 Commission; and (4) schedule a public hearing before the Historic Preservation Commission on  
17 the matter. Notwithstanding the foregoing, if an individual, organization, or other interested  
18 party has consented to receipt of notice by electronic mail, such notice shall satisfy the  
19 requirements of this section and mailed notice shall not be required.

20 (c) Action by the Historic Preservation Commission. At the public hearing scheduled on  
21 the matter, the Historic Preservation Commission shall consider and determine the appropriate  
22 designation or change in designation of the building without referral to or recommendation of the  
23 Planning Commission. If the Historic Preservation Commission recommends that the designation  
24 or change of designation be approved or modified in whole or in part, it shall transmit the  
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1 proposal, together with a copy of its resolution recommending approval, to the Clerk of the Board  
2 of Supervisors. Decisions of the Historic Preservation Commission to disapprove the proposed  
3 designation or change of designation shall be final unless appealed to the Board of Supervisors  
4 pursuant to Subsection 1106(e) below.

5 (d) Designation by Board of Supervisors. The Board of Supervisors, or a committee  
6 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors  
7 may approve, or modify and approve by ordinance, or disapprove by resolution the designation  
8 or change of designation by a majority vote of all its members.

9 (e) Appeal to Board of Supervisors.

10 (1) Notice of Appeal. If the Historic Preservation Commission disapproves the  
11 proposed designation or change of designation, such action shall be final except upon the filing of a  
12 notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons,  
13 organizations or groups listed in Section 1106(a); provided, however, that if the proposal was  
14 initiated by the Board of Supervisors, the Clerk of the ~~said~~ Board shall be notified immediately of  
15 the disapproval without the necessity for an appeal.

16 (2) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall hold  
17 a public hearing on any such proposal appealed to it or initiated by it. The Board of Supervisors  
18 may uphold the Historic Preservation Commission, overrule the Historic Preservation Commission  
19 and approve, or modify and approve by ordinance, the designation or change of designation by a  
20 majority vote of all its members.

21 (f) Notice of Proceedings. Notice of the hearings scheduled before the Historic  
22 Preservation Commission and Board of Supervisors pursuant to this Section 1106, and of the  
23 availability of applicable reports, shall be given by mail to the initiators of the designation or  
24 change of designation, to the owners of any affected building, to appellants, and to any other  
25

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1 interested person or organization requesting such notices. Notice of the hearing before the Historic  
2 Preservation Commission shall contain a general explanation of the proposed designation or  
3 change of designation and the grounds for the proposal as provided in 1106(g) of this Article. Not  
4 withstanding the foregoing, if an individual, organization, or other interested party has  
5 consented to receipt of notice by electronic mail, such notice shall satisfy the requirements  
6 of this section and mailed notice shall not be required.

7 (g) Grounds for Designation or Change of Designation. The designation of a building may be  
8 changed if (1) changes in the area in the vicinity of a building located outside a Conservation  
9 District warrant a change in the rating of the building with respect to its relationship to the  
10 environment and therefore place it in a different category, pursuant to Section 1102; or (2) changes  
11 in Conservation District boundaries make a building of Contextual Importance fall outside a  
12 Conservation District and therefore no longer eligible for designation as a Contributory building,  
13 or, conversely, make a building of Contextual Importance fall within a Conservation District and  
14 therefore eligible for designation as a Contributory Building; or (3) changes in the physical  
15 features of the building due to circumstances beyond the control of the owner, or otherwise  
16 permitted by this Article, warrant placing the building in a different category pursuant to the  
17 standards set forth in Section 1102; or (4) restoration of the building to its original quality and  
18 character warrants placing the building in a different category pursuant to the standards set forth  
19 in Section 1102; or (5) by the passage of time, the building has become at least 40 years old,  
20 making it eligible to be considered for designation as a Significant or Contributory building,  
21 pursuant to Section 1102; or (6) A property from our recent past or less than 40 years of age  
22 that is of exceptional significance is eligible for classification as a Building I-IV depending  
23 on its location within or outside the boundaries of a designated Conservation District  
24 provided that it possesses a high level of integrity and it meets at least one of the following  
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1 criteria in lieu of the Standards for definition criteria for the designation of building listed  
2 above: (1) It is associated with events that have made a significant contribution to the  
3 social patterns of the 20<sup>th</sup> century; or (2) It is associated with an architect of significant or  
4 influential merit; or (3) It embodies innovative modern technology to solve structural,  
5 programmatic, or aesthetic challenges; or (4) It possesses high artistic or aesthetic values  
6 that exhibits exemplary composition, proportion, scale, material, and detail; or (5)It  
7 possesses referential values that generates influence on subsequent architects; (7 6) the  
8 discovery of new factual information (for example, information about the history of the building)  
9 makes the building eligible for rating as a Building of Individual or Contextual Importance and,  
10 therefore, eligible to be designated as a Significant or Contributory Building.

11 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION  
12 DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

13 A Conservation District may be designated or its boundary changed through amendment of  
14 Section 1103.1 of this Article 11. The Historic Preservation Commission shall have the authority to  
15 recommend approval, disapproval, or modification of all Conservation District designations or  
16 boundary changes to the Board of Supervisors pursuant to this Article 11. Such designation or  
17 boundary change shall be governed by the following provisions in lieu of the provisions of Section  
18 302:

19 (a) Initiation of Designation or Boundary Change. The designation of an area of the C-3  
20 District as a Conservation District or the change of District boundaries may be initiated by motion  
21 of the Board of Supervisors; by resolution of the Planning Commission or the Historic  
22 Preservation Commission; upon the verified application of the owners or other authorized agents  
23 of greater than 25 percent of the structures in the area proposed for designation (or, as to an  
24 alteration boundary extension, 25 percent of the structures of the proposed new district unless it

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1 would be an area smaller than the existing district, in which case it shall be 25 percent of the  
2 structures of the existing district); upon the verified application of any organization or group  
3 which has historic preservation stated as one of its goals in its bylaws or articles of incorporation;  
4 or upon the verified application of at least 150 registered voters of the City. Except in case of an  
5 initiation by governmental bodies, any such application shall be filed with the Historic Preservation  
6 Officer upon forms prescribed by the Historic Preservation Commission, and shall be accompanied  
7 by all data required by the Historic Preservation Commission.

8 (b) Notice; Review by the Historic Preservation Officer; Referral to the Historic  
9 Preservation Commission. Notice, review by the Historic Preservation Officer and referral to the  
10 Historic Preservation Commission shall be as provided in Section 1106(b) of this Article.

11 (c) Action by the Historic Preservation Commission. Action by the Historic  
12 Preservation Commission shall be as set forth in Section 1106(c) of this Article, except that the  
13 Planning Commission shall have an opportunity to review and comment on the proposed  
14 designation or boundary change as set forth in Section 1107(d) of this Article. Decisions of the  
15 Historic Preservation Commission to disapprove the proposed designation or boundary change of a  
16 Conservation District shall be final unless appealed to the Board of Supervisors pursuant to  
17 Subsection 1007(f) below.

18 (d) Planning Commission Review and Comment on Conservation Districts. In the case  
19 of a proposed designation or boundary change of a Conservation District, the Historic  
20 Preservation Officer shall also send a copy of the notice of hearing to the Secretary of the Planning  
21 Commission. The Planning Commission may review the proposed designation or boundary change  
22 of the Conservation District, and may forward its comments to the Historic Preservation  
23 Commission for consideration during the Historic Preservation Commission's public hearing.  
24 Failure of the Planning Commission to provide comments prior to the hearing shall not prevent the  
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1 Historic Preservation Commission from acting on the proposed designation or boundary change,  
2 provided that any comments received from the Planning Commission within 45 days of the hearing  
3 notice shall be forwarded to the Board of Supervisors together with the Historic Preservation  
4 Commission's recommendation. The Planning Commission may waive its right to comment on the  
5 proposed designation or boundary change of the Conservation District, and its failure to do so  
6 within said 45-day period shall constitute a waiver.

7 (e) Designation by Board of Supervisors. The Board of Supervisors, or a committee  
8 thereof, shall hold a public hearing on any proposal so transmitted to it. The Board of Supervisors  
9 may approve, or modify and approve by ordinance, or disapprove by resolution the designation  
10 or boundary change by a majority vote of all its members.

11 (f) Appeal to Board of Supervisors.

12 (1) Notice of Appeal. If the Historic Preservation Commission disapproves the  
13 proposed designation or boundary change, such action shall be final except upon the filing of a  
14 notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons,  
15 organizations, or groups listed in Section 1107(a); provided, however, that if the proposal was  
16 initiated by the Board of Supervisors, the Clerk of the ~~said B~~board shall be notified immediately of  
17 the disapproval without the necessity for an appeal.

18 (2) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall hold  
19 a public hearing on any such proposal appealed to it or initiated by it. The Board of Supervisors  
20 may uphold the Historic Preservation Commission, overrule the Historic Preservation Commission  
21 and approve, or modify and approve, the designation or boundary change by a majority vote of all  
22 its members.

23 (g) Notice of Proceedings. Notice of the hearings scheduled before the Historic  
24 Preservation Commission and Board of Supervisors pursuant to this Section 1007, and of the  
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1 availability of applicable reports, shall be given by mail to the initiators of the designation or  
2 alteration, to the owners of all lots within the proposed new district and within 300 feet of the  
3 proposed new district or of that portion of the district being altered, as well as to interested  
4 individuals or organizations who have in writing or email to the Historic Preservation Officer  
5 requested such notices. Notice of the hearing scheduled before the Historic Preservation  
6 Commission shall also be given to the Secretary of the Planning Commission. Notice of the hearing  
7 before the Historic Preservation Commission shall contain a general explanation of the proposed  
8 designation or change of District boundaries and the grounds for the proposal based on the  
9 applicable standards provided in 1107(h) of this Article. Notwithstanding the foregoing, if an  
10 individual, organization, or other interested party has consented to receipt of notice by  
11 electronic mail, such notice shall satisfy the requirements of this section and mailed notice  
12 shall not be required.

13 (h) Standards Applicable to Designation or Boundary Change. The standards governing  
14 the designation and change of District boundaries are those set forth in Section 1103 of this Article.  
15 Areas may be removed from Conservation Districts if the character of the area has changed such  
16 that the area no longer qualifies under the standards set forth in Section 1103 of this Article.

17 SEC. 1108. NOTICE OF DESIGNATION.

18 When a building has been designated Significant or Contributory or its designation is  
19 changed pursuant to Section 1106, or when a new Conservation District is established or the  
20 boundary of a Conservation District changed pursuant to Section 1107, the Historic Preservation  
21 Officer shall notify each affected property owner by mail and shall cause a copy of the ordinance,  
22 or notice thereof, to be recorded in the official property records in the office of the County  
23 Recorder. In addition, as provided in Planning Code Section 1004, the Historic Preservation  
24 Officer shall insure that: (a) the Planning Code is promptly updated; (b) the change is incorporated

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1 into the records and electronic database of the Planning and Building Departments; (c) the change  
2 is made to the San Francisco Register published on the Planning Department's web site; and (d)  
3 the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or  
4 deletions to City officials and departments. The Central Permit Bureau shall maintain a current  
5 record of all such Buildings and Conservation Districts.

6 SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF  
7 DEVELOPMENT RIGHTS.

8 For the purpose of transfer of development rights (TDR) as provided in Section 128 of this  
9 Code, lots on which are located Significant or Contributory Buildings, or Category V Buildings in  
10 those certain Conservation Districts and portions thereof as indicated in the Appendix relating to  
11 that District, are eligible preservation lots as provided in this Section:

12 (a) Significant Buildings. Lots on which are located buildings designated as Significant  
13 Buildings - Category I or Category II - are eligible to transfer the difference between the allowable  
14 gross floor area permitted on the lot by Section 124 of this Code and the gross floor area of the  
15 development on the lot, if all the requirements for transfer set forth in Section 128 are met. Lots on  
16 which are located Significant Buildings which have been altered in conformance with the  
17 provisions of this Article retain eligibility for the transfer of TDR.

18 (b) Contributory Buildings. Lots on which are located buildings designated as  
19 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference  
20 between the allowable gross floor area permitted on the lot by Section 124 of the Code and the  
21 gross floor area of the development on the lot, if all the requirements for transfer set forth in  
22 Section 128 are met. Alteration or demolition of such a building in violation of Section 1110 or  
23 Section 1112, or alterations made without a permit issued pursuant to Sections 1111 through  
24 1111.5, eliminates eligibility for the transfer of TDR; provided, however, that such eligibility may  
25

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1 nonetheless be retained or acquired again if, pursuant to Section 1118(b), the property owner  
2 demonstrates as to any alteration that it was not major, or if the property owner restores the  
3 demolished or altered building. Once any TDR have been transferred from a Contributory Building,  
4 the building is subject to the same restrictions on demolition and alteration as a Significant  
5 Building. These restrictions may not be removed by the transfer of TDR back to the building.

6 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in the  
7 Appendix establishing a Conservation District, lots located in such a District on which are located  
8 Category V Buildings (designated as neither Significant nor Contributory) are eligible to transfer  
9 the difference between the allowable gross floor area permitted on the lot under Section 124 of the  
10 Code and the gross floor area of the development on the lot, if all the requirements for transfer set  
11 forth in Section 128 are met; provided, however, that a lot is eligible as a Preservation Lot  
12 pursuant to this Section only if (1) the exterior of the building is substantially altered so as to make  
13 it compatible with the scale and character of the Significant and Contributory Buildings in the  
14 district, including those features described in Sections 6 and 7 of the Appendix to Article 11  
15 describing the relevant district, and has thus been determined to be a "Compatible Rehabilitation"  
16 by the Historic Preservation Commission, pursuant to Section 1111.3 of this Article, and the  
17 building meets or has been reinforced to meet the standards for seismic loads and forces of the  
18 1975 Building Code or (2) the building on the lot is new, having replaced a Category V Building,  
19 and has received approval as a Compatible Replacement Building by the Historic Preservation  
20 Commission, pursuant to Section 1113 of this Article.

21 (d) TDR Documentation Provided to Historic Preservation Commission. The Zoning  
22 Administrator shall provide copies of all documentation filed or issued pursuant to the provisions of  
23 Section 128 of this Code to the Historic Preservation Officer within 5 days of their filing or  
24 issuance; which documents shall include, without limitation, applications for a Statement of  
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1 Eligibility, proposed and final Statements of Eligibility or written determinations that no TDR are  
2 available for transfer, Notices of Revocation or Suspension of Eligibility, Notices of Cancellation of  
3 Eligibility, Notices of Restrictions, Certificates of Transfer, written certifications that the owner of  
4 the Development Lot owns TDR, Notices of Use of TDR, and Cancellations of Notice of Use of  
5 TDR. All transfers of development rights and other activities under Section 128 of this Code shall  
6 be promptly reported to the Historic Preservation Commission at a public meeting and a complete  
7 and current database of all TDR in C-3 Districts shall be maintained and published by the Zoning  
8 Administrator on the Planning Department web site.

9 SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS  
10 OR BUILDINGS IN CONSERVATION DISTRICTS.

11 With respect to a designated Significant or Contributory Building or any building in a Conservation  
12 District, no person shall carry out or cause to be carried out any alteration to the exterior of a  
13 building for which a permit is required pursuant to the Building Code unless the permit is approved  
14 pursuant to the provisions of Sections 1111 through 1111.5 of this Article. The Historic  
15 Preservation Commission shall have the authority to approve, disapprove, or modify all  
16 applications for permits to alter designated Significant or Contributory Buildings or buildings  
17 within Conservation Districts under this Article, subject to appeal as provided in this Article 11.

18 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER.

19 (a) Referral. All applications for permits to undertake any alteration of a building  
20 designated Significant or Contributory or a building in any Conservation District shall be referred  
21 to the Historic Preservation Officer by the Central Permit Bureau within five (5) days of receipt.

22 (b) Required Filing. All permit applications to undertake any alteration of a building  
23 designated Significant or Contributory or a building in any Conservation District shall be filed with

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1 the Historic Preservation Officer by the owners of the property or their authorized agents, together  
2 with the required fee.

3 (c) Content of Applications. The content of applications for permits to alter such  
4 buildings shall be in accordance with the policies, rules and regulations adopted by the Historic  
5 Preservation Commission. All such applications shall be upon forms prescribed for such purpose,  
6 and shall contain or be accompanied by all information required to assure the presentation of  
7 pertinent facts for proper consideration of the application and for the permanent record. The  
8 application shall be accompanied by plans and specifications consistent with the requirements set  
9 forth in Section 1007.2(b) of Article 10. The applicant will also be required to file with his/her  
10 application the information needed for the preparation and mailing of notices as required in  
11 Section 1111.2(a) of this Article.

12 (d) Applications for Category V Buildings. An applicant for a major alteration permit  
13 for a Category V Building in any of the Conservation Districts which provides for such eligibility  
14 may request on the application a determination that if the proposed alteration is completed as  
15 approved, the building will be deemed a Compatible Rehabilitation under Section 1109(c) so that  
16 the lot on which the building is located becomes eligible as a Preservation Lot for the transfer of  
17 TDR.

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

21 (f) Review of Applications.

22 (1) An application for a permit to alter shall first be reviewed by the Historic  
23 Preservation Officer who shall determine whether or not the application is complete and accurate.

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1 (2) Once the application has been determined to be complete and accurate, the Historic  
2 Preservation Officer shall review and evaluate the project for consistency with the standards for  
3 review of applications set forth in Section 1111.5 and shall determine whether the proposed  
4 alteration constitutes a Major Alteration or Minor Alteration pursuant to Section 1111.1 of this  
5 Article.

6 (3) As to those individual permits falling within the categories of alterations deemed to  
7 be minor alterations, the Historic Preservation Commission may delegate to the Historic  
8 Preservation Officer the authority to approve an Administrative Permit to Alter pursuant to Section  
9 1111.4 of this Article without referral to the Historic Preservation Commission. Otherwise, the  
10 application shall be referred to the Historic Preservation Commission for consideration and  
11 decision pursuant to Sections 1111.2 and 1111.3 of this Article.

12 SEC. 1111.1. Determination of Major or Minor Alteration.

13 **PLEASE NOTE: The HPC could not come to consensus on the following Section –**  
14 **Alterations. Commissioners Chase and Martinez approved the definition of**  
15 **alteration(s) as proposed in the draft Ordinance; Commissioners Damkroger and**  
16 **Hasz felt that a general definition was more appropriate because it would allow for**  
17 **greater flexibility in determining what types of projects needed Commission review.**  
18 **As a result, there was not a consensus vote on this topic.**

19 (a) The Historic Preservation Commission shall have the authority to determine if a  
20 proposed alteration is a Major Alteration or a Minor Alteration and may promulgate rules and  
21 regulations to further define categories of Major Alterations and Minor Alterations  
22 consistent with the definitions set forth below. The Historic Preservation Commission will,  
23 from time to time, promulgate rules and regulations to define what consists of Major and  
24 Minor Alterations consistent with the definitions and provisions set forth in this Article. For  
25

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1 the purposes of this Section, the Historic Preservation Commission shall determine what  
2 consists of a major and minor alteration within 180 days from the effective date of this  
3 Article and shall provide the list and any rules and guidelines associated with it in a  
4 separate document called “Guidelines for Alterations to Buildings subject to Articles 10 and  
5 11 of the Planning Code”, (hereinafter called “Alteration Guidelines”) which shall be made  
6 available to the public for their reference and use. The Alteration Guidelines will be  
7 updated periodically as necessary by the Historic Preservation Commission.

8 (1) An alteration is considered Major if any of the following apply:

9 (i) The alteration will substantially change, obscure or destroy exterior character-  
10 defining spaces, materials, features or finishes; or

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

13 (iii) The alteration results in the addition of height to the building; or

14 (iv) The alteration would affect the ground-floor frontage of the building; or

15 (v) The alteration is to comply with the UMB Seismic Retrofit Ordinances if it is visible  
16 from the exterior of a structure, unless it meets all the criteria set forth in Subsection (2)(iii) below;  
17 or

18 (vi) The alteration constitutes a major alteration pursuant to Planning Code Section  
19 1007.1(b)(1).

20 (2) An alteration is considered Minor if:

21 (i) The criteria set forth in Subsection (a) above do not apply; or

22 (ii) The work consists only of ordinary maintenance and repairs, which shall be defined  
23 as work that does not include any change in the design, materials or outer appearance of a  
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1 structure, the sole purpose and effect of which is to correct minor deterioration, decay or damage;

2 or

3 (iii) The sole purpose and effect of the alteration is to comply with the UMB Seismic  
4 Retrofit Ordinances; provided that such work it is not visible from the exterior of a structure, that  
5 the criteria set forth in Subsection (a) do not apply, and that such work does not constitute a  
6 demolition pursuant to Planning Code Section 1007.1(a).

7 (3) An alteration shall not be considered a Minor Alteration if the proposed alteration,  
8 in combination with all other alterations that have occurred to the resource over time would  
9 constitute a Major Alteration.

10 (b) Within 10 days after referral by the Central Permit Bureau, the Historic Preservation  
11 Officer shall (i) determine in writing if the proposed alteration is a Major Alteration or a Minor  
12 Alteration, and (ii) mail a copy of such determination to the applicant and any individuals or  
13 organizations who have in writing or email to the Historic Preservation Officer requested notice of such  
14 determinations. Notwithstanding the foregoing, if an individual, organization, or other interested  
15 party has consented to receipt of notice by electronic mail, such notice shall satisfy the  
16 requirements of this section and mailed notice shall not be required.

17 (c) Permits determined by the Historic Preservation Officer to be Minor Alterations may  
18 be approved administratively by the Historic Preservation Officer pursuant Section 1111.4 of this  
19 Article if such authority has been delegated by the Historic Preservation Commission to the  
20 Historic Preservation Officer. Absent such delegation, Minor Alterations shall be referred to the  
21 Historic Preservation Commission for consideration and decision pursuant to this Article.

22 SEC. 1111.2. Consideration of Major Alterations by the Historic Preservation  
23 Commission.

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1 Upon a determination that the proposed alteration is a Major Alteration, the application  
2 shall be referred to the Historic Preservation Commission for consideration and decision pursuant  
3 to the following procedures:

4 (a) Scheduling and Notice of Hearing. The Historic Preservation Commission shall  
5 hold a public hearing on the proposed alteration within forty-five days (45) after the application  
6 has been determined complete. Notice of the time, place and purpose of the hearing shall be given  
7 not less than ~~ten (10)~~ twenty (20) days prior to the date of the hearing as follows:

8 (1) By mail to the applicant.

9 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries  
10 of the building that is the subject of the application, using for this purpose the names and addresses  
11 of the owners as shown on the latest equalized assessment roll in the office of the Tax Collector.  
12 Failure to send notice by mail to any such property owner where the address of such owner is not  
13 shown on such assessment roll shall not invalidate any proceedings in connection with such action.

14 (3) By mail to all other interested parties who have in writing or email to the Historic  
15 Preservation Officer requested such notices.

16 (4) By posting notice on the project site that is the subject of the application, ~~or in a~~  
17 location adjacent to the project site.

18 (5) Such other notice as the Historic Preservation Commission may deem appropriate.

19 Notwithstanding the foregoing, if an individual, organization, or other interested party has  
20 consented to receipt of notice by electronic mail, such notice shall satisfy the requirements  
21 of this section and mailed notice shall not be required.

22 (6) The notice shall include a photo of the existing resource, ~~a brief description of its~~  
23 historic significance, detail plans of any proposed alterations or additions to the existing resource,  
24 and all other items required under Section 311(c)(5) of this Code.

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1 (b) Report and Recommendation. The Historic Preservation Officer shall make all  
2 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
3 and shall prepare a written report containing (1) the results of the review and evaluation with  
4 written recommendations, (2) including the results of the environmental review of the proposed  
5 project under CEQA or NEPA, including, without limitation, any environmental impact report,  
6 negative declaration or determination that the project is exempt from environmental review, (3)  
7 together with proposed findings and a motion on the merits of the proposed project; and (4)  
8 any other material that may be necessary for the Historic Preservation Commission to  
9 make its determination. The Historic Preservation Officer's recommendation of the  
10 proposed project. The recommendation may be to approve, approve with conditions, or  
11 disapprove the application, and, where applicable, the application for a determination that the  
12 building is a Compatible Rehabilitation. The report, together with the complete application for the  
13 proposed alteration, shall be submitted to the Historic Preservation Commission at least five (5)  
14 days prior to the date set for hearing. The applicant and any other person who so requests shall be  
15 supplied with a copy of the report and recommendations of the Historic Preservation Officer.

16 (c) Category V Buildings. Applications for permits to alter any Category V building in a  
17 Conservation District which alteration is determined to be major shall be governed by the  
18 standards of Section 1111.5(f), and where applicable, the Historic Preservation Commission  
19 shall find that the project qualifies or fails to qualify as a compatible rehabilitation.

20 (d) Record. A record shall be kept of the pertinent information presented at the hearing,  
21 and such record shall be maintained as a part of the public records of the Historic Preservation  
22 Commission in the Planning Department.

23 (e) Continuations. The Historic Preservation Commission shall determine the instances  
24 in which the alteration permit application scheduled for hearing may be continued or taken under  
25

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1 advisement. The Historic Preservation Commission may also continue a hearing on an application  
2 pending completion of adequate and complete environmental review of the proposed project. In  
3 such cases, new notice need not be given of the further hearing date, provided such date is  
4 announced at the scheduled hearing.

5 SEC. 1111.3. Decision by the Historic Preservation Commission.

6 (a) The Historic Preservation Commission may approve, approve with conditions,  
7 disapprove or modify an application for a permit to alter a designated Significant or Contributory  
8 building or a building within a Conservation District, and where applicable, a determination that  
9 the building is a Compatible Rehabilitation. The Historic Preservation Commission's decision  
10 shall state the findings of fact relied upon in reaching the decision, which findings of fact shall  
11 become a material part of the final decision on the permit to alter. If the Historic Preservation  
12 Commission disapproves the application for the permit to alter, it shall recommend disapproval to  
13 the Central Permit Bureau, which shall deny the application.

14 (b) In all cases where the Historic Preservation Commission has made a decision to require  
15 modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ thirty (30) days of the  
16 decision by the Historic Preservation Commission, a revised application containing all modifications  
17 prior to a final action of the Historic Preservation Commission. In such cases the hearing may be  
18 continued until the revised application has been submitted. A new notice need not be given of the further  
19 hearing date, provided such date is announced at the scheduled hearing; provided, however, that if the  
20 applicant does not revise the application within said ~~45~~ 30-day period or if the revised application is  
21 determined to be inconsistent with the Historic Preservation Commission's decision, the Historic  
22 Preservation Commission may disapprove the Certificate of Appropriateness or schedule a new hearing  
23 to consider the application. Failure to submit a revised application containing all modifications

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1 required by the Historic Preservation Commission within ~~forty-five (45)~~ ~~thirty (30)~~ days of the decision  
2 shall be deemed to constitute disapproval of the application.

3 (c) The decision of the Historic Preservation Commission, in approving, approving with  
4 conditions, disapproving or modifying an application, shall be final except upon the valid modification  
5 of the Historic Preservation Commission's decision on the permit application by the Planning  
6 Commission as provided in Section 1114 of this Article, or upon the filing of a valid appeal to the Board  
7 of Appeals or Board of Supervisors as provided in Section 1115 of this Article.

8 (d) The Historic Preservation Commission's determination that a building qualifies or  
9 fails to qualify as a Compatible Rehabilitation is a final administrative decision.

10 (e) Time Limit for Exercise. The decision on the permit application to alter a  
11 designated Significant or Contributory building or building within a Conservation District  
12 pursuant to this Article shall be valid for a period of three (3) years from the date it becomes final,  
13 after which time it shall be null and void if all permits have not been issued by the City to allow the  
14 project to proceed to completion in compliance with the decision on the permit application.

15 (f) Reconsideration. When an application for a permit to alter a designated Significant  
16 or Contributory building or building within a Conservation District has been disapproved by the  
17 Historic Preservation Commission, no application, the same or substantially the same as that which  
18 was disapproved, shall be resubmitted to or reconsidered by the Historic Preservation Commission  
19 for a period of one year from the final action upon the earlier application.

20 SEC. 1111.4. Administrative Approval of Permit to Alter.

21 If the Historic Preservation Officer has determined that a proposed activity constitutes a Minor  
22 Alteration pursuant to the criteria set forth in Section 1111.1 of this Article, the Historic  
23 Preservation Officer may issue an Administrative Permit to Alter which shall be subject to the  
24 following procedures:

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1            (a) Within five (5) ten (10) days after the date the Historic Preservation Officer has  
2 issued an Administrative Permit to Alter, “an Administrative Permit to Alter”, the applicant  
3 and any individuals or organizations that have requested in writing to be notified of such  
4 determinations shall be notified in writing of the determination.

5            (b) The Administrative Permit to Alter shall be placed on an “Administrative List”  
6 to be included in the agenda for the next regularly-scheduled Historic Preservation  
7 Commission hearing. This list shall include (1) the address of the property; (2) the  
8 category of significance or applicable conservation district; (3) and a copy of the  
9 Administrative Permit to Alter document/motion which will contain a description of the  
10 proposed work and why it meets the requirements of an Administrative Permit to Alter.  
11 ~~The Administrative Permit to Alter shall be placed on the consent calendar for the next~~  
12 ~~meeting of the Historic Preservation Commission to be held at least ten (10) days following~~  
13 ~~the date of the written notification required by subsection (i) above. Except as provided in~~  
14 ~~subsection (d) below, the notice and hearing requirements provided in Section 1112.3 of~~  
15 ~~this Article shall not be required.~~

16            (c) At the next regularly-scheduled hearing, the At or prior to the scheduled  
17 meeting of the Historic Preservation Commission, any member of the public, Historic  
18 Preservation Commission, based on public input or on their own expertise, may vote to  
19 have the Administrative Permit to Alter removed from the Administrative List and be  
20 scheduled for a future public hearing may object in writing to the issuance of the  
21 ~~Administrative Permit to Alter and request that the Historic Preservation Commission~~  
22 ~~schedule the proposed activity for a public hearing, in which event, the Historic~~  
23 Preservation Commission shall consider the proposed project pursuant to the  
24 requirements of Section 1111.2 and 111.3 of this Article.

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1 ~~\_\_\_\_\_ (d) — At the scheduled meeting, any member of the Historic Preservation~~  
2 ~~Commission or any member of the public may request that the proposed activity be~~  
3 ~~removed from the consent calendar and scheduled for public hearing at a future meeting,~~  
4 ~~in which event, the Historic Preservation Commission shall consider the proposed activity~~  
5 ~~pursuant to the requirements of Section 1102.3 of this Article.~~

6 ~~\_\_\_\_\_ (d v) If the proposed project is not removed from the Administrative List, the~~  
7 ~~Administrative Permit to Alter proposed activity is not removed from the consent calendar,~~  
8 ~~the Administrative Permit to Alter shall become final and shall be treated as a Certificate of~~  
9 ~~Appropriateness for all purposes of this Article.~~

10 ~~\_\_\_\_\_ SEC. 1111.5. Standards and Requirements for Review of Applications for Alterations.~~

11 ~~\_\_\_\_\_ The Historic Preservation Commission, Board of Appeals, the City Planning Commission,~~  
12 ~~the Director of Planning Director, and the Board of Supervisors shall be governed by the following~~  
13 ~~standards in the review of applications for major alteration permits. In all such proceedings, the~~  
14 ~~applicant has the burden of establishing that the standards and have been met.~~

15 ~~\_\_\_\_\_ (a) General Standards.~~

16 ~~\_\_\_\_\_ (1) The proposed alteration shall be consistent with and appropriate for the effectuation~~  
17 ~~of the purposes of this Article.~~

18 ~~\_\_\_\_\_ (2) The proposed work shall comply with any specific controls and standards~~  
19 ~~embodied in the designating ordinance. For work within Conservation Districts, proposed~~  
20 ~~work shall comply with any specific controls and standards embodied in Sections 6 and 7~~  
21 ~~of the corresponding Appendices.~~

22 ~~\_\_\_\_\_ (3 2) Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

23 ~~\_\_\_\_\_ The Secretary of the Interior's Standards for the Treatment of Historic Properties~~

24 ~~\_\_\_\_\_ Rehabilitation (codified in Code of Federal Regulations Volume 36 Section 67 as may be amended~~

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1 from time to time) shall be used by the Historic Preservation Commission in its review of  
2 applications for major alteration permits and permits for additions and new construction, along  
3 with any applicable Guidelines, Bulletins, or brochures issued by the U.S. Department of  
4 the Interior or their designee. Additional treatment methods for the preservation,  
5 reconstruction and restoration of cultural resources listed in the Secretary of the Interior's  
6 Standards for the Treatment of Historic Properties shall also be used by the Historic  
7 Preservation Commission in its review of permit applications.

8 (4 3) In the event of any conflict between the Secretary's Standards and any other  
9 standards and controls set forth in this Section 1111.5 or contained in the designating ordinance or  
10 Appendix which describes a Conservation District in which a building is located, the more  
11 protective standards shall control.

12 (b) For Significant Buildings - Categories I and II, and for Contributory Buildings -  
13 Categories III and IV, proposed alterations shall be consistent with the architectural character  
14 of the building shall not adversely affect any significant historical or architectural feature of  
15 the building and shall meet the following standards which are based in part on the Secretary of the  
16 Interior's Standards for Rehabilitation and are contained in the Preserving the Past section of the  
17 Downtown Plan, a component of the General Plan:

18 (1) The distinguishing original qualities or character of the building may shall not be  
19 damaged or destroyed. Any distinctive architectural feature which affects the overall appearance of  
20 the building shall not be removed or altered unless it is the only feasible means to protect the public  
21 safety; and

22 (2) The integrity of distinctive stylistic features or examples of skilled craftsmanship that  
23 characterize a building shall be preserved; and

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

9 (5 4) Contemporary design of alterations may be permitted, provided that such alterations  
10 do not destroy significant exterior architectural material and that such design is compatible with  
11 the size, scale, color, material and character of the building and its surroundings. Greater latitude  
12 may be given for alteration of the ground-floor frontage necessary to adapt the space for ground  
13 floor uses.

14 (c) In the case of Significant Buildings - Category I, any additions to height of the  
15 building (including addition of mechanical equipment, elevator penthouses and other rooftop  
16 features) shall be limited to one story above the height of the existing roof, provided that the  
17 standards set forth in this Section 1111.5 shall be met, including, without limitation, the Secretary  
18 of the Interior's Standards for new additions, exterior alterations, and adjacent or related new  
19 construction, and provided that the addition shall not be visible when viewing the principal facades  
20 and shall in no event cover more than 75 percent of the roof area.

21 (d) In the case of Significant Buildings - Category II, additions to height of the building  
22 (including addition of mechanical equipment, elevator penthouses and other rooftop features) may  
23 be permitted at the rear of the building on that portion of the lot not restricted in Appendix B even if  
24 such structure or addition will be visible when viewing the principal facades, provided that such  
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1 addition or new construction can be done without affecting the architectural quality of the building  
2 or its relationship to the environment or the appearance of the retained portion as a separate  
3 structure when viewing the principal facades, and provided that the standards set forth in this  
4 Section 1111.5 shall be met, including, without limitation, the Secretary of the Interior's Standards  
5 for new additions, exterior alterations, and adjacent or related new construction.

6 (e) Standards for Review of Major Alterations in Conservation Districts. For all  
7 applications pertaining to buildings located within Conservation Districts, including, without  
8 limitation, additions to Significant Buildings pursuant to (c) and (d) above, the proposed work shall  
9 comply with all standards and guidelines set forth in Sections 6 and 7 of the Appendix which  
10 describes the District in addition to the applicable standards and controls set forth in this Section  
11 1111.5; provided that, in the event of any conflict between the standards and controls set forth in  
12 this Section 1111.5 and those contained in the Appendix which describes the District, the more  
13 protective standards shall control.

14 (f) Within Conservation Districts, all major exterior alterations to Category V Buildings  
15 shall be found by the Historic Preservation Commission to be compatible in scale and design  
16 with the District as set forth in Sections 6 and 7 of the Appendix, which describes the District.

17 (g) Applications for permits to alter any Category V Building in a Conservation District,  
18 which are subject to review pursuant to Section 309 of this Code, shall only be approved pursuant  
19 to Section 309 if they meet the standards set forth in this Section 1111.5 and if the application for  
20 the proposed alteration has been reviewed by the Historic Preservation Commission pursuant to  
21 this Article.

22 Sec. 1111.6. Permits for Signs.

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

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

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

11 (d) The Historic Preservation Commission may adopt guidelines for appropriate  
12 signage to be located on Significant or Contributory Buildings or on buildings located in  
13 Conservation Districts and may thereafter delegate to the Historic Preservation Officer the  
14 authority to administratively approve or disapprove applications for sign permits pursuant to  
15 Section 1111.4 of this Article without referral to the Historic Preservation Commission. Otherwise,  
16 such applications for sign permits shall be referred to the Historic Preservation Commission for  
17 consideration and decision pursuant to the provisions of this Article.

18 SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS  
19 AND BUILDINGS IN CONSERVATION DISTRICTS.

20 No person shall demolish or cause to be demolished all or any part of a Significant or  
21 Contributory Building or any building in a Conservation District without obtaining a demolition or  
22 alteration permit pursuant to the provisions of this Article. The Historic Preservation Commission  
23 shall have the authority to approve, disapprove, or modify all applications for permits to demolish  
24 designated Significant or Contributory Buildings or buildings within Conservation Districts under  
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1 this Article. Applications for permits to demolish Category V Buildings located outside a  
2 Conservation District may be processed without reference to this Article. For all purposes of this  
3 Article, demolition shall be as defined in Section 1007.1(a) of Article 10 of this Code.

4 SEC. 1112.1. Applications for a Permit To Demolish.

5 (a) Referral. Applications for a permit to demolish any Significant or Contributory  
6 Building or a building in any Conservation District shall be referred to the Historic Preservation  
7 Officer by the Central Permit Bureau within five (5) days of receipt.

8 (b) Required Filing. All permit applications to demolish any Significant or Contributory  
9 Building or a building in any Conservation District shall be filed with the Historic Preservation  
10 Officer by the owners of the property or their authorized agents, together with the required fee.

11 (~~b~~-c) Content of Applications. The content of applications to demolish any Significant or  
12 Contributory Building or a building in any Conservation District shall be in accordance with the  
13 policies, rules and regulations adopted by the Historic Preservation Commission. The applications  
14 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all  
15 information required to assure the presentation of pertinent facts for proper consideration of the  
16 application and for the permanent record. The application shall be accompanied by photographs  
17 and detail plans and specifications showing the existing exterior architectural appearance and  
18 features, including but not limited to texture of materials, architectural design and detail of the  
19 structure, and showing the site in the context of its surroundings. In addition, all applications to  
20 demolish any Significant or Contributory Building or a building in any Conservation District shall  
21 contain the following information:

22 (1) For all properties: (i) the amount paid for the property; (ii) the date of purchase  
23 and the party from whom purchased; (iii) the cost of any improvements since purchase by the  
24 applicant and date incurred; (iv) the assessed value of the land, and the assessed value of the  
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1 improvements thereon, according to the most recent assessments; (v) real estate taxes for the  
2 previous two years; (vi) annual debt service, if any, for the previous two years; (vii) all appraisals  
3 obtained within the previous five years by the owner or applicant in connection with his or her  
4 purchase, financing or ownership of the property; (viii) any listing of the property for sale or rent,  
5 price asked and offers received, if any; and (ix) any consideration by the owner for profitable and  
6 adaptive uses for the property, including renovation studies, plans, and bids, if any; and

7 (2) For income producing property: (i) annual gross income from the property for the  
8 previous four years; (ii) itemized operating and maintenance expenses for the previous four years;  
9 and (iii) annual cash flow for the previous four years; and

10 (3) Applications for demolition shall also contain a description of any Transferable  
11 Development Rights (“TDR”) ~~any TDR’s or the right to such rights~~ which have been transferred  
12 from the property, a statement of the quantity of such ~~rights~~ TDR’s and untransferred rights  
13 remaining, the ~~purchase~~ amount received for rights transferred from the property, the transferee,  
14 and a copy of each document effecting a transfer of such rights. Properties which are or may be  
15 eligible for the transfer of TDR from the property shall contain a description of the rights available  
16 for transfer, the quantity of such rights and the current estimated value of such rights.

17 (4) For all proposed demolitions within Conservation Districts, detail plans for the  
18 proposed new construction shall be required, including but not limited to, (1) architectural  
19 plans, elevations, sections, detail drawings, and specifications for the new construction  
20 showing the proposed exterior architectural appearance and features and materials; (2)  
21 photograph montages and drawings showing the proposed new structure and site in the  
22 context of its surroundings; and (3) any other information that may be requested by the  
23 Historic Preservation Commission or the Historic Preservation Officer.

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1       (5) The applicant shall also be required to file with his/her application the information  
2 needed for the preparation and mailing of notices as required in Section 1111.2(a) of this Article.

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

6       (d) Review of Applications.

7       (1) An application for a permit to demolish any Significant or Contributory Building or  
8 a building in any Conservation District shall first be reviewed by the Historic Preservation Officer  
9 who shall determine whether or not the application is complete and accurate. Incomplete or  
10 inaccurate applications shall be returned to the applicant.

11       (2) Once the application has been determined to be complete and accurate, the Historic  
12 Preservation Officer shall determine the designation of the building and whether any TDR have  
13 been transferred from the lots of such buildings, and shall review and evaluate the project for  
14 consistency with the standards for review of demolition applications set forth in Section 1112.4 of  
15 this Article.

16       SEC. 1112.2. Consideration by the Historic Preservation Commission.

17 The Historic Preservation Commission shall hold a public hearing on applications to demolish a  
18 Significant or Contributory Building or building in any Conservation District pursuant to the  
19 following procedures:

20       (a) Scheduling and Notice of Hearing. The Historic Preservation Commission shall  
21 hold a public hearing on the proposed demolition within forty-five days (45) after the application  
22 has been determined complete and accurate. Notice of the time, place and purpose of the hearing  
23 shall be given not less than ten (10) days prior to the date of the hearing as follows:

24       (1) By mail to the applicant.

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1 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries  
2 the site of the building that is the subject of the application, using for this purpose the names and  
3 addresses of the owners as shown on the latest equalized assessment roll in the office of the Tax  
4 Collector. Failure to send notice by mail to any such property owner where the address of such  
5 owner is not shown on such assessment roll shall not invalidate any proceedings in connection with  
6 such action.

7 (3) By mail to all other interested parties who have in writing or email to the Historic  
8 Preservation Officer requested such notices.

9 (4) By posting notice on the project site that is the subject of the application, or in a  
10 location adjacent to the project site.

11 (5) Such other notice as the Historic Preservation Commission shall deem appropriate.  
12 Notwithstanding the foregoing, if an individual, organization, or other interested party has  
13 consented to receipt of notice by electronic mail, such notice shall satisfy the requirements  
14 of this section and mailed notice shall not be required.

15 (6) The notice shall include a photo of the existing resource, a description of its historic  
16 significance, detail plans for new construction proposed for the site, and all other items required  
17 under Section 311(c)(5) of this Code.

18 (b) Report and Recommendation. The Historic Preservation Officer shall make all  
19 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
20 and shall prepare a written report containing (1) the results of the review and evaluation with  
21 written recommendations, (2) including, without limitation, accurate and complete information on  
22 TDR in relation to the project site, (3) and the results of the environmental review of the proposed  
23 project under CEQA or NEPA, including, without limitation, any environmental impact report,  
24 negative declaration or determination that the project is exempt from environmental review, (4)  
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1 ~~together with~~ proposed findings and a motion on the merits of the proposed project. And (5)  
2 any other material that may be necessary for the Historic Preservation Commission to  
3 make its determination. The recommendation may be to approve, approve with conditions,  
4 disapprove or modify the application. The report, together with the complete application for the  
5 proposed demolition and proposed new construction, shall be submitted to the Historic  
6 Preservation Commission at least five (5) days prior to the date set for hearing. The applicant and  
7 any other person who so requests shall be supplied with a copy of the report and recommendations  
8 of the Historic Preservation Officer.

9 (c) Record. A record shall be kept of the pertinent information presented at the hearing,  
10 and such record shall be maintained as a part of the permanent public records of the Historic  
11 Preservation Commission in the Planning Department.

12 (d) Continuations. The Historic Preservation Commission shall determine the instances  
13 in which the demolition permit application scheduled for hearing may be continued or taken under  
14 advisement. The Historic Preservation Commission may also continue a hearing on an application  
15 pending accurate and complete information on TDR in relation to the project site or pending  
16 completion of adequate and complete environmental review of the proposed project. In such cases,  
17 new notice need not be given of the further hearing date, provided such date is announced at the  
18 scheduled hearing.

19 SEC. 1112.3. Decision by the Historic Preservation Commission.

20 (a) The Historic Preservation Commission may approve, approve with conditions,  
21 disapprove or modify an application for a permit to demolish a designated Significant or  
22 Contributory building or a building within a Conservation District. The Historic Preservation  
23 Commission's decision shall be in writing and shall state the findings of fact relied upon in  
24 reaching the decision, which findings of fact shall become a material part of the final decision on  
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1 the permit to demolish. If the Historic Preservation Commission disapproves the application for  
2 the permit to demolish, it shall recommend disapproval to the Central Permit Bureau, which shall  
3 deny the application.

4 (b) In all cases where the Historic Preservation Commission has made a decision to  
5 require modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ thirty  
6 (30) days of the decision by the Historic Preservation Commission, a revised application  
7 containing all modifications prior to a final action of the Historic Preservation Commission. In  
8 such cases the hearing may be continued until the revised application has been submitted. A new  
9 notice need not be given of the further hearing date, provided such date is announced at the  
10 scheduled hearing; provided, however, that if the applicant does not revise the application within  
11 said 30-day period or if the revised application is determined to be inconsistent with the Historic  
12 Preservation Commission's decision, the Historic Preservation Commission may disapprove the  
13 Certificate of Appropriateness or schedule a new hearing to consider the application. Failure to  
14 submit a revised application containing all modifications required by the Historic Preservation  
15 Commission within ~~forty-five (45)~~ thirty (30) calendar days of the decision shall be deemed to  
16 constitute disapproval of the application.

17 (c) The decision of the Historic Preservation Commission, in approving, approving with  
18 conditions, disapproving or modifying an application, shall be final except upon the valid  
19 modification of the Historic Preservation Commission's decision on the permit application by the  
20 Planning Commission as provided in Section 1114 of this Article or upon the filing of a valid  
21 appeal to the Board of Appeals or Board of Supervisors as provided in Section 1115 of this Article.

22 (d) Time Limit for Exercise. The decision on the application for a permit to demolish a  
23 designated Significant or Contributory building or building within a Conservation District  
24 pursuant to this Article shall be valid for a period of three (3) years from the date it becomes final,  
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1 after which time it shall be null and void if all permits have not been issued by the City to allow the  
2 project to proceed to completion in compliance with the approved application.

3 (e) Reconsideration. When an application for a permit to demolish a designated  
4 Significant or Contributory building or building within a Conservation District has been  
5 disapproved by the Historic Preservation Commission, no application, the same or substantially the  
6 same as that which was disapproved, shall be resubmitted to or reconsidered by the Historic  
7 Preservation Commission for a period of one year from the final action upon the earlier  
8 application.

9 SEC. 1112.4. Standards and Requirements for Review of Applications to Demolish.

10 The Historic Preservation Commission, Board of Appeals, the ~~City~~ Planning Commission,  
11 the ~~Director of~~ Planning Director, and the Board of Supervisors shall be governed by the following  
12 standards and criteria in their review and consideration of applications for permits to demolish any  
13 Significant or Contributory Buildings. In all such proceedings, the applicant has the burden of  
14 establishing that the standards and criteria have been met.

15 (a) For Significant Buildings - Categories I and II, and Contributory Buildings -  
16 Categories III and IV from which TDR have been transferred, no demolition permit may be  
17 approved unless the following findings are made: (1) on the basis of independent verification, the  
18 building is rendered unsafe for occupancy; is infeasible for rehabilitation due to fire, earthquake,  
19 or similar circumstances, or was substantially and irretrievably deteriorated prior to adoption of  
20 the Downtown Plan; or (2) no reasonable use can be made of the building.

21 (b) For Contributory Buildings - Categories III and IV from which no TDR have been  
22 transferred, a demolition permit may be approved provided that the following findings are made:

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1 (1) On the basis of independent verification, the building is rendered unsafe for  
2 occupancy; is infeasible for rehabilitation due to fire, earthquake, or similar circumstance, or was  
3 substantially and irretrievably deteriorated prior to adoption of the Downtown Plan; or

4 (2) On the basis of substantial evidence in the record, that the property retains no  
5 reasonable remaining market value or reasonable use, taking into account the costs of  
6 rehabilitation to meet the requirements of the Building Code; and taking into consideration the  
7 provisions of the State Historic Building Code, the availability of TDR, property tax savings that  
8 may be available under the Mills Act, federal rehabilitation tax credits, and any other relevant  
9 factors. Costs of rehabilitation necessitated by alterations made: (i) in violation of this Article or  
10 Article 10 of this Code, (ii) by demolition in violation of this Article or Article 10 of this Code, (iii)  
11 by failure of the current or prior owners to maintain the property whether by intention or neglect in  
12 violation of Section 1117 of this Article or Planning Code Section 1011; or (iv) to expand the  
13 square footage or make alterations inconsistent with the standards of Section 1111.5 of this Article,  
14 may not be included in the calculation of rehabilitation costs for this purpose; or

15 (3) The building has been rescinded as a Contributory Building pursuant to  
16 Section 1106(g) of this Article; or

17 (4) The Historic Preservation Commission adopts specific findings that (1) the  
18 proposed project meets the Secretary of the Interior's Standards for Restoration,  
19 Preservation or Reconstruction; and (2) that the proposed alteration is the best method  
20 available to preserve and protect the subject property as a Contributory Building and to  
21 protect and enhance the integrity of the building.

22 (b) For all buildings located within Conservation Districts, whether pertaining to  
23 Significant Buildings - Categories I and II, or a Contributory Building - Category IV, or an  
24 Unrated Building - Category V, whether or not TDR have been transferred from the site, no  
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1 demolition permit shall be approved until an application for the new or replacement structure has  
2 been approved by the Historic Preservation Commission in accordance with the standards for new  
3 construction in a Conservation District as provided in Section 1113 of this Article, and the building  
4 or site permit conforming to such approval has been lawfully issued.

5 (c) For a Contributory Building – Category III, located outside of a Conservation  
6 District, no demolition permit shall be approved until an application for the new or replacement  
7 structure has been approved by the Historic Preservation Commission, and the Historic  
8 Preservation Commission has found that the proposed replacement structure will not adversely  
9 affect the character, scale or design qualities of the general area in which it is located, whether by  
10 reason of the quality of the proposed design or by virtue of the relationship of the replacement  
11 structure to its setting, and the building or site permit conforming to such approval has been  
12 lawfully issued.

13 (d) Suspension of Action. The Historic Preservation Commission may determine, in its  
14 sole discretion, that additional time is necessary to make the findings required by this Section, or to  
15 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,  
16 the Historic Preservation Commission may suspend action on the application for a period not to  
17 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good  
18 cause shown, extend the suspension for an additional period not to exceed 180 days.

19 (e) Independent Experts. The Historic Preservation Commission may call upon the  
20 services of an independent expert to aid in evaluation of the economic, structural, engineering,  
21 construction or other data when reasonably necessary for decisions regarding demolition or major  
22 alterations. The applicant shall pay for the reasonable costs of the services of such independent  
23 expert(s) who shall be selected and hired by, and report directly to, the Historic Preservation  
24 Commission or Historic Preservation Officer.

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1        SEC. 1113.    NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION

2        DISTRICTS.

3        No person shall construct or cause to be constructed any new or replacement structure, or  
4        addition to any existing structure in a Conservation District unless the application for the new or  
5        replacement structure or addition has been approved by the Historic Preservation Commission in  
6        accordance with the standards set forth in Section 1113.1 of this Article. The Historic Preservation  
7        Commission shall have the authority to approve, disapprove, or modify all applications for permits  
8        for new or replacement structures or additions to any existing structure within Conservation  
9        Districts under this Article, subject to appeal as set forth in this Article 11.

10       SEC. 1113.1   Standards for Review of New and Replacement Structures.

11       The Historic Preservation Commission, Board of Appeals, the ~~City~~ Planning Commission,  
12       the ~~Director of~~ Planning ~~Director~~, and the Board of Supervisors shall be governed by the following  
13       standards and criteria in their review and consideration of applications for new or replacement  
14       structures or additions to any existing structures in a Conservation District. In all such  
15       proceedings, the applicant has the burden of establishing that the standards and criteria have been  
16       met.

17       (1)    The proposed new or replacement construction shall (i) be compatible with respect  
18       to the massing and composition, scale and proportion, height, materials, color, texture, detailing  
19       and ornamentation, style, signage and other features of the District as set forth in Sections 6 of the  
20       Appendix which describes the District; and (ii) conform to each of the specific standards and the  
21       guidelines for review of new construction for the District as set forth in Section 7 of the Appendix  
22       which describes the District.

23       (2)    Applications for a building or site permit to construct or add to a structure in any  
24       Conservation District which are subject to review pursuant to Section 309 of this Code shall only

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1 be approved pursuant to Section 309 if they meet the standards set forth herein and if the building  
2 or site permit application has first been reviewed by the Historic Preservation Commission  
3 pursuant to this Article.

4 (3) If the building is constructed in accordance with such approvals, and if the building  
5 is located in a Conservation District for which, pursuant to the Appendix establishing that District,  
6 such a transfer is permitted, the building shall be deemed a Compatible Replacement Building, and  
7 the lot on which such building is located shall be eligible as a Preservation Lot for the transfer of  
8 TDR.

9 SEC. 1114. ~~PLANNING COMMISSION RIGHT TO MODIFY A DECISION OF THE~~  
10 HISTORIC PRESERVATION COMMISSION.

11 SEC. 1114.1. Projects Requiring Multiple Approvals.

12 (a) For project applications that require multiple planning approvals, the Historic  
13 Preservation Commission must review and act on any application for a permit to alter pursuant to  
14 the provisions of Sections 1110 through 1111.6 before any other planning approval action.

15 (b) Only as to those projects that (1) require a Planning Commission hearing on either  
16 a conditional use permit under Section 303 of this Code ~~as of November 4, 2008,~~ or permit  
17 review in C-3 Districts under Sections 309 and 309.1 of this Code in effect ~~as of November 4,~~  
18 ~~2008~~ and (2) do not concern a designated Significant (Categories I and II) or Contributory  
19 (Category III only) building, the Planning Commission may modify a decision of the Historic  
20 Preservation Commission on a permit to alter by a two-thirds vote of its members, pursuant to the  
21 following:

22 (1) Any consideration by the Planning Commission of whether to modify a decision of  
23 the Historic Preservation Commission on a permit to alter shall take place during the noticed  
24 hearing on the related conditional use permit or Section 309 permit review.

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1           (2) In its consideration as to whether to modify a decision of the Historic Preservation  
2 Commission on a permit to alter, the Planning Commission may consider policies set forth in the  
3 General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its  
4 decision, the Planning Commission shall apply all applicable historic resources provisions of this  
5 Code, including the provisions of Sections 1110 through 1111.6 of this Article governing permits to  
6 alter and, as to any buildings located within Conservation Districts, the standards and guidelines  
7 set forth in Sections 6 and 7 of the Appendix which describes the District; and, if the subject  
8 building is also a landmark under Article 10 of this Code, the Planning Commission shall  
9 also apply all applicable historic resources provisions of Article 10 this Code, including the  
10 applicable provisions of Section 1007, and any specific controls and standards embodied  
11 in the designating ordinance.

12           (3) Any decision of the Planning Commission to modify a decision of the Historic  
13 Preservation Commission on a permit to alter shall require a two-thirds vote of its members and the  
14 Planning Commission's resolution shall include a statement of reasons for the modification,  
15 including identification of policies or objectives that would be promoted by a modification of the  
16 Historic Preservation Commission's decision, and findings as to how the Planning Commission's  
17 decision complies with all applicable historic resources provisions of this Code.

18           (4) ~~Any proposed modification of a decision of the Historic Preservation~~  
19 ~~Commission on a Permit to Alter pursuant that would expand, broaden, or enlarge or~~  
20 ~~materially modify the scope of the work proposed under the Permit to Alter that was~~  
21 ~~considered by the Historic Preservation Commission pursuant to Sections 1110 through 1111.6 of~~  
22 ~~this Article shall be referred back to the Historic Preservation Commission for consideration~~  
23 ~~before the Planning Commission's action to modify the Certificate of Appropriateness~~  
24 ~~becomes final within twenty (20) days of the Planning Commission's action. The Historic~~  
25

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1 Preservation Commission, at their next regularly-scheduled hearing, must vote on whether  
2 to re-hear the project to determine if the Planning Commission modifications are consistent  
3 with the purposes of this Article. If the Historic Preservation Commission votes to re-hear  
4 the item, such hearing must be scheduled within thirty (30) days, except that newspaper  
5 notice need only be given ten (10) days prior to the date of the hearing. After the Historic  
6 Preservation Commission re-hears the project, the Permit to Alter will be referred back to  
7 the Planning Commission. The Planning Commission may then act without any further  
8 referral back to the Historic Preservation Commission. If the Historic Preservation  
9 Commission votes not to re-hear the modified Permit to Alter or does not hear it within the  
10 thirty (30) day time frame, the Planning Commission's decision will become final. In all  
11 cases of referral back, the proposal shall be heard by the Historic Preservation  
12 Commission as a new application according to the requirements set forth in this Article 11  
13 for a permit to alter, except that newspaper notice need only be given ten (10) days prior to  
14 the date of the hearing. The Historic Preservation Commission shall review the  
15 modifications within a reasonable period of referral back. In the event the Historic  
16 Preservation Commission does not review the modifications within a reasonable period,  
17 the Planning Commission may finalize its decision.

18 SEC. 1114.2. Planning Commission Review of Discretionary Review Applications

19 (a) The Planning Commission shall not conduct Discretionary Review hearings for  
20 projects on sites identified in the San Francisco Register, defined in Section 1004 of Article  
21 10 and 1104 of this Article, that include exterior modifications subject to a Permit to Alter.  
22 For mandatory Discretionary Reviews by the Planning Commission pursuant to Section  
23 317 or other applicable sections of the Code, if there is a Permit to Alter that must be  
24 approved or disapproved by the Historic Preservation Commission, the Planning  
25

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1 Commission cannot modify said Permit to Alter unless the proposed project meets the  
2 provisions outlined in Section 1114.1(b).

3 (c) — If the Planning Commission takes Discretionary Review of any project upon  
4 which the Historic Preservation Commission has made a decision on a permit to alter  
5 pursuant to this Article, any decision of the Planning Commission that would , broaden,  
6 enlarge or materially modify the scope of the work proposed under the permit that was  
7 considered by the Historic Preservation Commission shall be referred back to the Historic  
8 Preservation Commission for review, which may approve, disapprove, or approve with  
9 conditions, any changes proposed by the Planning Commission. In all cases of referral  
10 back to the Historic Preservation Commission under this subsection, the proposal shall be  
11 heard by the Historic Preservation Commission as a new application according to the  
12 requirements set forth in this Article for a permit to alter, except that newspaper notice  
13 need only be given ten (10) days prior to the date of the hearing. The Historic Preservation  
14 Commission shall review the modifications within a reasonable period of referral back. In  
15 the event the Historic Preservation Commission does not review the modifications within a  
16 reasonable period, the Planning Commission may finalize its decision.

17 SEC 1114.3 Zoning Administrator’s Review of Variance Applications.

18 (a) For project applications that require a Variance from the Planning Code in  
19 addition to a Permit to Alter, the Historic Preservation Commission must review and act on  
20 any Permit to Alter pursuant to Section 1111 of this Article before the Zoning Administrator  
21 may take action on the Variance application.

22 (b) The Zoning Administrator does not have the authority to modify Variance  
23 applications on sites identified in the San Francisco Register, defined in Section 1004 of  
24 Article 10 and 1104 of this Article, that include exterior modifications subject to a Permit to  
25

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1 Alter. Upon final action by the Historic Preservation Commission, the Zoning Administrator  
2 may consider and act upon the Variance application, provided that any final action taken  
3 by the Zoning Administrator does not result in the modification of the approved Permit to  
4 Alter.

5 SEC. 1114.2. Projects Located on Vacant Lots.

6 As to projects located on vacant lots in Conservation Districts, the Planning Commission may  
7 modify a decision of the Historic Preservation Commission by a two-thirds vote of its members,  
8 pursuant to the following:

9 (a) Within ten (10) days of a decision of the Historic Preservation Commission on a  
10 permit for a project for new or replacement construction on a vacant lot in a Conservation District,  
11 the Planning Commission may, upon its own motion, adopt of a resolution of intent to review and  
12 consider modifying the decision of the Historic Preservation Commission. Said resolution shall  
13 identify the policies or objectives that would be promoted by a modification of the decision of the  
14 Historic Preservation Commission, or shall state why this Article has not been complied with.

15 (b) The Planning Commission shall review and consider any proposed modification of  
16 the decision of the Historic Preservation Commission on such permit at a public hearing to be held  
17 within twenty (20) days of the adoption of the resolution of intent. Notice of such meeting(s) shall  
18 be given not less than ten (10) days prior to the meeting date in the same manner as required for  
19 the Historic Preservation Commission's hearing on such a permit.

20 (c) In its consideration as to whether to modify a decision of the Historic Preservation  
21 Commission on such permit, the Planning Commission may consider policies set forth in the  
22 General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its  
23 decision, the Planning Commission shall apply all applicable historic resources provisions of this  
24 Code, including the applicable provisions of Section 1113 of this Article and, as to any project for a  
25

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1 new or replacement structure to be located within a Conservation District, the standards and  
2 guidelines set forth in Sections 6 and 7 of the Appendix which describes the District; and, if the  
3 subject property is also located within a historic district under Article 10 of this Code, the Planning  
4 Commission shall also apply all applicable historic resources provisions of Article 10 this Code,  
5 including the applicable provisions of Section 1007, and any specific controls and standards  
6 embodied in the designating ordinance.

7 (d) Any decision of the Planning Commission to modify a decision of the Historic  
8 Preservation Commission on a permit for new or replacement construction on a vacant lot in a  
9 Conservation District shall require a two-thirds vote of its members, and the Planning  
10 Commission's resolution shall include a statement of reasons for the modification, including  
11 identification of policies or objectives that would be promoted by a modification of the decision,  
12 and findings as to how the Planning Commission's decision complies with all applicable historic  
13 resources provisions of this Code, including those listed in (c) above.

14 (e) ~~Any proposed modification of a decision of the Historic Preservation~~  
15 ~~Commission on a Permit to Alter pursuant that would expand, broaden, or enlarge or~~  
16 ~~materially modify the scope of the work proposed under the Permit to Alter that was~~  
17 ~~considered by the Historic Preservation Commission pursuant to Sections 1110 through 1111.6~~  
18 ~~of this Article shall be referred provided back to the Historic Preservation Commission for~~  
19 ~~consideration before the Planning Commission's action to modify the Certificate of~~  
20 ~~Appropriateness becomes final within twenty (20) days of the Planning Commission's~~  
21 ~~action. The Historic Preservation Commission, at their next regularly-scheduled hearing,~~  
22 ~~must vote on whether to re-hear the project to determine if the Planning Commission~~  
23 ~~modifications are consistent with the purposes of this Article. If the Historic Preservation~~  
24 ~~Commission votes to re-hear the item, such hearing must be scheduled within thirty (30)~~  
25

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1 days, except that newspaper notice need only be given ten (10) days prior to the date of  
2 the hearing. After the Historic Preservation Commission re-hears the project, the Permit to  
3 Alter will be referred back to the Planning Commission. The Planning Commission may  
4 then act without any further referral back to the Historic Preservation Commission. If the  
5 Historic Preservation Commission votes not to re-hear the modified Permit to Alter or does  
6 not hear it within the thirty (30) day time frame, the Planning Commission's decision will  
7 become final. In all cases of referral back, the proposal shall be heard by the Historic  
8 Preservation Commission as a new proposal according to the requirements set forth in this  
9 Article, except that newspaper notice need only be given ten (10) days prior to the date of  
10 the hearing. The Historic Preservation Commission shall review the modifications within a  
11 reasonable period of referral back. In the event the Historic Preservation Commission  
12 does not review the modifications within a reasonable period, the Planning Commission  
13 may finalize its decision.

14 SEC. 1115. APPEALS.

15 SEC. 1115.1. Right of Appeal. The Historic Preservation Commission's decision on a  
16 permit pursuant to this Article 11, or the Planning Commission's modification of a Historic  
17 Preservation Commission's decision pursuant to Section 1114 of this Article, shall be final unless  
18 appealed to the Board of Appeals, which may modify the decision of the Historic Preservation  
19 Commission by a 4/5 vote; provided, however, that if the project requires Board of Supervisors  
20 approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be  
21 appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the  
22 Historic Preservation Commission's decision, or Planning Commission's modification of the  
23 decision, by a majority vote. A decision appealed to the Board of Appeals shall not become  
24 effective unless and until the Board of Appeals' decision becomes final. Any decision appealed to  
25

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1 the Board of Supervisors shall not become effective until the Board of Supervisors' approval or  
2 action on the appeal. Nothing in this Section shall be construed to authorize the appeal of any  
3 decision of the Historic Preservation Commission under Section 1112.4(d) of this Article to suspend  
4 action on a permit application.

5 SEC. 1115.2. Appeals to the Board of Appeals.

6 (a) Any appeal under this Section 1115.2 to the Board of Appeals shall be taken by filing  
7 written notice of appeal with the Board of Appeals within (15) days after the date of the decision by  
8 the Historic Preservation Commission or the Planning Commission, where applicable, by the  
9 property owner or any interested party in writing to the Board of Appeals.

10 (b) Notice of any appeal to the Board of Appeals under this Section 1115.2 shall, in  
11 addition to being given pursuant to the notice requirements of the Board of Appeals, be given to:  
12 (1) the owners of all real property within 300 feet of the exterior boundaries of any property that is  
13 the subject of the appeal, and (3) to all other interested parties who have in writing or email to the  
14 Historic Preservation Officer requested such notices.

15 (c) Any decision of the Board of Appeals under this Section 1115.2 to modify a decision  
16 of the Historic Preservation Commission, or the Planning Commission's modification of such a  
17 decision pursuant to Section 1114 of this Article, shall require a 4/5 vote of its members.

18 (d) Except as otherwise provided in this subsection, the procedures and requirements  
19 governing hearings before the Board of Appeals shall apply.

20 SEC. 1115.3. Appeals to the Board of Supervisors.

21 (a) The Historic Preservation Commission's decision on a permit pursuant to this  
22 Article 11, or the Planning Commission's modification of a Historic Preservation Commission's  
23 decision pursuant to Section 1114 of this Article, is subject to appeal to the Board of Supervisors  
24  
25

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1 only if the project—requires Board of Supervisors approval or is appealed to the Board of  
2 Supervisors as a conditional use.

3 (b) Any appeal under this Section 1115.3 to the Board of Supervisors shall be taken by  
4 filing written notice of appeal with the Board of Supervisors within fifteen (15) days after the date  
5 of the decision by the Historic Preservation Commission or the Planning Commission, where  
6 applicable, by the property owner or any interested party in writing to the Clerk of the Board of  
7 Supervisors.

8 (c) Upon filing of such written notice of appeal, the Board of Supervisors or the Clerk  
9 thereof shall set a time and place for hearing such appeal, which hearing may be conducted at the  
10 same meeting that the Board of Supervisors considers the project's required approvals or the  
11 conditional use appeal, as applicable; provided that said hearing and decision must be made not  
12 more than 60 days from the date of filing of the appeal. Failure of the Board of Supervisors to act  
13 within such time limit shall be deemed to constitute approval by the Board of Supervisors of the  
14 action of the Historic Preservation Commission or, if applicable, the Planning Commission.

15 (d) Any decision of the Board of Supervisors under this Section 1115.3 to modify a  
16 decision of the Historic Preservation Commission, or the Planning Commission's modification of  
17 such a decision pursuant to Section 1114 of this Article, shall require a majority vote of its  
18 members.

19 SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

20 Where the Director of the Department of Building Inspection or Chief of the Fire Department  
21 determines that a condition on or within a Significant or Contributory Building is unsafe or  
22 dangerous and determines further that repair or other work rather than demolition will not threaten  
23 the public safety, said official shall, after consulting with the Historic Preservation Commission, to  
24 the extent feasible, determine the measures of repair or other work necessary to correct the  
25

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1 condition in a manner which, insofar as it does not conflict with State or local requirements, is  
2 consistent with the purposes and standards set forth in this Article.

3 SEC. 1117. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

4 (a) Maintenance. The owner, lessee, or other person in actual charge of a Significant or  
5 Contributory Building shall comply with all applicable codes, laws and regulations governing the  
6 maintenance of property. It is the intent of this Section to preserve from deliberate or inadvertent  
7 neglect the exterior features of buildings designated Significant or Contributory, and the interior  
8 portions thereof when such maintenance is necessary to prevent deterioration and decay of the  
9 exterior. All such buildings shall be preserved against such decay and deterioration and free from  
10 structural defects through prompt corrections of any of the following defects:

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

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

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

16 (4) Deteriorated ornamental features;

17 (5) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or  
18 floors, including broken windows or doors;

19 (6) Defective or insufficient weather protection for exterior wall covering, including  
20 lack of paint or weathering due to lack of paint or other protective covering;

21 (5 7) Any fault or defect in the building which renders it not properly watertight, secure,  
22 or structurally unsafe.

23 (b) Enforcement Procedures. Failure to maintain property as provided in a manner  
24 that complies with all applicable codes, laws and regulations governing maintenance

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1 herein shall be unlawful and is hereby declared to be a public nuisance. Violations of this Section  
2 1117 shall be subject to enforcement procedures as set forth in Sections 1118 and 1119 of this  
3 Article, and as set forth in Sections 176 and 176.1 of this Code.

4 SEC. 1118. UNLAWFUL ALTERATION OR DEMOLITION.

5 (a) In addition to any other penalties provided in Section 1119 of this Article or  
6 elsewhere in this Code, alteration or demolition of a Significant or Contributory Building or any  
7 building within a Conservation District in violation of the provisions of this Article shall eliminate  
8 the eligibility of the building's lot as a Preservation Lot, and such lot, if it is the site of an  
9 unlawfully demolished Significant Building, or Contributory Building from which TDR have been  
10 transferred, may not be developed in excess of the floor area ratio of the demolished building for a  
11 period of 20 years from the unlawful demolition. The Zoning Administrator shall send written  
12 notice to the property owner of such determination. No department shall approve or issue a permit  
13 that would authorize construction of a structure contrary to the provisions of this Section.

14 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:

15 (1) As to an unlawful alteration or demolition, the owner can demonstrate to the  
16 satisfaction of the Historic Preservation Commission and the Zoning Administrator that the  
17 violation did not constitute a major alteration as defined in Section 1111.1; or

18 (2) As to an unlawful alteration, the owner restores the original distinguishing qualities  
19 and character of the building destroyed or altered, including exterior character-defining spaces,  
20 materials, features, finishes, exterior walls and exterior ornamentation. A property owner who  
21 wishes to effect a restoration pursuant to this Subsection (b)(2) shall, in connection with the filing  
22 of a building or site permit application, seek approval of the proposed restoration by the Historic  
23 Preservation Commission pursuant to the provisions of this Article 11. If the application is  
24 approved and it is determined that the proposed work will effect adequate restoration, the Historic  
25

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1 Preservation Commission shall so find. Upon such approval, and the completion of such work, the  
2 lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set forth  
3 in Subsection (a) shall not thereafter apply. The Historic Preservation Commission may not  
4 approve the restoration unless it first finds that the restoration can be done with a substantial  
5 degree of success. The determination under this Subsection (b)(2) is a final administrative decision.

6 (3) As to an unlawful demolition, the owner agrees to reconstruct the building in-  
7 kind, matching the height, bulk, setback of the former structure and any and all decorative  
8 material that characterized the former structure.

9 (c) In the event that the owner does not (1) respond to the Zoning Administrator's  
10 written notice within 30 days of the date of such notice or (2) demonstrate that no violation has  
11 occurred or (3) restore as described above, the Zoning Administrator shall cause to be filed with  
12 the Recorder of the City and County of San Francisco a Notice of Special Restriction limiting the  
13 development of the site.

14 (d) In addition to the penalties described in this Section 1118, any building owner who  
15 violates this Article 10 shall be subject to the enforcement procedures and penalties described in  
16 Section 1119 of this Article and Sections 176 and 176.1 of this Code.

17 SEC. 1119. ENFORCEMENT AND PENALTIES.

18 The provisions of this Article and any provision or condition of any approval action that has been  
19 obtained pursuant to this Article shall be enforced and penalties shall be assessed as provided in  
20 Sections 176 and 176.1 of this Code.

21 (a) Authority of Historic Preservation Commission. The Historic Preservation  
22 Commission shall have the power to (1) file appeals on its own behalf to any appropriate City  
23 officials, commissions, boards, departments or agencies; and (2) initiate enforcement actions and  
24 imposition of penalties pursuant to Sections 176 and 176.1 of this Code by providing notice of any  
25

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1 violation to the Director of the Planning Department, Director of Building Inspection, Zoning  
2 Administrator, City Attorney, District Attorney or other appropriate City officials, commissions,  
3 boards, departments or agencies who shall be required to immediately institute enforcement  
4 proceedings;

5 (b) Duty to Administer and Enforce. It shall be the duty of the Zoning Administrator  
6 Director of the Planning Department, or the Zoning Administrator's Director's delegate, to  
7 administer and enforce the provisions of this Article 11. Upon request, the Department of Building  
8 Inspection shall assist the Zoning Administrator Director of the Planning Department in the  
9 performance of this duty.

10 (c) Inspection of Premises. In the performance of his duties, the Zoning Administrator  
11 Director of the Planning Department and employees of the Department properly authorized to  
12 represent the Zoning Administrator Director of the Planning Department shall have the right to  
13 enter any building or premises for the purposes of investigation and inspection upon reasonable  
14 notice to the owner; and provided further, that such right of entry shall be exercised only at  
15 reasonable hours, and that in no case shall entry be made to any building without notice to the  
16 owner or tenant thereof without the written order of a court of competent jurisdiction.

17 (d) Methods of Enforcement. In addition to the regulations of this Article 11, Article 10,  
18 other Articles of this Code and provisions of the Charter which govern enforcement procedures and  
19 the approval or disapproval of applications for building permits or other permits or licenses  
20 affecting the use of land or buildings, the Zoning Administrator Director of the Planning  
21 Department shall have the additional authority to implement the enforcement thereof by the  
22 following means:

23 (1) The Zoning Administrator Director of the Planning Department may serve  
24 notice requiring the removal of any violation of this Article 11 or Article 10 upon the owner, agent  
25

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1 or tenant of the building or land, or upon the architect, builder, contractor or other person who  
2 commits or assists in any such violation; and

3 (2) The ~~Zoning Administrator~~ Director of the Planning Department may call upon  
4 the District Attorney to institute any necessary legal proceedings to enforce the provisions of this  
5 Article 11 or Article 10, and the District Attorney is hereby authorized to institute appropriate  
6 actions to that end.

7 (e) Penalties. Any person, firm or corporation violating any of the provisions of this  
8 Article 11 or Article 10 shall be deemed guilty of a misdemeanor and upon conviction thereof shall  
9 be fined in an amount not exceeding \$1,000.00 or be imprisoned for a period not exceeding six  
10 months or be both so fined and imprisoned. Each day such a violation is committed or permitted to  
11 continue shall constitute a separate offense and shall be punishable as such hereunder.

12 (f) Injunctive Relief. The City Attorney may maintain an action for injunctive relief to  
13 cause, where possible, the complete or partial restoration or reconstruction of any building altered  
14 or demolished in violation of this Article 11 or Article 10, or an abatement action to cause the  
15 correction or removal of any violation of this Article 11 or Article 10.

16 SEC. 1120. RELATIONSHIP TO ARTICLE 10.

17 Buildings or areas within the C-3 District designated pursuant to the provisions of both  
18 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case of  
19 conflict, the more restrictive provision shall control. –Notwithstanding the rating of a building in a  
20 C-3 District pursuant to the provisions of Article 11, buildings may be designated as landmarks  
21 according to the provisions of Article 10.

22 SEC. 1121. NOTICE OF AMENDMENT.

23 Except as to those amendments to this Article required to implement the provisions  
24 of the voter approved Charter Amendment creating a Historic Preservation Commission

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1 and establishing the powers and duties of such Commission, notice of any hearing before  
2 the City Planning Commission, or, if no hearing, notice of the first hearing before the Board  
3 of Supervisors, of a proposed amendment to this Article which materially alters the  
4 limitations and requirements applicable to any building or class of buildings shall be given  
5 to the owners of such buildings by mail.

6 ~~\_\_\_\_\_ SEC. 1122. NOTICE PROCEDURE.~~

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

10 ~~\_\_\_\_\_ SEC. 1123. TIME PROVISIONS.~~

11 ~~\_\_\_\_\_ Unless otherwise indicated, all time provisions governing the taking of action by City~~  
12 ~~officials are directory and not mandatory.~~

13 ~~\_\_\_\_\_ SEC. 1121 24. SEVERABILITY.~~

14 ~~\_\_\_\_\_ *If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall not*~~  
15 ~~*affect the validity of the remaining portions of this Article 11 or any part thereof. The Board of*~~  
16 ~~*Supervisors hereby declares that it would have passed all portions of this Article irrespective of the*~~  
17 ~~*fact that any one or more portions be declared unconstitutional or invalid.*~~

18  
19 Section 6. The San Francisco Planning Code is hereby amended by adding new Section  
20 176(f), to read as follows:

21 ~~\_\_\_\_\_ (f) *Additional Methods of Enforcement and Penalties for Violation of Articles 10 and*~~  
22 ~~*11. Violations of the regulations set forth in Articles 10 and 11 are subject to the penalties and*~~  
23 ~~*enforcement procedures set forth in Sections 1011, 1012, 1013, 1117, 1118, and 1119 of this Code*~~  
24 ~~*in addition to those set forth in this Sections 176.*~~

25  
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**To BOS File No. 08-1565: 4-8-09**





# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Change

HEARING DATE: APRIL 8, 2009

*Date:* April 1, 2009

*Project Name:* **Rewrite of Articles 10 & 11 of the Planning Code**

*Case Number:* 2008.1393T [Board File No. 08-1565]

*Initiated by:* Former Supervisor Peskin, Supervisor Daly /  
Introduced January 6, 2009

*Staff Contact:* Tara Sullivan, Legislative Affairs  
tara.sullivan@sfgov.org, 415-558-6257

*Reviewed by:* John Rahaim, Director, Planning Department  
john.rahaim@sfgov.org, 415-558-6411

*90-day Deadline:* April 14, 2009

*Recommendation:* **Recommend Approval with Modifications**

1650 Mission St.  
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### PLANNING CODE AMENDMENT

The proposed Ordinance would rescind the existing Articles 10 and 11, and add a new Article 10 and 11 to the Planning Code, which would establish the procedures for historic preservation planning in San Francisco. It would also add a new Section 176(f) (Enforcement Against Violations) which would link any violations of Articles 10 and 11 to the enforcement proceedings in Article 1.7.

#### The Way It Is Now:

Article 10 (Preservation of Historical Architectural and Aesthetic Landmarks) deals with Individual Landmarks and Historic Districts throughout San Francisco, and was added to the Planning Code in 1967.<sup>1</sup> It sets up the procedural framework between the Planning Commission, Landmarks Preservation Advisory Board, and the Planning Department. The designation, permit review, and appeal processes for Individual Landmarks and Historic Districts are outlined in Article 10. Article 10 has remained largely unchanged since it was enacted.

Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) deals solely with buildings in C-3 zoning districts and was added to the Planning Code in 1985.<sup>2</sup> These buildings are concentrated in downtown San Francisco and are either individually

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<sup>1</sup> Ordinance 27-67, Approved 1/26/67.

<sup>2</sup> Ordinance 414-85, Approved 9/17/85.

classified for significance or are located within Conservation Districts. As with Article 10, it sets up the framework for the designation and permit review processes.

On November 4, 2008, Proposition J was passed by the voters of San Francisco. This proposition amended the Charter of the City and County of San Francisco Section 4.105 (Planning Commission) and added Section 4.135, establishing an independent Historic Preservation Commission. As of December 31, 2008, the Landmarks Preservation Advisory Board ceased to be a city body and the Historic Preservation Commission became effective (once a quorum of Commissioners was sworn in by the Mayor, which occurred on January 14, 2009).

Due to the creation of an independent Historic Preservation Commission, Articles 10 and 11 must be amended to incorporate the new Commission into the review processes of historic preservation planning.

#### **The Way It Will Be:**

The proposed Ordinance will replace the existing Articles 10 and 11 which will outline the powers and duties of the Historic Preservation Commission, the Planning Department and staff, establish designation and permit review procedures and processes, and articulate maintenance and enforcement procedures.

#### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

#### **RECOMMENDATION**

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance *as identified in Attachment A* and adopt the attached Draft Resolution to that effect.

#### **BASIS FOR RECOMMENDATION**

Both the Planning Commission and the Historic Preservation Commission (hereinafter the "HPC") have each held several informational hearings on the proposed Articles 10 and 11. Due to the length of the Ordinance and the amount of detail contained in it, this report will not go into a page-by-page discussion of issues and proposed modifications.

The Department is proposing a variety of modifications to the proposed Ordinance which range from small points of clarification to larger substantive changes. Incorporated into this Executive Summary is Attachment A: *Planning Department's Proposed Modifications 4-1-09*. This document contains all of the changes proposed by the Department.

Below is a summary of several issues that are of primary concern to the Department, and have been subject of several informational hearings.

#### **ARTICLE 10: HISTORIC PRESERVATION (NEW TITLE)**

**Powers & Duties of the Historic Preservation Commission, Planning Department, and Preservation Coordinator**

Section 1002.2: Powers and Duties (of the Historic Preservation Commission)

1. Section (k): The Department's proposed modification is to remove all reference to the HPC's role in determining the level of environmental review required for individual projects that may involve historic resources. The HPC will still have the ability, and the charge, to review and comment on CEQA documents that relate to historic resources pursuant to the Charter, but should not supplant the role of the ERO in determining the appropriate level of environmental review.

Section 1003: Planning Department

2. Section(s) 1003.1 and 1003.3: The relationship between the Planning Department, Planning Director and the HPC should be similar to what currently exists with the Planning Commission. The Planning Director shall act as the historic preservation head officer and shall ensure that there is professionally trained staff to work on historic preservation issues and assist the HPC. The Director shall appoint the Preservation Coordinator and HPC Secretary. The Department's position is that it is critical that the Planning Director be charged with selecting the Historic Preservation Officer in a manner consistent with how other Department positions are assigned and allocated. As proposed in the Board file, the HPO would be selected in a manner comparable only to the Planning Director, and no other Departmental position.

**Designations of Landmarks and Historic Districts**

Section 1005.5: Historic Preservation Commission Hearing

1. Section (c)(2): This section outlines what the HPC needs to recommend to the Board of Supervisors when forwarding a proposed historic district for landmark designation pursuant to Article 10. If the HPC is recommending approval, then the Department is recommending that the following materials must be submitted to the Board of Supervisors:
  - a. A designation case report that details which buildings are contributors and non-contributors;
  - b. Design Standards and controls to protect and maintain a landmark or contributing resource, and guidelines for the review of alterations to protect and maintain the integrity of the historic district and to ensure compatibility of alterations, additions and/or new construction within a historic district; and
  - c. Setback, height and bulk controls to insure that any additions to contributing and noncontributing resources and any new construction in the historic district will be compatible with the prevailing height and bulk of the historic district and contribute to the scale and continuity of the streetscape. These controls will establish a threshold under which these projects will be presumed to be compatible.

**Certificates of Appropriateness, Standards of Review, Historic Preservation Commission Hearings**

Section 1007: Certificates of Appropriateness

1. Section 1007.1(a) and Section 1007.5(d) Demolition and Ability of HPC to Approve Demolitions: As the Board file currently reads the definition of "demolition" is more restrictive than that in the

existing Article 10. In addition, there is no ability for the HPC to approve demolitions, even in cases that result in no change in exterior appearance (such as an extensive interior rehabilitation). An example is an historic SRO for which much of the interior is removed in order to accommodate improved affordable housing. This work could be categorized as a demolition (under both the existing and proposed definitions), but as drafted, the HPC would have no ability to approve the project because it is classified as a demolition. The Department would like to provide a mechanism for the HPC to approve such projects.

2. Section 1007.1(b) Major & Minor Alterations: The Department strongly believes that many types of work to an individual landmark or building in a historic district can be approved by the historic preservation staff. Basic maintenance and repair work or minor rehabilitation work that does not alter character-defining features should be items that staff can approve. As proposed, almost all work is defined as a major alteration and thus needs review by the HPC. Even if the HPC wanted to delegate some of these activities to Department staff, it is unclear whether they could do so without a legislative change to the Code. This appears to be cumbersome and could bind the HPC in the future. The Department is suggesting that the major alteration definition be scaled back and broadened and that the HPC will define what work qualifies as a minor alteration and can be delegated to staff.
3. Section 1007.4 Administrative Certificate of Appropriateness: The proposed process for final approval of a staff-generated Administrative Certificate of Appropriateness is cumbersome. The purpose of Administrative Certificate of Appropriateness is to reduce the time and costs to the public for work that is routine and minor in scope. The Department is proposing that there be a 15-day appeal period for all Administrative Certificates of Appropriateness after they have been issued – similar to the process for building permits – and if a Commissioner or member of the public has issue with the Administrative Certificate of Appropriateness, then it will have a full hearing by the HPC.

### **Modification of Certificates of Appropriateness**

#### **Section 1008: Right to Modify a Certificate of Appropriateness**

1. Section 1008.1(4) Process for HPC review of Planning Commission Modifications: The Charter states that the Planning Commission may modify a Certificate of Appropriateness for projects that 1) require a conditional use authorization or permit for review under Section 309 of the Code; 2) do not concern an individually landmarked property; and/or 3) is located on a vacant lot. It requires a 2/3 vote to modify a decision by the HPC. The Board legislation proposes a process by which when the Planning Commission modifies a Certificate of Appropriateness, the HPC must re-review the permit before it's finalized. There is no timeline given for the HPC review, and as drafted, it appears to create a continuous cycle of hearings and review by both Commissions. The Department believes this process needs to be streamlined.
2. Section 1008.2 Discretionary Review Applications: As mentioned, the Charter gives the Planning Commission the ability to modify a Certificate of Appropriateness in limited circumstances. The Planning Commission does not have the authority to review Discretionary Review applications subject to 311 & 312 of the Code for projects on sites identified in the San Francisco Register that include exterior modifications subject to a Certificate of Appropriateness. Because the Charter only gives the HPC the authority on historic preservation issues and matters, this body cannot analyze or decide issues outside of that scope which are topics subject to Discretionary Review applications. The Department is recommending that this be codified so that staff and the public know the process.

3. Section 1008.3 Zoning Administrator Review of Certificates of Appropriateness. As outlined above, the Charter is specific as to which bodies and circumstances a Certificate of Appropriateness may be modified. The Zoning Administrator grants variances from the Planning Code for a variety of issues. However, there does not appear to be a process for a modification of a Certificate of Appropriateness by the Zoning Administrator. The Department would like to have this clarified and codified.

#### **ARTICLE 11: HISTORIC PRESERVATION IN C-3 ZONING DISTRICTS (NEW TITLE)**

Most of the proposed modifications to Article 11 are similar to what is proposed in Article 10 – the Department wants to ensure that the language and processes in both are consistent and similar whenever possible. In addition, there are a few issues that are of concern to the Department:

##### **Permits to Alter**

###### **Section 1111: Applications for Permits to Alter**

Section 1111.1. Determination of Major or Minor Alteration: The existing Article 11 establishes work that may be approved by the preservation staff of the Planning Department. Due to the high turnaround of retail stores in the C-3 district, it is essential that the Department retain this approval power. The Department strongly believes that many types of work can be approved by the historic preservation staff. Basic maintenance and repair work or minor rehabilitation work that does not alter character-defining features should be items that staff can approve. Storefront alterations that are contained within the piers and lintels of the storefront opening and do not remove any character-defining material should continue to be approved at a staff level.

#### **ENVIRONMENTAL REVIEW**

The proposal to replace Articles 10 and 11 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

#### **PUBLIC COMMENT**

As of the date of this report, the Planning Department has only received two letters of recommended changes to the Ordinance, and no other formal public comment. It should be noted, however, that there has been extensive public comment at the 8 public hearings at the HPC and Planning Commission. Further, there have been four two-hour long working sessions held by the Planning Director with a variety of land-use professionals that went through the details of the proposed Ordinance. The Department incorporated the comments and concerns of all input into the proposed modifications.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval with Modifications as Detailed in Attachment A</b>
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##### **Attachments:**

Exhibit A: Planning Department's Proposed Modifications to BOS File No. 08-1565

1 [Adopting a new Planning Code Article 10 and Article 11 and adding new Planning Code  
2 Section 176(f).]

3 **Ordinance rescinding Planning Code Article 10 in its entirety, rescinding Planning**  
4 **Code Article 11 in its entirety, and adopting a new Article 10 and a new Article 11 to**  
5 **implement the provisions of new San Francisco Charter Section 4.135; and adding**  
6 **new Planning Code Section 176(f).**

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

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

11 Section 1. Findings.

12 This Board of Supervisors finds that this Ordinance is necessary to implement the  
13 provisions of Section 4.135 of the Charter creating a Historic Preservation Commission  
14 and is consistent with the General Plan and Priority Policies of Section 101.1(b) of the  
15 Planning Code for the reasons set forth in the Planning Commission Resolution No.  
16 \_\_\_\_\_ and incorporates said Resolution herein by reference. A copy of said  
17 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

18 Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
19 Ordinance will serve the public necessity, convenience and welfare for the reasons set  
20 forth in Planning Commission Resolution No. \_\_\_\_\_ and incorporates said  
21 Resolution herein by reference. A copy of said resolution is on file with the Clerk of the  
22 Board of Supervisors in File No. \_\_\_\_\_.

23 Section 2. The San Francisco Planning Code is hereby amended by rescinding  
24 Article 10 in its entirety.

25 **PLANNING DEPARTMENT’S PROPOSED MODIFICATIONS 4-7-09**

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1 Section 3. The San Francisco Planning Code is hereby amended to add new  
2 Article 10, to read as follows:

3 ARTICLE 10 - HISTORIC PRESERVATION  
4 TABLE OF CONTENTS

5 SEC. 1001. GENERAL PROVISIONS.

6 1001.1. Findings.

7 1001.2. Purposes.

8 1001.3. Definitions.

9 SEC. 1002. HISTORIC PRESERVATION COMMISSION.

10 1002.1. Composition and Qualifications

11 1002.2. Powers and Duties.

12 1002.3. Policies, Rules and Procedures.

13 SEC. 1003. PLANNING DEPARTMENT.

14 1003.1. Planning Department Head and Staff.

15 1003.2. Budget and Fees.

16 1003.3. Historic Preservation Officer.

17 1003.4. Powers and Duties of the Historic Preservation Officer.

18 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES.

19 SEC. 1005. DESIGNATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

20 1005.1. Criteria and Requirements.

21 (a) Landmarks.

22 (b) Historic Districts.

23 (c) Contributing Resources.

24 (d) Significant Interiors.

25 (e) Noncontiguous Historic District.

(f) Designation Case Report.

1005.2. Nominations.

(a) City Commissions and Agencies

(b) Property Owners, Residents and Preservation Organizations.

1005.23. Initiation of Designation.

(a) Board of Supervisors.

(b) Historic Preservation Commission.

1005.3. Nominations.

(a) City Commissions and Agencies

(b) Property Owners, Residents and Preservation Organizations.

1005.4. Protection for Nominated Resources Pending Final Decision.

Protection for Nominated Resources for Which a Resolution of Intent to Designate has  
been Adopted, Pending Final Decision.

1005.5. Historic Preservation Commission Hearing.

(a) Notice of Hearing.

(b) Public Record.

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1 SEC. 1009. APPEALS.

2 1009.1. Right of Appeal.

3 1009.2. Appeals to the Board of Appeals.

4 1009.3. Appeals to the Board of Supervisors.

5 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

6 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

7 SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

8 SEC. 1013. ENFORCEMENT AND PENALTIES.

9 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

10 1014.1. City-Owned Historic Resources.

11 1014.2. Historic Resources Owned by Other Public Agencies.

12 SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES.

13 1015.1. Comprehensive Survey Program Established.

14 1015.2. Implementation of Comprehensive Survey Program.

15 SEC. 1016. SAN FRANCISCO INVENTORY OF HISTORIC RESOURCES.

16 1016.1 San Francisco Inventory Established.

17 1016.2. Maintenance and Use of San Francisco Inventory.

18 SEC. 1017. PRESERVATION INCENTIVES.

19 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

20 SEC. 1019. SEVERABILITY.

21 Sec. 1001. General Provisions.

22 SEC. 1001.1. Findings.

23 It is hereby found that:

24 (a) Historic resources are important to the City's aesthetic and visual character;

25 (b) Historic buildings make up a major part of the City's existing housing stock, including some of the most affordable housing in the City and preserving historic resources is therefore important to maintaining and protecting against the loss of affordable housing;

(c) Maintaining the City's historic resources is critical to preserving and protecting neighborhood character;

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1 (d) Preserving and maintaining historic buildings and neighborhoods instead of  
2 demolishing them reduces consumption of scarce resources and is an important part of the City's  
3 efforts to promote sustainable development and combat climate change;

4 (e) Following the 100-year anniversary of 1906 Earthquake and Fire, it is important to  
5 celebrate and preserve the significant physical reminders of this event of unique historic  
6 significance to San Francisco;

7 (f) Preservation of San Francisco's historic resources enhances the City's economic,  
8 cultural and aesthetic standing, and its identity, livability, marketability and urban character;

9 (g) Well-preserved and retained historic resources are essential to maintain and  
10 revitalize the City and stimulate economic activity;

11 (h) The preservation and continued use of historic resources are effective tools to  
12 sustain and revitalize neighborhoods and business districts within the City, and to promote tourist  
13 trade and interest;

14 (i) A number of historic resources in the City have been and continue to be  
15 unnecessarily destroyed or impaired, despite the feasibility and desirability of preserving them;

16 (j) Historic structures, sites and other resources are irreplaceable and must be  
17 protected from deterioration, inappropriate alterations, demolition and damage; and

18 (k) The prevention of such needless destruction and impairment is essential to the  
19 health, safety and welfare of the general public.

20 SEC. 1001.2. Purposes.

21 It is hereby declared that the purpose of this Article is to promote the health, safety and  
22 welfare of the general public by establishing procedures and providing regulations necessary to:

23 (a) Recognize that historic resources are important to the City's aesthetic and  
24 visual character;

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1 (b) Enhance, perpetuate, and preserve architecturally and historically significant  
2 structures and sites;

3 (c) Celebrate and preserve the significant reminders of the 1906 Earthquake  
4 and Fire;

5 (d) Foster civic pride in the accomplishments of the past by promoting private  
6 stewardship of historic resources that represent these accomplishments;

7 (e) Promote the identification, documentation, and evaluation of the significance  
8 of individual historic resources and districts;

9 (f) Fulfill the City's responsibilities:

10 (1) As a Certified Local Government under federal historic preservation  
11 laws; and

12 (2) For Federal Section 106 review under the National Historic  
13 Preservation Act and for the California Environmental Quality Act regarding historic  
14 resources;

15 (g) Recognize the City's historic resources as economic assets, including  
16 commercial, industrial, and residential buildings;

17 (h) Promote public awareness of the value of rehabilitation, restoration, and  
18 maintenance of the existing building stock as a means to conserve reusable material and  
19 energy resources;

20 (i) Encourage and promote the adaptive reuse of the City's historic resources  
21 and promote the revitalization of historic neighborhoods and commercial areas;

22 (k) Stabilize and improve property values, and enhance the aesthetic and visual  
23 character and environmental amenities of the City's historic properties and areas;

24 (l) Promote the City as a destination for tourists and as a desirable location for  
25 business; and

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1           (m) Recognize and protect resources that are deemed of significant importance  
2 to a major or minority group for historical, spiritual, political, national, or other cultural  
3 reasons;

4           (n) Implement the provisions of the Charter Amendment approved by the voters on  
5 November 4, 2008, creating a Historic Preservation Commission, and to carry out the  
6 historic preservation goals, policies, and programs of the General Plan and the eight  
7 General Plan priority policies set forth in Section 101.1 of the Planning Code.

8           (a) — Protect, enhance, perpetuate and use historic resources that are reminders  
9 of past eras, events or persons important in local, state or national history, or which are  
10 important elements of social, economic, political or architectural history, or which are  
11 unique and irreplaceable assets to the City and its neighborhoods, or which provide for this  
12 and future generations examples of the physical and cultural surroundings in which past  
13 generations lived, or which may yield archeological information important to understanding  
14 our past;

15           (b) — Preserve a city of varied architectural styles, reflecting the distinct phases of  
16 its history: cultural, social, economic, political and architectural;

17           (c) — Preserve and celebrate the physical reminders of the 1906 Earthquake and  
18 Fire and the City's rebuilding, which are of unique historic significance to San Francisco;

19           (d) — Develop and maintain appropriate settings and environments for historic  
20 resources;

21           (e) — Protect and enhance the visual and aesthetic character and environmental  
22 amenities of the City's historic areas;

23           (f) — Recognize the City's historic resources as economic assets necessary to  
24 preserve existing housing stock and promote the City's tourist trade and interest;

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- 1       ~~—— (g) — Promote sustainable development, conserving building materials and energy~~  
2 ~~resources and combat climate change by reusing and rehabilitating the City's historic~~  
3 ~~buildings;~~
- 4       ~~—— (h) — Foster civic pride in the beauty and accomplishments of the past;~~
- 5       ~~—— (i) — Promote the City as a destination for tourists and a place to do business;~~
- 6       ~~—— (j) — Enrich human life in its educational and cultural dimensions to serve spiritual~~  
7 ~~as well as material needs, by fostering knowledge of the living heritage of the past; and~~
- 8       ~~—— (k) — Implement the provisions of the voter approved Charter Amendment creating~~  
9 ~~a Historic Preservation Commission, and to carry out the historic preservation objectives~~  
10 ~~and policies of the General Plan and Section 101.1 of the Planning Code.~~

11               SEC. 1001.3. Definitions. For the purposes of this Article, certain words and  
12 terms used herein are defined as set forth in this and the following sections. Additional  
13 definitions may be applicable and are located in Article 1, General Zoning Provisions, set  
14 forth in Section 102. All words used in the present tense shall include the future. All  
15 words in the plural number shall include the singular number and all words in the singular  
16 number shall include the plural number, unless the natural construction of the wording  
17 indicates otherwise. The word "shall" is mandatory and not directory. Whenever any of the  
18 following terms is used it shall mean the corresponding officer, department, board or  
19 commission of the City and County of San Francisco, State of California, herein referred to  
20 as the City: Assessor, Board of Supervisors, Planning Department, Department of Public  
21 Works, Planning Director, Historic Preservation Commission, Planning Commission,  
22 Zoning Administrator. In each case, the term shall be deemed to include an employee of  
23 any such officer or department of the City who is lawfully authorized to perform any duty or  
24 exercise any power as a representative or agent of that officer or department.

25       SEC. 1002. HISTORIC PRESERVATION COMMISSION.

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1       SEC. 1002.1. Composition and Qualifications.

2       In accordance with Section 4.135 of the Charter:

3       (a) The Historic Preservation Commission shall consist of seven members nominated by  
4 the Mayor and subject to approval by a majority of the Board of Supervisors. The term and tenure  
5 of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of  
6 the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of  
7 the original appointments to the Historic Preservation Commission, four shall be for a four-year  
8 term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms  
9 and the even-numbered seats shall be for two-year terms. After the expiration of the original terms,  
10 all appointments shall be for four-year terms, provided however, that a member may holdover until  
11 a successor has been nominated by the Mayor and approved by the Board of Supervisors. There  
12 shall be no limit on the number of terms a member may serve.

13       Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a  
14 qualified person to fill the vacant seat for the term, or the remainder of the term, subject to  
15 approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the  
16 nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of  
17 Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be  
18 made by the President of the Board of Supervisors, subject to the approval of a majority of the  
19 Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors  
20 adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the  
21 nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

22       Members may be removed by the appointing officer only pursuant to Section 15.105 of the  
23 Charter.

24       (b) In addition to the specific requirements set forth below, all members of the Historic  
25 Preservation Commission shall be persons specially qualified by reason of interest, competence,

**PLANNING DEPARTMENT'S PROPOSED MODIFICATIONS 4-7-09**

1 knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions  
2 of the City, interested in the preservation of its historic structures, sites and areas, and residents of  
3 the City.

4 (1) Six of the members of the Historic Preservation Commission shall be specifically  
5 qualified in the following fields:

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

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

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

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

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

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

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

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

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

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1 (2) Seat 7 shall be an at large seat subject to the specified minimum qualifications for  
2 all members of the Historic Preservation Commission set forth in subsection (b) above.

3 SEC. 1002.2. Powers and Duties.

4 The Historic Preservation Commission, created by Section 4.135 of the Charter, shall have and  
5 exercise the powers and shall perform the duties set forth in this Section as more fully set forth in  
6 this Article 10 and Planning Code Article 11 to preserve the City's historic resources. The Historic  
7 Preservation Commission shall:

8 (a) Prepare, recommend, adopt, periodically revise, administer and implement a  
9 comprehensive historic preservation program for the City;

10 (b) Recommend approval, disapproval, or modification of landmark designations and  
11 historic district designations which may include design standards and controls that may  
12 protect the integrity of the landmark and historic districts to the Board of Supervisors under  
13 this Article;

14 (c) Approve, disapprove or modify certificates of appropriateness for work to landmarks  
15 and ~~all~~ work within historic districts, provided that the Historic Preservation Commission may  
16 delegate to the Historic Preservation Officer certain activities as set forth in this Article 10;

17 (d) Recommend approval, disapproval, or modification of Significant and Contributory  
18 building designations and Conservation District designations to the Board of Supervisors as  
19 provided by Article 11 of this Code;

20 (e) Determine if a proposed alteration to a Significant or Contributory building or to a  
21 building in any Conservation District is a Major or Minor Alteration under Article 11 of this Code;

22 (f) Approve, disapprove or modify applications for permits to alter or demolish  
23 Significant and Contributory buildings or buildings in any Conservation Districts under Article 11  
24 of this Code, provided that the Historic Preservation Commission may delegate to the Historic  
25 Preservation Officer certain activities as may be set forth in Article 11;

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1 (g) Recommend to the Planning Commission a Preservation Element of the General  
2 Plan, and periodically recommend to the Planning Commission such amendments, revisions or  
3 additions to the Preservation Element that it deems necessary or appropriate to carrying out the  
4 purposes of this Article;

5 (h) Provide comments and recommendations to the Planning Commission on other  
6 objectives, policies, and provisions of the General Plan and special area, neighborhood, and other  
7 plans designed to carry out the General Plan, and proposed amendments thereto, which are not  
8 contained within the Preservation Element but concern historic preservation, and recommend to the  
9 Planning Commission from time to time such amendments, revisions or additions to the General  
10 Plan that it deems necessary or appropriate to carrying out the purposes of this Article. The  
11 Planning Commission shall be required to refer these matters to the Historic Preservation  
12 Commission for comment and recommendations prior to action by the Planning Commission, which  
13 comments and recommendations shall be forwarded to the Board of Supervisors and included in its  
14 file on the matter;

15 (i) Provide written reports to the Board of Supervisors, and to the Planning  
16 Commission if the Planning Commission is required to take any action on the matter, regarding the  
17 effects on historic or cultural resources of the following matters, which shall be required to be  
18 referred to the Historic Preservation Commission for its written report prior to any action by the  
19 Board of Supervisors or Planning Commission: (1) ordinances and resolutions concerning historic  
20 preservation issues and historic resources; (2) redevelopment project plans; and (3) waterfront  
21 land use and project plans;

22 (j) Recommend to the Planning Commission and Board of Supervisors from time to time  
23 such amendments, revisions or additions to Articles 10 and 11 of this Code and to other articles  
24 and provisions of the Municipal Code to further the goals of historic preservation when  
25 necessary;

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1 (k) Review and comment on environmental review documents prepared by or on behalf  
2 of the City pursuant to the California Environmental Quality Act (CEQA) and the National  
3 Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or  
4 cultural resources, including without limitation, those documents pertaining to (1) the  
5 identification of historic resources to which CEQA and NEPA may apply, (2) historic  
6 resource reports and surveys prepared in connection with environmental review of  
7 projects, (3) the potential impacts of a project upon historic resources, (4) the appropriate  
8 level of environmental review to be conducted, and (5) project alternatives or mitigation  
9 measures to be considered; and may take testimony on environmental documents,  
10 determinations and issues at public hearings held by the Historic Preservation  
11 Commission on certificates of appropriateness under this Article and permit review under  
12 Article 11;

13 (l) Act as the City's local preservation review commission for the purposes of the  
14 Certified Local Government Program pursuant to the National Historic Preservation Act (NHPA)  
15 and carry out the following duties for the City including, without limitation: (1) recommend  
16 properties for inclusion in the National Register of Historic Places and review and comment on all  
17 National Register nominations; (2) review and comment on federal undertakings and other projects  
18 where authorized under the NHPA; (3) review and comment on historic preservation certification  
19 applications for federal tax incentives; (4) review and comment on agreements proposed under  
20 Section 106 of the NHPA where the City is a signatory prior to any City approval action on such  
21 agreement; and (5) review and comment on findings and determinations under Section 4(f)  
22 of the Department of Transportation Act; and (6) prepare the annual report of the activities of  
23 the City's Historic Preservation Commission;

24 (m) Oversee and direct the survey and inventory of historic resources in the City, and to  
25 publicize and periodically update survey results;

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1 (n) Review and adopt historic context statements for the City's historic resources to be  
2 used for establishing priorities for surveys of the City's historic resources, for evaluating proposed  
3 landmarks and historic districts, and to aid in evaluating environmental impacts to historic  
4 resources from proposed projects;

5 (o) Establish and maintain the San Francisco Register of Historic Places pursuant to  
6 Section 1004 of this Article;

7 (p) Establish and maintain the San Francisco Inventory of Historic Resources pursuant  
8 to Section 1015 of this Article;

9 (q) Develop and implement a program of incentives for preservation of historic  
10 resources, including, but not by limitation, those incentives set forth in Section 1017 of this Article;

11 (r) Recommend approval, disapproval, or modification of historical property contracts  
12 under the Mills Act property-tax relief program (California Government Code Section 50280 et  
13 seq.) to the Board of Supervisors, ~~without referral to or recommendation of the Planning~~  
14 Commission, and develop and implement criteria for selecting eligible properties;

15 (s) ~~Develop and implement procedures for rendering advice and guidance to~~  
16 ~~project sponsors and property owners on appropriate restoration, rehabilitation,~~  
17 ~~landscaping, repair and maintenance of historic resources, and on the availability of the~~  
18 ~~State Historic Building Code and other historic preservation incentives, and maintain an~~  
19 ~~Architectural Review Committee of the Historic Preservation Commission to review~~  
20 ~~projects and provide such advice and guidance to project sponsors and owners as early as~~  
21 ~~possible in project design; Develop and implement procedures for reviewing projects and~~  
22 ~~provide guidance to the public on the appropriate preservation, restoration, rehabilitation,~~  
23 ~~repair and maintenance of historic resources, and on the availability of the State Historic~~  
24 ~~Building Code and other preservation incentives;~~

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1 ~~\_\_\_\_\_ (t) — Develop design guidelines for the preservation, alteration, construction,~~  
2 ~~demolition or relocation of historic resources, including new construction, located within~~  
3 ~~historic districts, Conservation Districts, National Register Districts, areas identified by~~  
4 ~~surveys as eligible historic districts, residential character districts or any other identified~~  
5 ~~areas of the City containing historic resources;~~

6 ~~\_\_\_\_\_ (u) — Establish and recommend to the Board of Supervisors such additional~~  
7 ~~controls and standards, as it may deem necessary or desirable to protect and maintain the~~  
8 ~~integrity of historic districts, including, without limitation, setback, height and bulk controls~~  
9 ~~for proposed additions and new construction within the boundaries of historic districts and~~  
10 ~~Conservation Districts;~~

11 ~~\_\_\_\_\_ (v) — Engage outside experts for technical advice when such expertise is~~  
12 ~~unavailable from members of the Historic Preservation Commission or Planning~~  
13 ~~Department staff and, in order to cover the City's cost to obtain this technical expertise,~~  
14 ~~require project sponsors to provide the required funds that may be necessary to review the~~  
15 ~~project application;~~

16 ~~\_\_\_\_\_ (t w) Review projects to alter or demolish buildings listed individually or included in a~~  
17 ~~district listed on the National Register of Historic Places or the California Register of Historic~~  
18 ~~Places;~~

19 ~~\_\_\_\_\_ (u x) Assign, at its discretion, duties for the administration of this Article to the~~  
20 ~~Planning Department or Historic Preservation Officer; and~~

21 ~~\_\_\_\_\_ (v y) To the extent that any of the powers given to the Historic Preservation Commission~~  
22 ~~by the Charter or this Article may conflict with any plan or policy of the City or other provisions~~  
23 ~~of the Municipal Code, the powers given to the Historic Preservation Commission shall govern and~~  
24 ~~control as to all matters affecting historic resources.~~

25 ~~SEC. 1002.3. Policies, Rules and Procedures.~~  
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1 The Historic Preservation Commission shall:

2 (a) Elect a President, Vice President and such other Officers, as it may deem  
3 appropriate from among its members; ~~annually during the first quarter of the calendar year;~~

4 (b) Establish such committees and maintain such policies, rules and procedures,  
5 consistent with Section 4.135 of the Charter, this Article and with Article 11 of this Code, as it  
6 deems necessary and appropriate to administer and its powers and duties; and

7 (c) Maintain written minutes and records of all meetings, including attendance,  
8 resolutions, motions, findings, determinations and decisions made pursuant to Article 10 and  
9 Article 11 of this Code, which shall be public records and shall be available to the public on the  
10 Planning Department's web site.

11 SEC. 1003. PLANNING DEPARTMENT.

12 SEC. 1003.1. Planning Department Head and Staff.

13 The Director of the Planning Department (herein after "Planning Director") shall assume  
14 the powers and duties that would otherwise be executed by a Historic Preservation Commission  
15 department head. The Planning Department shall provide professionally trained preservation staff  
16 to assist the Historic Preservation Commission in carrying out its duties and responsibilities. The  
17 Director shall designate the Historic Preservation Officer in accordance with the  
18 qualifications and procedures outlined in Section 1003.3, and the Historic Preservation  
19 Commission Secretary, consistent with the rules and regulations of civil service in the  
20 CCSF.

21 SEC. 1003.2. Budget and Fees.

22 The Historic Preservation Commission shall have the authority to review and make  
23 recommendations on the Planning Department budget and on any rates, fees, and similar charges  
24 with respect to appropriate items coming within the Historic Preservation Commission's  
25 jurisdiction to the Director of the Planning Department or the Planning Commission.

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1 SEC. 1003.3. Historic Preservation Officer.

2 The Historic Preservation Officer shall report directly to the Planning Director and  
3 shall oversee the professional preservation staff and administer the City's historic  
4 preservation program.

5 ~~(a) — The duties of the Planning Department to provide professionally trained~~  
6 ~~preservation staff assistance to the Historic Preservation Commission shall be~~  
7 ~~administered by a Historic Preservation Officer who shall report directly to the Director of~~  
8 ~~the Planning Department.~~

9 (a) The Historic Preservation Officer shall be chosen by the Planning Director, in  
10 consultation with the Historic Preservation Commission, selected on the basis of  
11 administrative and technical qualifications with specific regard for professional experience,  
12 academic training, and knowledge in historic preservation planning, preservation architecture  
13 and/or architectural history, meeting, at a minimum, the Secretary of the Interior's Professional  
14 Qualification Standards, including the June 20, 1997, Proposed Renaming and Revisions to "The  
15 Secretary of the Interior's Professional Qualification Standards," and/or land use and community  
16 planning, and shall in addition have experience in the field in a supervisory position.

17 ~~(c) — The Historic Preservation Officer shall be chosen by the Director of the~~  
18 ~~Planning Department from a list of three (3) qualified candidates submitted to the Director~~  
19 ~~by the Historic Preservation Commission. The Historic Preservation Commission may~~  
20 ~~solicit candidates from outside of the Planning Department, consistent with the City's hiring~~  
21 ~~requirements and procedures.~~

22 SEC. 1003.4. Powers and Duties of the Historic Preservation Officer.

23 The Historic Preservation Officer shall perform the duties set forth in this Section and elsewhere in  
24 this Article:

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1 (a) Oversee the preservation planning staff, and any interns, consultants or volunteers  
2 affiliated with the City's historic preservation program;

3 (b) Review and/or prepare designation case reports, make preliminary determinations  
4 of eligibility, and make recommendations to the Historic Preservation Commission regarding  
5 nominations of landmarks, historic districts and contributing resources under this Article, and  
6 regarding nominations of Significant and Contributory buildings and Conservation Districts under  
7 Article 11 of this Code;

8 (c) Provide as early as possible to project applicants and property owners (i)  
9 preliminary review of proposed projects that may affect historic resources, (ii) advice and guidance  
10 on appropriate restoration, rehabilitation, alteration, landscaping, repair and maintenance of  
11 historic resources, and (iii) information on the availability of the State Historic Building Code and  
12 other historic preservation incentives; and schedule proposed projects for advice, guidance, and  
13 review by the Historic Preservation Commission's ~~Architectural Review Committee~~ as may be  
14 necessary and appropriate;

15 (d) Review and evaluate permit applications to determine whether an application for a  
16 Certificate of Appropriateness is required under the provisions of this Article;

17 (e) Review and evaluate Certificate of Appropriateness applications for compliance with  
18 this Article and prepare written evaluations and recommendations to the Historic Preservation  
19 Commission as required under the provisions of this Article;

20 (f) Review and evaluate permit applications under Article 11 of this Code to determine  
21 whether a proposed alteration to a Significant or Contributory building, or to a building in any  
22 Conservation District is a Major or Minor Alteration and prepare written evaluations and  
23 recommendations to the Historic Preservation Commission;

24  
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1 (g) Review and evaluate applications for permits to alter, or demolish, Significant and  
2 Contributory buildings or buildings in any Conservation Districts under Article 11 of this Code and  
3 prepare written evaluations and recommendations to the Historic Preservation Commission;

4 (h) Oversee and manage the City's ongoing comprehensive survey of the historic  
5 resources;

6 (i) Insure that the San Francisco Register of Historic Resources is maintained and  
7 updated pursuant to Section 1004 of this Article and that the San Francisco Inventory of Historic  
8 Resources is maintained and updated pursuant to Section 1016 of this Article, and make available  
9 to the public and to all City departments for use in reviewing project applications and activities;

10 (j) Review and make recommendations to the Historic Preservation Commission on the  
11 Preservation Element of the General Plan, and on other proposed objectives, policies and  
12 provisions of the General Plan, special area and neighborhood plans, redevelopment plans,  
13 waterfront land use plans, project plans, and other plans, ordinances and resolutions, policies,  
14 issues and activities that may affect historic resources;

15 (k) Represent the Historic Preservation Commission in communications of its testimony,  
16 comments, recommendations and policies to officials, departments, agencies, boards and  
17 commissions of the City, state and federal governments, and prepare any appeals that may be  
18 filed by the Historic Preservation Commission to appropriate City officials, commissions,  
19 boards, departments, or agencies, and represent the Historic Preservation Commission at  
20 hearings on such appeals;

21 (l) Periodically review the effectiveness and workability of the provisions of Articles 10  
22 and 11 of this Code and make recommendations to the Historic Preservation Commission as to any  
23 refinements or changes that may be appropriate to improve such provisions and compliance  
24 therewith;

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1 (m) Assist the Historic Preservation Commission in carrying out the City's duties and  
2 responsibilities as a Certified Local Government;

3 (n) Work with the Zoning Administrator to 1) mMonitor and oversee compliance with  
4 the provisions and conditions of all Certificates of Appropriateness and provisions of this Article,  
5 consistent with Article 1.7 of this Code, 2) monitor and oversee compliance with the  
6 provisions and conditions of all Permits to Alter and the provisions of Article 11 consistent  
7 with Article 1.7 of this Code, 3) review all work performed under a Certificates of  
8 Appropriateness, 4) review all work performed under a Permit to Alter and to promptly report  
9 any violations to the Historic Preservation Commission and to the Director of Planning Director,  
10 Director of Building Inspection and other appropriate City officials, commissions, boards,  
11 departments or agencies and work with the Zoning Administrator and all other appropriate  
12 parties to correct such violations pursuant to all applicable enforcement procedures; and  
13 recommend and prepare appeals that may be filed by the Historic Preservation  
14 Commission to any appropriate City officials, commissions, boards, departments or  
15 agencies, and represent the Historic Preservation Commission at hearings on such  
16 appeals; and

17 (o) To Pperform any other duties assigned to the Historic Preservation Officer by the  
18 Historic Preservation Commission or as otherwise provided for in this Article 10 or Article 11.

19 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES

20 The San Francisco Register of Historic Resources (hereinafter "The San Francisco  
21 Register") shall be the official list of all buildings, structures, objects, sites, and districts  
22 worthy of preservation because of their significance to San Francisco's history,  
23 architecture, archaeology, engineering, or culture. The San Francisco Register shall  
24 consist of the following:

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1 ~~(a) The ordinances designating landmarks, historic districts and contributing resources~~  
2 ~~within historic districts under this Article, and the ordinances designating Significant and~~  
3 ~~Contributory buildings and Conservation Districts under Article 11 of this Code shall be~~  
4 ~~known, collectively, as the San Francisco Register of Historic Resources (hereinafter~~  
5 ~~referred to as the "San Francisco Register").~~Individual landmarks and individual historic  
6 districts designated pursuant to Article 10 of this Code, all buildings that are rated  
7 Significant and Contributory (Categories I, II, III, and IV), and individual conservation  
8 districts designated pursuant to Article 11 of this Code. Buildings that have been identified  
9 as non-contributing or vacant sites are not included in the San Francisco Register.

10 (b) Pursuant to the criteria and procedures set forth in this Section, the Board of  
11 Supervisors may, by ordinance, designate landmarks, historic districts and contributing resources,  
12 and significant interiors.

13 (c) Pursuant to the criteria and procedures set forth in Article 11 of this Code, the  
14 Board of Supervisors may, by ordinance, designate Significant and Contributory buildings and  
15 Conservation Districts.

16 (d) The San Francisco Register, as it is amended from time to time, shall be published in  
17 the Planning Code as appendices to Article 10 and 11, and shall be incorporated into the records  
18 and electronic database of the Planning Department and the Building Department.

19 (e) The original San Francisco Register and all subsequent amendments, inclusions, or  
20 deletions thereto shall be on file with the Clerk of the Board of Supervisors and the Historic  
21 Preservation Officer.

22 (f) The Clerk of the Board of Supervisors shall deliver a copy of the San Francisco  
23 Register, and all subsequent amendments, inclusions, or deletions thereto, to the City Attorney, the  
24 Planning Director the Central Permit Bureau, the Director of the Department of Building  
25 Inspection, the Environmental Review Officer, the Zoning Administrator, the Director of the

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1 Redevelopment Agency, the Director of the Port of San Francisco, the Director of the Department  
2 of Real Estate for inclusion in the City's Geographic Information Systems (GIS), and the Manager  
3 of the San Francisco Main Library History Room. All City agencies and departments shall be  
4 charged with notice of the San Francisco Register whether or not the Clerk delivers a copy to them.

5 (g) The Historic Preservation Officer shall insure that the San Francisco Register is  
6 maintained and updated by the Clerk of the Board of Supervisors, and that, upon each subsequent  
7 amendment, inclusion or deletion: (i) the Planning Code is promptly updated; (ii) the change is  
8 incorporated into the records and electronic database of the Planning and Building Departments;  
9 (iii) the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or  
10 deletions to all of the City officials and departments listed in subsection 1004(f), above; and (iv)  
11 notices of all listings on the San Francisco Register are properly and promptly recorded by the  
12 Assessor/Recorder in the official property records of the City. The Historic Preservation Officer  
13 shall make the San Francisco Register available to the public and for use by all City agencies and  
14 departments in reviewing project applications and activities by publishing the San Francisco  
15 Register on the Planning Department's web site and maintaining a copy in the Planning  
16 Department.

17 (h) All individual landmarks and historic districts designated pursuant to Article  
18 10 of this Code, all Significant and Contributory buildings and conservation districts  
19 designated pursuant to Article 11 landmarks, historic districts, Significant and Contributory  
20 buildings and Conservation Districts designated as of the date of enactment of this Article,  
21 including all designating ordinances and case reports, are hereby included on the San Francisco  
22 Register and shall be subject to the restrictions and conditions applicable to such designated  
23 resources. All compatible, potentially compatible, contributory or contributory altered resources  
24 within historic districts designated as of the date of enactment of this Article are hereby designated  
25

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1 as “contributing resources” on the San Francisco Register, and shall be subject to the restrictions  
2 and conditions applicable to contributing resources contained in this Article.

3 \_\_\_\_\_  
4 SEC. 1005. DESIGNATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

5 SEC. 1005.1. Criteria and Requirements. The criteria and requirements for placement on,  
6 or deletion from, the San Francisco Register as a landmark, historic district, contributing resource  
7 or significant interior are as follows:

8 (a) Landmarks. A nominated individual historic resource or an integrated group of  
9 historic resources on a single lot or site Assessor’s lot, including appurtenances and  
10 environmental setting, ~~may shall~~ be added to the San Francisco Register as a landmark if the  
11 Board of Supervisors finds, after holding the hearing(s) required by this Article, that the  
12 requirements set forth below are satisfied:

13 (1) The designation of the nominated historic resource as a landmark is  
14 reasonable, appropriate and necessary to protect, promote, and further the goals and  
15 purposes of this Article and the goals and policies of the General Plan.

16 (2) Significance. The nominated historic resource ~~must be significant under~~ meets  
17 one or more of the following criteria:

18 (i) Significant ~~Historic~~ Event. It is associated with events that have made a significant  
19 contribution to the broad patterns of San Francisco, regional, state or national history, or the  
20 cultural heritage of San Francisco, the state or the nation, or it is the site of a significant historic  
21 event; or

22 (ii) Significant Person. It is associated with a person or persons who significantly  
23 contributed to the architectural, cultural, economic, historic, social, of other aspect of the  
24 development of San Francisco, the region, the state or the nation; or

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1 (iii) Significant ~~Important~~ Architecture. It embodies the distinctive characteristics of a  
2 property type, architectural style, period or method of construction important to San Francisco, the  
3 region, the state or the nation; or

4 (iv) Significant ~~Important~~ Architect. It represents the work of an architect, designer,  
5 engineer or builder whose work is important to ~~in~~ the history or development of San Francisco, the  
6 region, the state or the nation; or

7 (v) ~~Important~~ Part of City's Heritage. It possesses a special character or special  
8 historical, architectural, cultural, economic, social or other aspect of the heritage of or  
9 aesthetic value significant to San Francisco the state or the nation; or

10 (vi) ~~Unique Visual Feature. Its unique location or distinctive physical appearance~~  
11 or presence, or its aesthetic interest or value, represents an established and visual feature  
12 of a neighborhood, community, or the City of San Francisco; or

13 (v ~~vii~~) Significant in Prehistory. It has yielded, or may be likely to yield, information  
14 important locally in prehistory or history or important in prehistory or history of the region, state  
15 or nation.

16 (3 2) Integrity. Integrity is the authenticity of a historic resource's physical identity  
17 evidenced by the survival of characteristics that existed during the resource's period of  
18 significance. Nominated historic resources must meet one of the criteria for significance  
19 described above and retain enough of their historic character or appearance to be  
20 recognizable as historical resources and to convey their reason for their significance. A  
21 The ~~nominated historic resource must have~~ ~~has~~ integrity of location, design, setting, materials,  
22 workmanship, feeling or association. Integrity shall be evaluated with reference to the particular  
23 criterion or criteria specified in (1) above under which the nominated historic resource is proposed  
24 for designation.

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1 (4) Additional Factors to be Considered: In determining whether to place a nominated  
2 historic resource on the San Francisco Register as a landmark, the following factors shall ~~may~~ be  
3 considered:

4 ~~(i) The nominated resource must retain enough of its historic character or~~  
5 ~~appearance to be recognizable as historic resource and to convey the reasons for its~~  
6 ~~significance.~~

7 (i) Resources that have been rehabilitated or restored in a manner consistent with  
8 the Secretary of the Interior's Standards may be evaluated for listing.

9 (ii) A moved building, structure or object that is otherwise eligible may be listed on the  
10 San Francisco Register if it was moved to prevent its demolition at its former location and if the  
11 new location is compatible with the original character and use of the historic resource. An historic  
12 resource should retain its historic features and compatibility in orientation, setting, and general  
13 environment.

14 (iii) A birthplace or grave is eligible if it is that of a historical figure of outstanding  
15 importance and there is no other appropriate site or structure directly associated with his or her  
16 productive life.

17 (iv) A reconstructed building is eligible if the reconstruction is historically accurate, if  
18 the structure is presented in a dignified manner as a part of a restoration plan, and if no other  
19 original structure survives that has the same association.

20 (v) Properties that are primarily commemorative in intent are eligible if design, age,  
21 tradition, or symbolic value invest such properties with their own historical significance.

22 ~~(vii) A structure may be eligible as a landmark based on its unique location or~~  
23 ~~distinctive physical appearance or presence, or its aesthetic interest or value, or its value~~  
24 ~~to a neighborhood, community, or San Francisco.~~

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1 (vi ~~viii~~) A structure may eligible as a landmark if it embodies characteristics of an  
2 architectural style or theme distinctive to San Francisco, such as, for example, Victorian, Classical  
3 Revival or Art Deco styles, Earthquake Shacks or Earthquake survivors, even if it may not be  
4 eligible for listing on the California Register or the National Register.

5 (vii ~~ix~~) A resource achieving significance within the past fifty (50) years is eligible if it can  
6 be demonstrated that sufficient time has passed to understand its importance under the criteria  
7 under this Article for placing a resource on the San Francisco Register as a landmark.

8 (viii ~~x~~) Appurtenances and environmental setting. Scenic and aesthetic conditions,  
9 landscapes and landscape features, including without limitation, gardens, squares, walkways,  
10 walls, stairs, gateways, trees and other vegetation, rocks, cliffs and other open space features  
11 located on the landmark site, which relate historically and/or physically and/or visually to its  
12 setting, should be included in the landmark designation as a protected feature of the landmark if  
13 they relate historically and physically and/or visually to its setting.

14 (b) Historic Districts. Historic districts are unified geographic entities which  
15 contain a concentration of historic buildings, structures, or sites united historically,  
16 culturally, or architecturally and ~~A nominated geographic area which contains a number of~~  
17 ~~historic resources, including contributing resources, appurtenances and environmental~~  
18 ~~setting, may shall be added to the San Francisco Register as a historic district if the Board of~~  
19 ~~Supervisors finds, after holding the hearing(s) required by this Article, that the requirements set~~  
20 ~~forth below are satisfied:~~

21 (1) The designation of the geographic area as a historic district is reasonable,  
22 appropriate and necessary to protect, promote, and further the goals and purposes of this  
23 Article and the goals and policies of the General Plan.

24 (2) The nominated historic district is defined by precise geographic boundaries  
25 The area is a geographically definable area.

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1 (3 2) Significance. The nominated historic district shall meet at least one or more  
2 of the following criteria ~~The area possesses one or more of the following:~~

3 (i) A concentration or continuity of historic resources unified aesthetically by plan,  
4 physical development or architectural style, having a special character, historical interest or  
5 aesthetic value; or

6 (ii) A concentration or continuity of historic resources unified by archeological  
7 significance; or

8 (iii) A concentration or continuity of historic resources which represents one or more  
9 architectural periods or styles typical of the history of San Francisco; or

10 (iv) An association with an event, person, or period significant~~ce~~ or important to San  
11 Francisco history.

12 (4 3) Integrity. Integrity is the authenticity of a historic resource's physical identity  
13 evidenced by the survival of characteristics that existed during the resource's period of  
14 significance. A nominated historic district shall meet one of the criteria for significance  
15 described above and retain enough historic character or appearance to be recognizable as  
16 historical resources and to convey their reason for their significance. A ~~The nominated~~  
17 historic district resource shall have ~~has~~ integrity of location, design, setting, materials,  
18 workmanship, feeling or association. Integrity shall be evaluated with reference to the particular  
19 criterion or criteria specified in (3 4) above under which the nominated historic resource is  
20 proposed for designation.

21 (5 4) Additional Factors to be Considered for Historic Districts: In determining whether  
22 to place a geographic area on the San Francisco Register as a historic district, the following  
23 factors ~~shall~~ may be considered:

24 (i) A historic district should have integrity of design, setting, materials,  
25 workmanship, feeling, location or association.

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1 (i) (ii) The collective historic value of the buildings and structures and other historic  
2 resources in a historic district taken together may be greater than the historic value of each  
3 individual building, structure, or other historic resource.

4 (ii) (iii) A historic district may be eligible if the historic resources within the geographic  
5 area embody an architectural style, or theme distinctive to San Francisco such as, for example, an  
6 area with a concentration of Victorian, Classical Revival or Art Deco styles, even if the district may  
7 not be eligible for listing as a district on the California Register or National Register.

8 (iii) A group or multiple number of historic resources in a noncontiguous area  
9 may be eligible as a historic district if they are unified by a common theme or time period,  
10 and otherwise meet the criteria described in Section 1005.1(b) above.

11 (c) Contributing Resources in Historic Districts. Each nomination for a historic  
12 district shall include a description of the individual resources contributing to the historic district,  
13 including scenic and aesthetic features, landscapes and landscape features, which shall be added to  
14 the San Francisco Register as contributing resources if the Board of Supervisors finds, after  
15 holding the hearing(s) required by this Article, that the requirements set forth below are reasonably  
16 satisfied:

17 (1) The contributing resource is located within a historic district;

18 (2) The contributing resource either embodies the significant features and  
19 characteristics of the historic district or adds to the historical associations, architectural style,  
20 special character or aesthetic qualities of the historic district, or to the archaeological values  
21 identified for the historic district;

22 (3) The contributing resource was present during the period of historical significance of  
23 the historic district and relates to the significance of the historic district;

24 (4) The contributing resource either possesses integrity of location, design, setting,  
25 materials, workmanship, feeling and/or association. or is capable of yielding important

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1 ~~information about the period of historical significance of the historic district. *Integrity shall be*~~  
2 ~~*evaluated with reference to the particular criterion or criteria under which the nominated historic*~~  
3 ~~*district is proposed for designation; and*~~

4 ~~(5) Individual buildings may be eligible as a contributing resource even if~~  
5 ~~alterations have occurred over time, so long as they retain enough of their historic~~  
6 ~~character or appearance to be recognizable as historic resources and convey the reason~~  
7 ~~for their value to the district. As to such resources, the designating ordinance shall require~~  
8 ~~that any changes would make the resource more compatible with the historic district.~~

9 ~~(56) The designation of the resource as a contributing resource to the historic district is~~  
10 ~~reasonable, appropriate and necessary to protect, promote and further the goals and purposes of~~  
11 ~~this Article.~~

12 ~~(6) Additional Factors to be Considered for Contributory Resources in Historic~~  
13 ~~Districts: In determining whether an individual building, structure, object, or an appurtenance~~  
14 ~~or environmental setting resources contributes to the historic district, the following factors shall~~  
15 ~~may be considered:~~

16 ~~(i) The contextual value of individual buildings and structures as contributors to the~~  
17 ~~scale and continuity of their streetscape within the nominated historic district.~~

18 ~~(ii) Individual buildings may be eligible as a contributing resource even if~~  
19 ~~alterations have occurred over time, so long as they retain enough of their historic~~  
20 ~~character or appearance to be recognizable as historic resources and convey the reason~~  
21 ~~for their value to the district. As to such resources, the designating ordinance shall require~~  
22 ~~that any changes would make the resource more compatible with the historic district.~~

23 ~~(iii) Appurtenances and environmental setting. Scenic and aesthetic conditions,~~  
24 ~~landscapes and landscape features, including without limitation, gardens, squares, walkways,~~  
25 ~~walls, stairs, gateways, trees and other vegetation, rocks, cliffs and other open space features~~

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1 located within the boundaries of the historic district may be eligible as contributing resources  
2 and shall be designated as such, if they relate historically and physically and/or visually to its  
3 setting.

4 (d) Significant Interiors. The interior of a landmark or contributing resource within a  
5 historic district may be designated as a significant interior and listed in the designating ordinance  
6 as a protected feature of the landmark or contributing resource if:

7 (1) The Board of Supervisors finds that the interior is a unique or exceptional  
8 representation of the qualities that give the landmark or historic district cultural, historic or  
9 architectural significance as embodied in the criteria for designating the landmark or historic  
10 district, and the interior has a high degree of integrity in interior architectural design; and

11 (2) The landmark or contributing resource is either publicly owned or generally  
12 accessible to the public, or historically has been accessible to members of the public.

13 ~~(3) The interiors of all publicly owned landmarks and contributing resources that are~~  
14 ~~subject to review as of the date of enactment of this Article are hereby designated as~~  
15 ~~“significant interiors” and shall be subject to the restrictions and conditions applicable to~~  
16 ~~significant interiors under this Article.~~

17 (e) Noncontiguous Historic District. A group, or multiple number of historic resources  
18 that may not be located in a geographically definable area, but are unified by a common theme or  
19 time period, and otherwise meet the criteria described in Section 1005.1(b), may be designated by  
20 the Board of Supervisors as a historic district. Examples include, without limitation, a group of  
21 Earthquake shacks, Earthquake survivors, or multiple locations associated with gay history or the  
22 Beat Period of San Francisco.

23 (f) Designation Case Report. The Historic Preservation Commission shall prescribe  
24 the form and information required to be included in a designation case report consistent with the

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1 criteria and requirements for placement on the San Francisco Register as set forth in this Section  
2 1005.1.

3 SEC. 1005.2. NOMINATIONS.

4 Nomination applications for placement of historic resources on the San Francisco  
5 Register as landmarks, historic districts and contributing resources may be submitted by  
6 any commission or agency of the City, or by property owners, residents and preservation  
7 organizations pursuant to the procedures set forth in this Section 1005.2; provided,  
8 however, that the Planning Department may establish a nomination fee in an amount  
9 necessary to recover the cost of processing such nominations, and provided, further, that  
10 the Historic Preservation Commission may establish such additional procedures, or  
11 requirements as it may determine necessary or appropriate.

12 (a) City Commissions and Agencies.

13 (1) Any commission or agency of the City, including without limitation, the Arts  
14 Commission, Planning Commission, Recreation and Parks Commission, Port Commission,  
15 Public Utilities Commission, Redevelopment Agency Commission or Building Inspection  
16 Commission, may nominate historic resources for placement on the San Francisco  
17 Register as landmarks, historic districts and contributing resources by adopting a  
18 resolution containing a nomination application, which shall identify the nominated historic  
19 resource, and transmitting the resolution to the Historic Preservation Commission, together  
20 with a draft designation case report prepared in support of such nomination.

21 (2) The commission or agency nominating the historic resource shall be  
22 responsible for causing the preparation of the required draft designation case report, which  
23 can be prepared (i) by its staff or volunteers, (ii) by obtaining the services of an outside  
24 consultant, or (iii) by the Planning Department staff, subject to reimbursement of the  
25 Planning Department for the cost of preparing the report on its behalf.

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1 (3) Upon receipt of the resolution nominating the historic resource for placement  
2 on the San Francisco Register, the Historic Preservation Officer shall immediately transmit  
3 a copy of the resolution to the Clerk of the Board of Supervisors.

4 (4) The Historic Preservation Officer shall promptly review the designation case  
5 report for adequacy and completeness and shall, within thirty (30) days of receipt, notify  
6 the nominating commission or agency of his or her determination of completeness,  
7 including the specific reasons for any determination of inadequacy or incompleteness.

8 (5) If the Historic Preservation Officer has determined and notified the  
9 nominating commission or agency that the supporting designation case report is  
10 inadequate or incomplete, the Historic Preservation Officer shall assist the commission or  
11 agency to revise the designation case report within (60) days of said notification to address  
12 the inadequacy or incompleteness of the case report.

13 (6) As soon as the Historic Preservation Officer has determined that the  
14 nomination application and draft designation case report are adequate and complete, the  
15 Historic Preservation Officer shall schedule a public hearing before the Historic  
16 Preservation Commission pursuant to the provisions of Section 1005.5 of this Article to  
17 consider a resolution of intent to designate.

18 (b) Property Owners, Residents and Preservation Organizations.

19 (1) Nomination applications to the Historic Preservation Commission for placing  
20 historic resources on the San Francisco Register may be made by property owners,  
21 residents and preservation organizations as follows:

22 (i) Landmark. In the case of a proposal for the nomination of a landmark, either  
23 the owner(s), an organization which has historic preservation as a stated goal in its by-  
24 laws or articles of incorporation, or at least fifty (50) residents of the City may request the  
25 designation of a historic resource as a landmark by submitting a nomination application, on

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1 a form prescribed by the Historic Preservation Commission, to the Historic Preservation  
2 Officer, together with an adequate and complete draft designation case report.

3 (ii) Historic District and Contributing Resources. In the case of a proposal for  
4 the nomination of a historic district, either one-third (1/3) of the owners within the proposed  
5 district, an organization which has historic preservation as a stated goal in its by-laws or  
6 articles of incorporation, or at least one hundred fifty (150) residents of the City may  
7 request the designation of an area as a historic district by submitting a nomination  
8 application, on a form prescribed by the Historic Preservation Commission, to the Historic  
9 Preservation Officer, together with an adequate and complete draft designation case  
10 report.

11 (2) The Historic Preservation Officer shall promptly review the nomination  
12 application and supporting draft designation case report for adequacy and completeness  
13 and shall, within thirty (30) days of receipt, notify the nominating party or parties of his or  
14 her determination of adequacy, including the specific reasons for any determination of  
15 inadequacy or incompleteness.

16 (3) As soon as the Historic Preservation Officer has determined that an  
17 application and supporting designation case report are adequate and complete, the  
18 Historic Preservation Officer shall schedule a public hearing before the Historic  
19 Preservation Commission pursuant to the provisions of Section 1005.5 of this Article to  
20 consider a resolution of intent to designate.

21 (4) If the Historic Preservation Officer has determined and notified the  
22 nominating party or parties that a nomination application and/or supporting draft  
23 designation case report are inadequate or incomplete, and the nominating party or parties  
24 submits, within sixty (60) days of notification, a revised nomination application and/or draft  
25 designation case report that reasonably addresses the inadequacy or incompleteness of

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1 the original application and case report, the Historic Preservation Officer shall notify the  
2 Central Permit Bureau of the nomination application and schedule a public hearing before  
3 the Historic Preservation Commission as provided in Section 1005.3(b)(3) above. If the  
4 nominating party or parties fail to submit a revised nomination application and draft  
5 designation case report that reasonably addresses the inadequacy or incompleteness of  
6 which they were notified within the said time period, the Historic Preservation Officer will  
7 not be required to schedule the nomination application before the Historic Preservation  
8 Commission. The foregoing notwithstanding, the Historic Preservation Officer may, in his  
9 or her discretion, or at the direction of the Historic Preservation Commission, complete or  
10 cause to be completed the draft designation case report.

11 SEC. 1005.2-3. INITIATION OF DESIGNATION.

12 The Board of Supervisors and the Historic Preservation Commission shall each have the  
13 authority to initiate designation of historic resources for placement on the San Francisco Register  
14 as landmarks, historic districts and contributing resources, or expansion or modification of the  
15 boundaries of a historic district, by adoption of a resolution of intent to designate. The procedures  
16 and requirements for the initiation of designations shall be as follows:

17 (a) Board of Supervisors.

18 (1) The Board of Supervisors may initiate a designation by adopting a resolution of  
19 intent to designate, which shall identify the nominated historic resource and shall direct the  
20 Historic Preservation Commission to hold a public hearing to consider the proposed designation.  
21 The ~~initiating resolution~~ resolution of intent to designate will be transmitted by the Clerk of the  
22 Board of Supervisors to the Historic Preservation Commission together with a draft designation  
23 case report ~~if one has been prepared~~ in support of the proposed designation.

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1 (2) Upon receipt of the resolution of intent to designate from the Clerk of the Board of  
2 Supervisors, the Historic Preservation Officer shall immediately transmit a copy of the Board of  
3 Supervisor's ~~initiating~~ resolution of intent to designate to the Central Permit Bureau.

4 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to  
5 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing  
6 shall be held within sixty (60) days following the adoption by the Board of Supervisors of the  
7 ~~initiating resolution~~ resolution of intent to designate; provided that if no designation case  
8 report was prepared in support of the proposed designation, or if the draft designation case  
9 report is determined by the Historic Preservation Officer to be inadequate or incomplete, the  
10 Historic Preservation Officer may request that the hearing be delayed by up to sixty (60) days, as  
11 necessary to prepare or cause to be prepared a complete and adequate draft designation case  
12 report.

13 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the  
14 proposed designation within one hundred ~~twenty-eighty~~ (120-180) days of adoption by the Board  
15 of Supervisors of the ~~initiating~~ resolution of intent to designate, the Board of Supervisors may, in  
16 its discretion, schedule a Board of Supervisor's hearing on the proposed designation, in which  
17 event, the failure of the Historic Preservation Commission to act within one hundred ~~twenty-eighty~~  
18 (120-180) days of the adoption of the initiating resolution shall not prevent the Board of  
19 Supervisors from approving the nomination.

20 (b) Historic Preservation Commission.

21 (1) The Historic Preservation Commission may, upon its own initiative or in response to  
22 a recommendation of the Historic Preservation Officer or a nomination application made pursuant  
23 to Section 1005.2 ~~3~~, initiate a designation by adopting a resolution of intent to designate, which  
24 shall identify the nominated historic resource and, set the time and place for a public hearing to  
25

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1 consider the proposed designation, which hearing shall be held by the Historic Preservation  
2 Commission within sixty (60) days of the adoption of its resolution of intent to designate.

3 (2) The Historic Preservation Officer shall immediately transmit a copy of the Historic  
4 Preservation Commission's ~~initiating~~ resolution of intent to designate to the Central Permit  
5 Bureau and to the Clerk of the Board of Supervisors.

6 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to  
7 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing  
8 shall be held within sixty (60) days following the adoption by the Historic Preservation Commission  
9 of the ~~initiating~~ resolution of intent to designate; provided that if ~~if~~, for any reason, no  
10 designation case report was prepared in support of such nomination prior to the Historic  
11 Preservation Commission's adoption of the resolution of intent, or if the draft designation  
12 case report is determined by the Historic Preservation Officer to be inadequate or incomplete, the  
13 Historic Preservation Officer may request that the hearing be delayed by up to sixty (60) days, as  
14 necessary to prepare or cause to be prepared a complete and adequate draft designation case  
15 report.

16 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the  
17 proposed designation within one hundred ~~twenty eighty (120-180)~~ days of its adoption of the  
18 ~~initiating~~ resolution of intent to designate, the Board of Supervisors may, in its discretion,  
19 schedule a Board of Supervisor's hearing on the proposed designation, in which event, the failure  
20 of the Historic Preservation Commission to act within one hundred ~~twenty eighty (120-180)~~ days  
21 of the adoption of the ~~initiating~~ resolution of intent to designate shall not prevent the Board of  
22 Supervisors from approving the nomination.

23 SEC. 1005.3. NOMINATIONS.

24 Nominations for placement of historic resources on the San Francisco Register as  
25 landmarks, historic districts and contributing resources may be made by any commission  
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1 or agency of the City, or by property owners, residents and preservation organizations  
2 pursuant to the procedures set forth in this Section 1005.3; provided, however, that the  
3 Planning Department may establish a nomination fee in an amount necessary to recover  
4 the cost of processing such nominations, and provided, further, that the Historic  
5 Preservation Commission may establish such additional procedures, or requirements as it  
6 may determine necessary or appropriate.

7 ——— (a) ——— City Commissions and Agencies.

8 ——— (1) ——— Any commission or agency of the City, including without limitation, the Arts  
9 Commission, Planning Commission, Recreation and Parks Commission, Port Commission,  
10 Public Utilities Commission, Redevelopment Agency Commission or Building Inspection  
11 Commission, may nominate historic resources for placement on the San Francisco  
12 Register as landmarks, historic districts and contributing resources by adopting a  
13 resolution, which shall identify the nominated historic resource, and transmitting the  
14 resolution to the Historic Preservation Commission, together with a designation case  
15 report prepared in support of such nomination.

16 ——— (2) ——— The commission or agency nominating the historic resource shall be  
17 responsible for causing the preparation of the required designation case report, which can  
18 be prepared (i) by its staff or volunteers, (ii) by obtaining the services of an outside  
19 consultant, or (iii) by the Planning Department staff, subject to reimbursement of the  
20 Planning Department for the cost of preparing the report on its behalf.

21 ——— (3) ——— Upon receipt of the resolution nominating the historic resource for placement  
22 on the San Francisco Register, the Historic Preservation Officer shall immediately transmit  
23 a copy of the resolution to the Central Permit Bureau and to the Clerk of the Board of  
24 Supervisors.

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1 ~~—— (4) — The Historic Preservation Officer shall promptly review the designation case~~  
2 ~~report for adequacy and completeness and shall, within thirty (30) days of receipt, notify~~  
3 ~~the nominating commission or agency of his or her determination, including the specific~~  
4 ~~reasons for any determination of inadequacy or incompleteness.~~

5 ~~—— (5) — If the Historic Preservation Officer has determined and notified the~~  
6 ~~nominating commission or agency that the supporting designation case report is~~  
7 ~~inadequate or incomplete, the Historic Preservation Officer shall assist the commission or~~  
8 ~~agency to revise the designation case report within (60) days of said notification to address~~  
9 ~~the inadequacy or incompleteness of the case report.~~

10 ~~—— (6) — As soon as the Historic Preservation Officer has determined that the~~  
11 ~~supporting designation case report is adequate and complete, the Historic Preservation~~  
12 ~~Officer shall schedule a public hearing before the Historic Preservation Commission~~  
13 ~~pursuant to the provisions of Section 1005.5 of this Article to consider initiation of the~~  
14 ~~proposed designation.~~

15 ~~—— (b) — Property Owners, Residents and Preservation Organizations.~~

16 ~~—— (1) — Nominations to the Historic Preservation Commission for placing historic~~  
17 ~~resources on the San Francisco Register may be made by property owners, residents and~~  
18 ~~preservation organizations as follows:~~

19 ~~—— (i) — Landmark. In the case of a proposal for the nomination of a landmark, either~~  
20 ~~the owner(s), an organization which has historic preservation as a stated goal in its by-~~  
21 ~~laws or articles of incorporation, or at least fifty (50) residents of the City may request the~~  
22 ~~designation of a historic resource as a landmark by submitting an application, on a form~~  
23 ~~prescribed by the Historic Preservation Commission, to the Historic Preservation Officer,~~  
24 ~~together with an adequate and complete designation case report.~~

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1 ~~—— (ii) —— Historic District and Contributing Resources. In the case of a proposal for~~  
2 ~~the nomination of a historic district, either one-third (1/3) of the owners within the proposed~~  
3 ~~district, an organization which has historic preservation as a stated goal in its by-laws or~~  
4 ~~articles of incorporation, or at least one hundred fifty (150) residents of the City may~~  
5 ~~request the designation of an area as a historic district by submitting an application, on a~~  
6 ~~form prescribed by the Historic Preservation Commission, to the Historic Preservation~~  
7 ~~Officer, together with an adequate and complete designation case report.~~

8 ~~—— (2) —— The Historic Preservation Officer shall promptly review the application and~~  
9 ~~supporting designation case report for adequacy and completeness and shall, within thirty~~  
10 ~~(30) days of receipt, notify the nominating party or parties of his or her determination,~~  
11 ~~including the specific reasons for any determination of inadequacy or incompleteness.~~

12 ~~—— (3) —— As soon as the Historic Preservation Officer has determined that an~~  
13 ~~application and supporting designation case report are adequate and complete, the~~  
14 ~~Historic Preservation Officer shall notify the Central Permit Bureau of the nomination and~~  
15 ~~schedule a public hearing before the Historic Preservation Commission pursuant to the~~  
16 ~~provisions of Section 1005.5 of this Article to consider initiation of the proposed~~  
17 ~~designation..~~

18 ~~—— (4) —— If the Historic Preservation Officer has determined and notified the~~  
19 ~~nominating party or parties that an application and/or supporting designation case report~~  
20 ~~are inadequate or incomplete, and the nominating party or parties submits, within sixty (60)~~  
21 ~~days of notification, a revised application and/or designation case report that reasonably~~  
22 ~~addresses the inadequacy or incompleteness of the original application and case report,~~  
23 ~~the Historic Preservation Officer shall notify the Central Permit Bureau of the nomination~~  
24 ~~and schedule a public hearing before the Historic Preservation Commission as provided in~~  
25 ~~Section 1005.3(b)(3) above. If the nominating party or parties fail to submit a revised~~

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1 application and designation case report that reasonably addresses the inadequacy or  
2 incompleteness of which they were notified within the said time period, the Historic  
3 Preservation Officer will not be required to schedule the nomination before the Historic  
4 Preservation Commission. The foregoing notwithstanding, the Historic Preservation  
5 Officer may, in his or her discretion, or at the direction of the Historic Preservation  
6 Commission, complete or cause to be completed the designation case report.

7 SEC. 1005.4. PROTECTION FOR NOMINATED RESOURCES FOR WHICH A  
8 RESOLUTION OF INTENT TO DESIGNATE HAS BEEN ADOPTED, PENDING FINAL  
9 DECISION.

10 (a) Subject to the time limits set forth in Section 1005.4(c) below, any historic resource  
11 that has been nominated for which a resolution of intent to designate has been adopted by  
12 the Historic Preservation Commission or the Board of Supervisors, pursuant to the  
13 provisions of this Article, for listing on the San Francisco Register as a landmark or historic  
14 district, or is located within the geographic area boundaries defined in the draft designation  
15 report of a nominated historic district, shall be considered to be a landmark, historic district or  
16 contributing resource for the purposes of this Article, and shall be subject to the restrictions, and  
17 protections, permit review, and entitlement processes of this Article, as well as any additional  
18 design guidelines that may be specified in the proposed designating ordinance, as if it were a  
19 landmark, historic district or contributing resource for the period of time specified below. These  
20 provisions shall apply as to any permit application filed prior to the date of any such nomination,  
21 resolution of intent to designate so long as the City has not issued the permit on the date the  
22 nomination was made.

23 (b) For the purposes of this section, the initiation of landmark designation a  
24 resource shall be considered to have been nominated for designation as a landmark or  
25 historic district upon the adoption of a resolution of intent to designate by either the Board of  
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1 Supervisors pursuant to Section 1005.23(a) or the Historic Preservation Commission pursuant to  
2 Section 1005.23(b), or by the adoption of a resolution nominating the resource by any  
3 commission or agency pursuant to Section 1005.3(a), or by the filing of an adequate and  
4 complete nomination application by a property owner, resident or preservation  
5 organization pursuant to Section 1005.3(b).

6 (c) These restrictions and protections shall apply for a period of one hundred eighty  
7 (180) days from the date the resource was nominated. After one hundred eighty (180) days have  
8 elapsed from the date of the nomination, if the Board of Supervisors has not adopted an ordinance  
9 designating the nominated historical resource, the restrictions and protections established by  
10 subsection (a) above shall no longer apply unless a majority of the Board of Supervisors adopts a  
11 resolution to extend the time period to consider the ~~proposed designation~~ resolution of intent to  
12 designate. The Board of Supervisors may extend the time period for an additional 180 days.

13 (d) ~~Listed Designated~~ historic resources proposed for deletion from the San Francisco  
14 Register shall be subject to the restrictions and protections of this Article unless and until a final  
15 decision is made by the Board of Supervisors to delete the ~~listed-designated~~ resource from the San  
16 Francisco Register.

17 SEC. 1005.5. HISTORIC PRESERVATION COMMISSION HEARING.

18 (a) Notice of Hearing. Notice of the hearing before the Historic Preservation  
19 Commission shall be provided as follows:

20 (1) Notice of Hearing:

21 (i) Mail. Written notice shall be given by first class mail not less than twenty (20) days  
22 prior to the hearing to the owner(s) of the historic resource(s) proposed for listing on the San  
23 Francisco Register, as shown on the latest equalized assessment roll, and in the case of a historic  
24 district, the notice shall be provided to all property owners within the proposed district, as shown  
25 on the latest equalized assessment roll; the individual(s) or organization(s) who submitted a

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1 nomination application for ~~nominated~~ the historic resource(s); and other interested parties who  
2 have in writing or by email to the Historic Preservation Officer requested such notices. Failure to  
3 send notice by mail to any such property owner where the address of such owner is not shown on  
4 such assessment roll shall not invalidate any proceedings in connection with the proposed  
5 designation.

6 (ii) Publication. Notice shall be published once in a newspaper of general circulation  
7 not less than twenty (20) days prior to the hearing date.

8 (iii) Posting. In the case of a nomination of a historic resource other than a historic  
9 district, notice shall also be posted not less than twenty (20) days prior to the hearing date on the  
10 nominated resource, ~~or in a location adjacent to the resource.~~

11 (iv) Planning Commission Comments on Historic Districts. In the case of a nomination  
12 application regarding a historic district, the Historic Preservation Commission shall also send a  
13 copy of the notice of hearing to the Secretary of the Planning Commission. The Planning  
14 Commission may review the ~~proposed draft~~ designation report and boundaries of the historic  
15 district, and may forward its comments to the Historic Preservation Commission for consideration  
16 during the public hearing. Failure of the Planning Commission to provide comments prior to the  
17 hearing shall not prevent the Historic Preservation Commission from acting on the nomination  
18 application, provided that any comments received from the Planning Commission within 45 days of  
19 the hearing notice shall be forwarded to the Board of Supervisors together with the Historic  
20 Preservation Commission's recommendation. The Planning Commission may waive its right to  
21 comment on the proposed nomination of the historic district, and its failure to do so within said 45-  
22 day period shall constitute a waiver.

23 (v) Other. The Historic Preservation Commission may give such other notice as it may  
24 deem desirable.

25 (2) Form and Contents of Notice.

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1 The notice shall contain the following information:

2 (i) Common address(es) and Assessors Parcel Number(s), if any, of the historic  
3 resource(s) proposed for listing on, or deletion from, the San Francisco Register, including, in the  
4 case of the a nomination application of for a historic district, all properties within boundaries of  
5 the proposed district and a map of the proposed historic district.

6 (ii) A general explanation of the proposed designation or proposed deletion.

7 (iii) Such other information as the Historic Preservation Commission may deem  
8 appropriate. Notwithstanding the foregoing, if an individual, organization, or other  
9 interested party has consented to receipt of notice by electronic mail, such notice shall  
10 satisfy the requirements of this section and mailed notice shall not be required.

11 (b) Public Record. A record shall be kept of all pertinent information received by the  
12 Historic Preservation Commission pertaining to a nomination application and draft designation  
13 and such record shall be maintained as a part of the public records of the Historic Preservation  
14 Commission in the Planning Department. Any comments or recommendations timely submitted by  
15 the Planning Commission to the Historic Preservation Commission regarding historic district  
16 designations shall also be made a part of the public record and shall be forwarded to the Board of  
17 Supervisors.

18 (c) Recommendation by the Historic Preservation Commission. Upon the conclusion of  
19 its public hearing or hearings, the Historic Preservation Commission shall forward its findings and  
20 recommendations to the Clerk of the Board of Supervisors consistent with the following:

21 (1) If the Historic Preservation Commission determines that the historic resource under  
22 consideration is eligible for inclusion on the San Francisco Register based upon the criteria,  
23 considerations, and assessment of integrity and significance outlined in Section 1005.1 of this  
24 Article, the Historic Preservation Commission shall may make a recommendation to the Board of  
25 Supervisors to include the historic resource on the San Francisco Register as a landmark, historic

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1 district or contributing resource. In its recommendation to the Board of Supervisors, the Historic  
2 Preservation Commission shall specify the criteria justifying designation of the historic resource  
3 pursuant to Section 1005.1 of this Article and may include any controls or standards that may be  
4 necessary or desirable to protect and maintain a landmark or contributing resource or to review  
5 alterations thereto.

6 (2) In the case of historic district recommendations, the Historic Preservation  
7 Commission shall, as a part of its recommendation: (i) identify and describe the individual  
8 resources that contribute to the district's designation as a historic district pursuant to Section  
9 1005.1(c) of this Article, including, without limitation, scenic and aesthetic conditions, gardens,  
10 landscapes and landscape features; (ii) identify as non-contributing resources any properties,  
11 structures, features or other resources located within the boundaries of the proposed historic  
12 district that have no relevance to the area's identified significance, significant physical features or  
13 identifying characteristics; and (iii) include such further controls and standards as the Historic  
14 Preservation Commission may deem to be necessary or desirable to protect and maintain  
15 the integrity of the historic district and to ensure compatibility of alterations, additions and new  
16 construction within the historic district, including which may include, without limitation: (A)  
17 specific design standards guidelines for the preservation, alteration, addition or modification of  
18 contributing and noncontributing resources, and for new construction within the historic district  
19 (hereinafter referred to as "design standards guidelines"); and (B) setback, height and bulk  
20 controls for additions and new construction in the historic district which will be presumed to  
21 be compatible with the height and bulk of the new historic district to insure that any  
22 additions to contributing and noncontributing resources, and any new construction in the  
23 historic district will be compatible with the prevailing height and bulk of the historic district and  
24 contribute to the scale and continuity of the streetscape (hereinafter referred to as "height and bulk  
25 controls").

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1 (3) In the case of a recommendation that the interior of a landmark or contributing  
2 resource be designated as a significant interior, the Historic Preservation Commission shall, as a  
3 part of its recommendation, include any controls and standards that may be necessary or desirable  
4 to protect and maintain the character-defining features of the designated significant interior,  
5 and to review alterations thereto.

6 (4) In the case of a recommendation that a park, square, plaza, garden, landscape or  
7 landscape features be designated as a landmark, or where such resources contribute to and relate  
8 historically and physically and/or visually to the environmental setting of a landmark site or  
9 historic district, the Historic Preservation Commission shall, as a part of its recommendation,  
10 include any further controls and standards for the review of alterations to such resources, whether  
11 or not a permit is or may be required.

12 (5) Decisions by the Historic Preservation Commission to disapprove a designation  
13 shall be final unless appealed to the Board of Supervisors pursuant to Subsection  
14 1005.6(a)(2) below.

15 SEC. 1005.6. ACTION BY BOARD OF SUPERVISORS.

16 (a) Hearing. The Board of Supervisors shall hear and decide on all nominations for  
17 placement on the San Francisco Register in accordance with the following:

18 (1) The Historic Preservation Officer shall transmit to the Clerk of the Board of  
19 Supervisors for review by the Board of Supervisors the Historic Preservation Commission's  
20 recommendations to approve, disapprove or modify the proposal for inclusion on the San Francisco  
21 Register, together with any comments and recommendations received from the Planning  
22 Commission.

23 (2) Appeal to Board of Supervisors. If the Historic Preservation Commission  
24 disapproves the proposed designation or change of designation, such action shall be final  
25 except upon the filing of a notice of appeal to the Board of Supervisors within 30 days by  
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1 the applicant or any of the persons, organizations or groups listed in Section 1005.3(a) or  
2 (b); provided, however, that if the proposal was initiated by the Board of Supervisors, the  
3 Clerk of the Board shall be notified immediately of the disapproval without the necessity for  
4 an appeal.

5 (3 2) Upon receipt of the recommendations of the Historic Preservation  
6 Commission or upon a valid appeal, the Board of Supervisors shall schedule a public hearing on  
7 the proposal for inclusion on the San Francisco Register pursuant to its rules and procedures,  
8 provided that if the Historic Preservation Commission has failed to act within one-hundred ~~twenty~~  
9 eighty (120/180) days from the date of adoption of the ~~initiating~~ resolution of intent to designate  
10 by the Board of Supervisors or Historic Preservation Commission, the Board of Supervisors may  
11 schedule a public hearing on the proposal at any time after said one-hundred ~~twenty-eighty~~  
12 (120/180) day period. Notwithstanding the foregoing, upon the request of the Historic Preservation  
13 Commission, the Board of Supervisors may, by resolution, extend the time within which the Historic  
14 Preservation Commission may transmit its recommendations to the Board of Supervisors.

15 (4 3) The Board of Supervisors shall either approve, or modify and approve, by  
16 ordinance, the action(s) recommended by the Historic Preservation Commission, or disapprove it  
17 in its entirety by resolution. In the alternative, the Board of Supervisors may return the proposed  
18 n~~om~~ination ~~design~~ation to the Historic Preservation Commission for further information,  
19 hearings, consideration or study.

20 (5 4) In reviewing the findings and action(s) recommended by the Historic Preservation  
21 Commission, the Board of Supervisors shall consider the criteria and requirements for designation  
22 set forth in Section 1005.1 of this Article.

23 (6 5) In acting upon any proposed inclusion(s) on the San Francisco Register, the Board  
24 of Supervisors may modify said designation proposal, provided that the Board of Supervisors shall  
25 not take final action upon the proposal if it contains any material modification that has not been

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1 considered by the Historic Preservation Commission. Should the Board of Supervisors adopt a  
2 resolution proposing to materially modify the proposed designation as recommended by the  
3 Historic Preservation Commission while it is before the said Board, the designation and the  
4 resolution proposing modification shall be referred back to the Historic Preservation Commission  
5 for its consideration. In all cases of referral back, the designation and the proposed modification  
6 shall be heard by the Historic Preservation Commission according to the requirements set forth in  
7 this Article for a new proposal, except that newspaper notice need only be given ten (10) days prior  
8 to the date of the hearing.

9 (b) Content of Designating Ordinance. Each designating ordinance adopted by the  
10 Board of Supervisors ~~may shall~~ include, or ~~may shall~~ incorporate by reference as though fully set  
11 forth in such designating ordinance:

12 (1) The pertinent resolutions of the Historic Preservation Commission then on file with  
13 the Clerk of the Board of Supervisors, if any;

14 (2) The location and boundaries of the landmark site or historic district;

15 (3) A description of the criteria, which justify the designation of the landmark or historic  
16 district;

17 (4) Any controls or standards that may be necessary or desirable to protect and  
18 maintain a landmark or contributing resource or to review alterations thereto;

19 (5) The designation case report;

20 (6) For historic districts: (i) a list and description of all contributing resources and  
21 features, including, without limitation, scenic and aesthetic conditions, gardens, landscapes and  
22 landscape features; (ii) a list and description of noncontributing resources; and (iii) all applicable  
23 design and setback, height, and bulk guidelines as outlined in Section 1005.5 that the  
24 Historic Preservation Commission recommends ~~any controls and standards that may be~~

25 necessary or desirable to protect and maintain the integrity of the historic district and ensure

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1 compatibility of alterations, additions and new construction within the historic district, including  
2 any design guidelines and height and bulk controls recommended by the Historic  
3 Preservation Commission pursuant to Section 1005.5 of this Article;

4 (7) A description of the interior of a landmark or contributing resource designated as a  
5 significant interior, if any, and any controls that may be necessary or desirable to protect and  
6 maintain the designated significant interior; and

7 (8) For a park, square, plaza or garden, or for a landscape or landscape features that  
8 relate historically and physically and/or visually to the environmental setting of the landmark site  
9 or historic district, any further controls and standards for the review of alterations, whether or not  
10 a permit is or may be required.

11 (c) Inclusion on the San Francisco Register. The landmark, historic district and/or  
12 contributing resources so designated shall, upon designation, be included on the San Francisco  
13 Register and be subject to the controls and standards set forth in this Article, and to all such further  
14 controls and standards as set forth in the designating ordinance.

15 SEC. 1005.7. Notice of Designation and Recordation. When a landmark, historic district  
16 and/or contributing resource has been designated by the Board of Supervisors, the Historic  
17 Preservation Officer shall notify the owners of the property(ies) so designated within thirty (30)  
18 days following the ~~Mayor's signature effective date of~~ en the ordinance and ensure that a notice  
19 of its designation is properly and promptly recorded in all of the official property records of the  
20 City. In addition, as provided in Section 1004 of this Article, the Historic Preservation Officer shall  
21 insure that: (i) the Planning Code is promptly updated; (ii) the change is incorporated into the  
22 records and electronic database of the Planning and Building Departments; and (iii) the Clerk of  
23 the Board of Supervisors has delivered a copy of the amendment, inclusions or deletions to City  
24 officials and departments. The Central Permit Bureau shall maintain a current record of all  
25 landmarks, historic districts and contributing resources.

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1 SEC. 1005.8. Frequency of Nominations. When a nomination application for placement of  
2 a historic resource on the San Francisco Register as a landmark, historic district or contributing  
3 resource has been denied by the Board of Supervisors, no new nomination application for  
4 placement of the same or substantially the same historic resource may be filed or submitted within  
5 one year following the date of final disapproval of the nomination by the Board of Supervisors.  
6 However, a nomination application may be ~~reinitiated~~ reconsidered by the Historic  
7 Preservation Commission or the Board of Supervisors, pursuant to Sections 1005.2 and  
8 1005.3 of this Article upon presentation of significant new evidence not previously submitted  
9 showing that the nominated historic resource meets the criteria for designation in Section 1005.1,  
10 or, in the case of a nominated historic district, that the boundaries of the proposed historic district  
11 are substantially different from the previously disapproved nomination.

12 SEC. 1005.9. Amendment or ~~Recession~~ Rescission of a Designation. The Board of  
13 Supervisors may amend or rescind a landmark or historic district designation by following all of  
14 the procedures set forth in this Article 10 for a designating ordinance, provided that:

15 (1) Prior to rescinding any designation, the Board of Supervisors shall find, after  
16 holding the hearings required by this Article, that the historic resource no longer meets any of the  
17 criteria described in Section 1005.1 which originally led to such designation or that the historic  
18 resource has lost its integrity as a historic resource since its designation; provided that where a  
19 landmark or contributing resource is proposed for de-designation due to a loss of integrity, the loss  
20 of integrity was not the result of any alteration, willful neglect or failure to maintain the historic  
21 resource by the owner or agent of the owner, or of any violation of the terms and conditions of any  
22 Certificate of Appropriateness; and

23 (2) De-designation may be initiated only by a majority vote of the Historic Preservation  
24 Commission or by a majority vote of the Board of Supervisors.

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1 (3) When a landmark or historic district designation has been amended or rescinded,  
2 the Historic Preservation Officer shall promptly notify the owners of the property included therein,  
3 and shall cause a copy of the appropriate ordinance or notice thereof to be recorded in all of the  
4 official property records of the City. In addition, the Historic Preservation Officer shall insure that  
5 the Planning Code is promptly updated and that the change is incorporated into the records and  
6 electronic database of the Planning and Building Departments.

7 SEC. 1006. CONFORMITY AND PERMITS.

8 The following requirements are intended to ensure conformity between existing City permit  
9 processes and the provisions of this Article:

10 (a) No person shall carry out or cause to be carried out on any historic resource that is  
11 listed on or has been nominated for listing on the San Francisco Register, including without  
12 limitation, on any landmark site, on any site within a historic district, on a contributing resource  
13 within a historic district, or on a designated significant interior, any alteration, construction,  
14 relocation, removal or demolition of any structure, appurtenance, object or feature, except in  
15 conformity with the provisions of this Article. Except where explicitly so stated, nothing in this  
16 Article shall be construed as relieving any person from other applicable permit requirements. In  
17 addition, no such work shall take place unless all other applicable laws and regulations have been  
18 complied with, and any required permits have been issued for said work.

19 (b) Upon receipt of any application for a building permit, demolition permit, site permit,  
20 alteration permit, or any other permit that may affect any historic resource that is listed on or has  
21 been nominated for listing on the San Francisco Register as a landmark, historic district or  
22 contributing resource, the Central Permit Bureau shall promptly forward the application to the  
23 Historic Preservation Officer and shall not issue any permit unless the Historic Preservation  
24 Officer has determined, in accordance with this Article and any rules and regulations issued by the  
25 Historic Preservation Commission, that such application is exempt from the provisions of this

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1 Article or that a Certificate of Appropriateness has been issued and the permit application  
2 conforms with the Certificate of Appropriateness that has been issued. If a Certificate of  
3 Appropriateness is required and has not been issued, or if, in the judgment of the Historic  
4 Preservation Officer, the permit application is not in strict conformance with a Certificate of  
5 Appropriateness that has been issued, no action shall be taken to grant or deny the permit  
6 application until such time as conformity does exist. The Historic Preservation Commission shall  
7 resolve any question as to conformity of a permit application with a Certificate of Appropriateness.  
8 The approval of any project or the issuance or amendment of any permit by the Central Permit  
9 Bureau that is inconsistent with any provision of this Article, or with any provision or condition of a  
10 Certificate of Appropriateness that has been issued pursuant to this Article, is invalid and shall be  
11 revoked or rescinded by the Zoning Administrator and/or the Director of the Department of  
12 Building Inspection.

13 (c) The Department of Building Inspection shall not give final approval or a  
14 ~~C~~ertificate of ~~F~~inal ~~C~~ompletion on any building permit for work on a building or site for which  
15 a Certificate of Appropriateness has been issued pursuant to this Article unless and until the  
16 Historic Preservation Officer has determined in writing that the work has been completed in  
17 accordance with the terms and conditions of the Certificate of Appropriateness. The Historic  
18 Preservation Commission shall resolve any questions as to conformity of work with the terms and  
19 conditions of a Certificate of Appropriateness. Any final approval or a ~~C~~ertificate of ~~F~~inal  
20 ~~C~~ompletion on such work without a determination that the work has been completed in conformity  
21 with the Certificate of Appropriateness shall be invalid and shall be revoked or rescinded by the  
22 Zoning Administrator and/or the Director of the Department of Building Inspection.

23 (d) The installation of a new general advertising sign is prohibited in any historic district,  
24 or on the site of any landmark, which is listed on or has been nominated for listing on the San  
25 Francisco Register.

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1 (e d) No abatement proceedings shall be undertaken by any department, agency, board or  
2 commission of the City for any historic resource that is listed on the San Francisco Register or has  
3 been nominated for listing on the San Francisco Register without prior consultation with the  
4 Historic Preservation Commission.

5 SEC. 1007. CERTIFICATES OF APPROPRIATENESS.

6 SEC. 1007.1. Certificate of Appropriateness Required.

7 A Certificate of Appropriateness shall be required and shall govern review of permit applications  
8 for any construction, addition, alteration, relocation, removal or demolition of a structure, object  
9 or feature on a designated landmark site, in a designated historic district, on a contributing  
10 resource within a designated historic district or in a designated interior, regardless of whether or  
11 not the proposed change is visible from a public street or other public place, except in the specific  
12 cases set forth in Section 1007.1(e-d). Certificates of Appropriateness shall be required for any  
13 construction, addition, alteration, relocation, removal or demolition of a structure, object or feature  
14 on a City-owned property listed on the San Francisco Register, regardless of whether or not a City  
15 permit is required, provided that this requirement shall not ~~supercede~~ supersede, impair or  
16 modify provisions of the City Charter or laws governing the State of California and the United  
17 States of America. All governmental bodies shall work cooperatively with the Historic Preservation  
18 Commission to assure the appropriate treatment of historic resources. The definitions, procedures,  
19 requirements, controls and standards contained in Sections 1007.1 through 1007.5 shall apply to  
20 all Certificate of Appropriateness applications; provided, however, that the designation ordinance  
21 for a landmark, historic district or significant interior, or for a park, square, plaza or garden on a  
22 landmark site, may add to these procedures, requirements, controls and standards.

23 (a) Demolition. For purposes of this Article, demolition of a structure shall be defined  
24 as any one or more of the following:

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

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

5 (3) Removal of more than ~~25~~ 50 percent of the surface material of all external walls as  
6 either external or internal walls; or

7 (4) Removal of more than ~~75~~ 50 percent of the building's existing internal structural  
8 framework or floor plates unless the Historic Preservation Commission determines that such  
9 removal is the only feasible means to meet the standards for seismic load and forces of the latest  
10 adopted version of the San Francisco Building Code and the State Historical Building Code.

11 (b) Alterations. For purposes of this Article, alterations shall include Major and Minor  
12 Alterations. ~~the following~~ The Historic Preservation Commission will, from time to time,  
13 promulgate rules and regulations to define what consists of Major and Minor Alterations  
14 consistent with the definitions and provisions set forth in this Article.

15 (1) Major Alteration. An alteration shall be considered a "major alteration" if any one  
16 or more of the following apply:

17 (i) The alteration would result in damage to, or demolition of, a significant  
18 architectural feature of the structure, ~~remove, cover or modify any portion of the exterior~~  
19 materials, or the exterior architectural appearance, or a portion of a significant interior, or  
20 replace them with substitutes inappropriate in material, scale, color or architectural style; or

21 (ii) ~~The alteration would relocate, add or remove windows or doors or replace~~  
22 them with substitutes inappropriate in material, scale or architectural style, or would add a  
23 garage; or

24 (iii) ~~The alteration would affect all or any part of a structure's interior structural~~  
25 framework, its floors or floor plates, interior or exterior columns or load-bearing walls; or

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1           ~~(iii iv) The alteration would result in any increase in height or bulk above the~~  
2 ~~existing height and bulk of the structure either by a vertical or horizontal addition, any~~  
3 ~~addition to or alteration of the roofline or by raising the structure above the level of its~~  
4 ~~existing foundation; or~~  
5           ~~\_\_\_\_\_ (iv v) The alteration would require temporarily lifting and supporting the structure~~  
6 ~~above its existing foundation; or~~  
7           ~~\_\_\_\_\_ (vi v) Any work involving a sign, awning, marquee, canopy, mural or other~~  
8 ~~appendage; or~~  
9           ~~\_\_\_\_\_ (vi vii) Addition of a roof deck, penthouse, or any other roof top features; or~~  
10           ~~\_\_\_\_\_ (ii viii) Any exterior changes or changes to designated significant interiors addressed in the~~  
11 ~~design guidelines or height and bulk controls in the landmark or historic district designating~~  
12 ~~ordinance, or changes to features identified as significant or contributing in the designating~~  
13 ~~ordinance, regardless of whether or not a City permit is required, which changes may include,~~  
14 ~~but shall not be limited to signage, landscaping, fencing, installation of lighting fixtures,~~  
15 ~~awnings and any other building appendages; or~~  
16           ~~\_\_\_\_\_ (viii ix) Alterations to parks, squares, plazas, gardens and other landscape features~~  
17 ~~on a landmark site, within a historic district or on a contributing resource within a~~  
18 ~~designated historic district, where the designating ordinance identifies the significance or~~  
19 ~~contribution of such features, or requires the approval of such changes pursuant to this~~  
20 ~~Article, whether on City-owned or privately-owned property; or~~  
21           ~~\_\_\_\_\_ (iii x) Where the cumulative impacts of any and all prior alterations would fit the~~  
22 ~~description for any alteration set forth in subsections (i) through (ii ix) herein above.~~  
23           ~~\_\_\_\_\_ (2) Minor Alteration. Unless the designating ordinance provides otherwise, an~~  
24 ~~alteration may be considered a “minor alteration” if the criteria set forth for a demolition pursuant~~  
25

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1 to Section 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do  
2 not apply. and the work consists only of ordinary maintenance and repairs.

3 (i) Minor Alterations shall include ordinary maintenance and repairs. “Ordinary  
4 maintenance and repairs” shall mean work that does not include any change in the design,  
5 materials or outer appearance of a structure, the sole purpose and effect of which is to correct  
6 minor deterioration, decay or damage.

7 (ii) An alteration shall not be considered a minor alteration if the proposed alteration, in  
8 combination with all other alterations that have occurred to the resource over time, whether or not  
9 approved by the City, would constitute a major alteration as defined above. For this purpose, the  
10 cumulative impacts of any and all prior minor alterations shall be considered.

11 (iii) Other factors to determine whether an alteration is major or minor may be specified  
12 in the design guidelines in the landmark or historic district ordinance.

13 ~~(ii) The Historic Preservation Commission may promulgate rules and regulations~~  
14 ~~to further define minor alterations consistent with the definitions and limitations set forth~~  
15 ~~above.~~

16 (iv) The authority to approve, disapprove or modify a Certificate of Appropriateness for  
17 any proposed activity determined to be a minor alteration may be delegated by the Historic  
18 Preservation Commission to the Historic Preservation Officer pursuant to the procedures set forth  
19 in Section 1007.4 for Administrative Certificates of Appropriateness.

20 (c) Seismic Retrofit. A Certificate of Appropriateness shall be required for any  
21 proposed work to comply with the UMB Seismic Retrofit Ordinances if such work constitutes a  
22 demolition pursuant to Section 1007.1(a) hereof or an alteration pursuant to Section 1007.1(b)  
23 hereof.

24 (d) Exemptions. Permit applications for the following activities are exempt from this  
25 Article and shall be returned by the Historic Preservation Officer, with that determination noted, to

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1 the Central Permit Bureau for further processing; provided, however, that the Zoning  
2 Administrator may then take any other authorized action with respect to the application.

3 (1) The determination of the Historic Preservation Officer that an application is  
4 exempt from the provisions of this Article shall be subject to appeal to the Historic  
5 Preservation Commission.

6 (2 4) An application for a permit to construct on a landmark site where the landmark has  
7 been lawfully demolished and the site is not within a designated historic district; or

8 (3 2) An application for a permit to make interior alterations only on a privately owned  
9 structure unless the interior has been designated a significant interior; ~~or~~ the alterations constitute  
10 a demolition pursuant to Section 1007.1(a); the alterations constitute a major alteration as  
11 defined in Section 1007.1(b); or the alterations do not impact any significant architectural  
12 features of the exterior of the building; or

13 (4 3) A serious and imminent public safety hazard has been declared to exist pursuant to  
14 Section 1010(b) of this Article, and the alteration or demolition of the structure or feature  
15 concerned is the only feasible means to secure the public safety.

16 ~~The determination of the Historic Preservation Officer that an application is exempt from~~  
17 ~~the provisions of this Article shall be subject to appeal to the Historic Preservation~~  
18 ~~Commission.~~

19 SEC. 1007.2. Applications for Certificates of Appropriateness.

20 (a) Required Filing. For all permit applications requiring a Certificate of  
21 Appropriateness, an application for a Certificate of Appropriateness shall be filed with the Historic  
22 Preservation Officer by the owners of the property or their authorized agents, together with the  
23 required fee.

24 (b) Content of Applications. The content of applications shall be in accordance with the  
25 policies, rules and regulations adopted by the Historic Preservation Commission. All applications

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1 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all  
2 information required to assure the presentation of pertinent facts for proper consideration of the  
3 application and for the permanent record. In general, the application shall be accompanied by  
4 architectural plans, elevation(s), section(s), detail drawings, and specifications showing (1) the  
5 existing exterior architectural appearance and features, including but not limited to texture of  
6 materials, architectural design and detail drawings, (2) and photographs showing the structure  
7 or site in the context of its surroundings; (3 2) the proposed exterior architectural appearance  
8 and features which are proposed to be preserved, repaired, restored, altered, relocated or  
9 demolished, and the proposed changes or modifications thereto, including but not limited to  
10 texture of materials, architectural design and detail drawings; (4 3) detail drawings showing  
11 any interior changes, including but not by limitation limited to any changes to the internal  
12 structural framework or floor plates, removal of interior walls, or changes to the foundation; (5 4)  
13 technical specifications for any exterior restoration or cleaning work; and (6 5) any other  
14 information that may be required by the Historic Preservation Commission or Historic  
15 Preservation Officer. The applicant will also be required to file with his/her application the  
16 information needed for the preparation and mailing of notices as required in Section 1007.3(a) of  
17 this Article.

18 (c) Additional Requirements for Demolition Applications. Applications for a Certificate  
19 of Appropriateness proposing demolition of a landmarks or contributory or contributory altered  
20 structures within historic districts shall be required to provide the following information:

21 (1) For all property: (i) the amount paid for the property; (ii) the date of purchase and  
22 the party from whom purchased; (iii) the cost of any improvements since purchase by the applicant  
23 and date incurred; (iv) the assessed value of the land, and the assessed value of the improvements  
24 thereon, according to the most recent assessments; (v) real estate taxes for the previous two years;  
25 (vi) annual debt service, if any, for the previous two years; (vii) all appraisals obtained within the

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1 previous five years by the owner or applicant in connection with his or her purchase, financing or  
2 ownership of the property; (viii) any listing of the property for sale or rent, price asked and offers  
3 received, if any; and (ix) any consideration by the owner for profitable and adaptive uses for the  
4 property, including renovation studies, plans, and bids, if any; and

5 (2) For income producing property: (i) annual gross income from the property for the  
6 previous four years; (ii) itemized operating and maintenance expenses for the previous four years;  
7 and (iii) annual cash flow for the previous four years; and

8 (3) Applications for the demolition of any buildings which are or may be eligible for  
9 Transfer of Development Rights ("TDR") shall also contain a description of such rights ~~any~~  
10 Transferable Development Rights, ~~any TDR's~~ or the right to such rights which have been  
11 transferred from the property, a statement of the quantity of such TDRs ~~rights~~ and untransferred  
12 rights remaining, the ~~purchase~~ amount received for rights transferred from the property, the  
13 transferee, and a copy of each document effecting a transfer of such rights. Properties which are or  
14 may be eligible for the transfer of Transferable Development Rights ~~from~~ from the property shall  
15 contain a description of the rights available for transfer, the quantity of such rights and the current  
16 value of such rights.

17 (4) For all proposed demolitions or new construction within historic districts, detail  
18 plans for the proposed new construction shall be required, including but not limited to, (1)  
19 architectural plans, elevations, sections, detail drawings, and specifications for the new  
20 construction showing the proposed exterior architectural appearance and features and  
21 materials; (2) photograph montages and drawings showing the proposed new structure  
22 and site in the context of its surroundings; and (3) any other information that may be  
23 requested by the Historic Preservation Commission or the Historic Preservation Officer.

24  
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1 (d) Verification. Each application filed by or on behalf of one or more property owners  
2 shall be verified by signature of at least one such owner or his/her authorized agent attesting to the  
3 truth and correctness, under penalty of perjury, of all facts, statements and information presented.

4 (e) Review of Applications.

5 (1) An application for a Certificate of Appropriateness shall first be reviewed by the  
6 Historic Preservation Officer who shall determine whether or not the application is complete and  
7 accurate. Incomplete or inaccurate applications shall be returned to the applicant.

8 (2) Once the application has been determined to be complete and accurate, the Historic  
9 Preservation Officer shall review and evaluate the project for consistency with the standards for  
10 review of applications set forth in Section 1007.5, and shall determine whether the proposed project  
11 constitutes a minor alteration pursuant to Section 1007.1(b)(2).

12 (3) If the Historic Preservation Officer has determined that a proposed project  
13 constitutes a minor alteration, the Historic Preservation Officer may issue an Administrative  
14 Certificate of Appropriateness pursuant to Section 1007.4. Otherwise, the Historic Preservation  
15 Commission shall hold a public hearing on the Certificate of Appropriateness pursuant to Section  
16 1007.3.

17 SEC. 1007.3. Hearing and Decision.

18 (a) Scheduling and Notice of Hearing. Unless the Historic Preservation Officer has  
19 determined that a proposed project constitutes a minor alteration and proceeds to issue an  
20 Administrative Certificate of Appropriateness pursuant to Section 1007.4, the Historic Preservation  
21 Commission shall hold a public hearing on the Certificate of Appropriateness within forty-five (45)  
22 days (45) after the application has been determined complete. Notice of the time, place and  
23 purpose of the hearing shall be given not less than ten (10) twenty (20) days prior to the date of  
24 the hearing as follows:

25 (1) By mail to the applicant.

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1 (2) By mail to the owners of all real property within 300-feet of the exterior boundaries  
2 of any landmark site that is the subject of the application and, in the case of an application for a  
3 project in a historic district to all property owners within 300 feet of the exterior boundaries of the  
4 property that is the subject of the application, using for this purpose the names and addresses of the  
5 owners as shown on the latest equalized assessment roll in the office of the Tax Collector. Failure  
6 to send notice by mail to any such property owner where the address of such owner is not shown on  
7 such assessment roll shall not invalidate any proceedings in connection with such action.

8 (3) By mail to all other interested parties who have in writing to the Historic  
9 Preservation Officer requested such notices.

10 (4) By posting notice on the project site that is the subject of the application, ~~or in a~~  
11 location adjacent to the project site.

12 (5) Such other notice as the Historic Preservation Commission shall deem appropriate.

13 (6) The notice shall include ~~a photo of the existing resource, a brief description of~~  
14 its historic significance, ~~detailed~~ plans of any proposed alterations or additions to the existing  
15 resource, and all other items required under Section 311(c)(5) of this Code. In the case of a  
16 proposed demolition or new construction within a historic district, detail plans for the new  
17 construction shall be included.

18 (7) Notwithstanding the foregoing, if an individual, organization, or any other  
19 interested party has consented to receipt of notice by electronic mail, such notice shall  
20 satisfy the requirements of this section and mailed notice shall not be required.

21 (b) Report and Recommendations. The Historic Preservation Officer shall make all  
22 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
23 and shall prepare a written report containing (1) the results of the review and evaluation with  
24 ~~written~~ recommendations, (2) including the results of the environmental review of the proposed  
25 project under CEQA or NEPA, including, ~~without limitation,~~ any environmental impact report.

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1 negative declaration or determination that the project is exempt from environmental review, (3)  
2 together with proposed findings and a motion on the merits of the proposed project; and (4)  
3 any other material that may be necessary for the Historic Preservation Commission to  
4 make its determination. The Historic Preservation Officer's recommendation of the  
5 proposed project may be to approve, approve with conditions, or disapprove the  
6 application. The report, together with the complete Certificate of Appropriateness application,  
7 shall be submitted to the Historic Preservation Commission at least five (5) days prior to the date  
8 set for hearing.

9 (c) Record. A record shall be kept of the pertinent information presented at the hearing,  
10 and such record shall be maintained as a part of the permanent public records of the Historic  
11 Preservation Commission in the Planning Department.

12 (d) Continuations. The Historic Preservation Commission shall determine the instances  
13 in which applications for a Certificate of Appropriateness scheduled for hearing may be continued  
14 or taken under advisement. The Historic Preservation Commission may also continue a hearing on  
15 an application pending completion of adequate and complete environmental review of the proposed  
16 project. In such cases, new notice need not be given of the further hearing date, provided such date  
17 is announced at the scheduled hearing.

18 (e) Decision.

19 (1) The Historic Preservation Commission's decision to approve, disapprove or modify  
20 an application shall be in writing and shall state the findings of fact relied upon in reaching the  
21 decision, which findings of fact shall become a material part of the final Certificate of  
22 Appropriateness.

23 (2) In all cases where the Historic Preservation Commission has made a decision to  
24 require modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ thirty  
25 ~~(30)~~ days of the decision by the Historic Preservation Commission, a revised application

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1 containing all modifications prior to a final action of the Historic Preservation Commission. In  
2 such cases the hearing may be continued until the revised application has been submitted. A new  
3 notice need not be given of the further hearing date, provided such date is announced at the  
4 scheduled hearing; provided, however, that if the applicant does not revise the application within  
5 said ~~forty-five (45)~~ ~~thirty (30)~~-day period or if the revised application is determined to be  
6 inconsistent with the Historic Preservation Commission's decision, the Historic Preservation  
7 Commission may disapprove the Certificate of Appropriateness or schedule a new hearing to  
8 consider the application. Failure to submit a revised application containing all modifications  
9 required by the Historic Preservation Commission within ~~forty-five (45)~~ ~~thirty (30)~~ days of the  
10 decision shall be deemed to constitute disapproval of the application.

11 (3) The decision of the Historic Preservation Commission, in approving, disapproving  
12 or modifying an application, shall be final except upon the filing of a valid appeal to the Board of  
13 Appeals or Board of Supervisors as provided in Section 1009 of this Article, or upon the valid  
14 modification of the Certificate of Appropriateness decision by the Planning Commission as  
15 provided in Section 1008 of this Article.

16 (f) Time Limit for Exercise. The Certificate of Appropriateness shall be valid for a  
17 period of three (3) years from the date it becomes final, after which time it shall be null and void if  
18 all permits have not been issued by the City to allow the project to proceed to completion in  
19 compliance with the Certificate of Appropriateness.

20 (g) Reconsideration. When an application for a Certificate of Appropriateness has been  
21 disapproved by the Historic Preservation Commission, no application, the same or substantially the  
22 same as that which was disapproved, shall be resubmitted to or reconsidered by the Historic  
23 Preservation Commission for a period of one year from the final action upon the earlier  
24 application.

25 SEC. 1007.4. Administrative Certificate of Appropriateness.

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1 (a) If the Historic Preservation Officer has determined that a proposed activity is a  
2 minor alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the  
3 Historic Preservation Officer may issue “ an Administrative Certificate of Appropriateness” which  
4 shall be subject to the following procedures:

5 (i) Within ten (10) days after the date the Historic Preservation Officer has issued an  
6 Administrative Certificate of Appropriateness, “an Administrative Certificate of  
7 Appropriateness, the applicant and any individuals or organizations that have requested in  
8 writing to be notified of such determinations shall be notified in writing of the determination.

9 (ii) The Administrative Certificate of Appropriateness shall be placed on an  
10 “Administrative List” to be included in the agenda for the next Historic Preservation  
11 Commission hearing. The Administrative Certificate of Appropriateness shall be placed on  
12 the consent calendar for the next meeting of the Historic Preservation Commission to be  
13 held at least ten (10) days following the date of the written notification required by  
14 subsection (i) above. Except as provided in subsection (iv) below, the notice and hearing  
15 requirements provided in Section 1007.3 of this Article shall not be required.

16 (iii) At the next regularly-scheduled hearing, any At or prior to the scheduled  
17 meeting of the Historic Preservation Commission, any member of the public, Historic  
18 Preservation Commissioner may request that the Administrative Certificate of  
19 Appropriateness be removed from the Administrative List and be scheduled may object in  
20 writing to the issuance of the Administrative Certificate of Appropriateness and request  
21 that the Historic Preservation Commission schedule the proposed activity for a public  
22 hearing, in which event, the Historic Preservation Commission shall consider the proposed  
23 project pursuant to the requirements of Section 1007.3 of this Article, except that  
24 newspaper notice need only be given ten (10) days prior to the date of the hearing.

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1 ~~\_\_\_\_\_ (iv) — At the scheduled meeting, any member of the Historic Preservation~~  
2 ~~Commission or any member of the public may request that the proposed activity be~~  
3 ~~removed from the consent calendar and scheduled for public hearing at a future meeting,~~  
4 ~~in which event, the Historic Preservation Commission shall consider the proposed activity~~  
5 ~~pursuant to the requirements of Section 1007.3 of this Article.~~

6 ~~\_\_\_\_\_ (v) If the proposed project is not removed from the Administrative List, the~~  
7 ~~Administrative Certificate of Appropriateness proposed activity is not removed from the~~  
8 ~~consent calendar, the Administrative Certificate of Appropriateness shall become final and~~  
9 ~~shall be treated as a Certificate of Appropriateness for all purposes of this Article.~~

10 ~~SEC. 1007.5. STANDARDS FOR REVIEW OF APPLICATIONS.~~

11 ~~Review of all applications for Certificates of Appropriateness shall be governed by the standards in~~  
12 ~~this Section.~~

13 ~~\_\_\_\_\_ (a) General Standards.~~

14 ~~\_\_\_\_\_ (1) The proposed work shall be appropriate for the effectuation of, and consistent with,~~  
15 ~~the purposes of this Article.~~

16 ~~\_\_\_\_\_ (2) The proposed work shall comply with any specific controls and standards embodied~~  
17 ~~in the designating ordinance, including any design guidelines or height and bulk controls.~~

18 ~~\_\_\_\_\_ (3) Secretary of the Interior's Standards for the Treatment of Historic Properties. As~~  
19 ~~set forth in Section 1007.5(b) below, the Secretary of the Interior's Standards for the~~  
20 ~~Treatment of Historic Properties Rehabilitation (codified in the Code of Federal Regulations~~  
21 ~~Volume 36, section 67, as such may be amended from time to time) shall be used by the Historic~~  
22 ~~Preservation Commission in its review of Certificate of Appropriateness applications. Additional~~  
23 ~~treatment methods for the preservation, reconstruction and restoration of cultural~~  
24 ~~resources listed in the Secretary of the Interior's Standards for the Treatment of Historic~~  
25

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1 Properties shall also be used by the Historic Preservation Commission in its review of  
2 Certificate of Appropriateness Applications.

3 (4) In the event of any conflict between the Secretary's Standards and any other  
4 standards and controls set forth in this Section 1007.5 or contained in the designating ordinance,  
5 the more protective standard shall control.

6 (5) Any exterior change to a property within a historic district that is not already  
7 compatible with the character of the historic district shall bring the site, structure or object  
8 closer to compatibility, and in no event shall there be a greater deviation from compatibility.

9 (b) Standards for Review of Work on Landmarks and Contributing Resources in Historic  
10 Districts. Applications for work on a landmark or within a historic district where a treatment  
11 Standard, as defined by the Secretary of the Interior, has not been specified, or there are  
12 no existing guidelines or standards outlined in the designation or relevant appendixes of  
13 the Code, the Historic Preservation Commission shall review the proposed work against  
14 the Secretary of the Interior's Standards for Rehabilitation and meet the following  
15 standards where applicable: For applications pertaining to work on landmark sites and on  
16 contributing resources within historic districts, and on designated significant interiors, other  
17 than demolitions, the proposed work shall not adversely affect any significant historical or  
18 architectural feature of the landmark, contributing resource, designated significant interior  
19 or district and shall meet all of the following standards:

20 (1) A property will shall be used as it was historically or be given a new use that  
21 requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

22 (2) The historic character and features of a property shall be retained and preserved.  
23 The removal of distinctive materials or alteration of features, spaces, and spatial relationships that  
24 characterize a property will be avoided shall not be allowed.

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1 (3) Each property shall be recognized as a physical record of its time, place, and use.  
2 Changes that create a false sense of historical development, such as adding conjectural features or  
3 elements from other historic properties, ~~will not be undertaken.~~ shall not be allowed.

4 (4) Changes or alterations to a property that have acquired historic significance in their  
5 own right ~~will~~ shall be retained and preserved.

6 (5) Distinctive materials, features, finishes, and construction techniques or examples of  
7 craftsmanship that characterize a property ~~will~~ shall be preserved.

8 (6) Deteriorated historic features ~~will~~ shall be repaired rather than replaced. Where  
9 the severity of deterioration requires replacement of a distinctive feature, the new feature ~~will~~ shall  
10 match the old in design, color, texture, and where possible, materials. Replacement of missing  
11 features ~~will~~ shall be substantiated by documentary and physical evidence.

12 (7) Chemical or physical treatments, if appropriate, ~~will~~ shall be undertaken using the  
13 gentlest means possible. Treatments that cause damage to historic materials ~~will~~ shall not be used.

14 (8) New additions, exterior alterations, or related new construction ~~will~~ shall not  
15 destroy historic materials, features, or spatial relationships that characterize the property. The  
16 new work shall be differentiated from the old and will be compatible with the historic  
17 materials, features, size, scale, and proportion, and massing to protect the integrity of the  
18 property and its environment. While the new work should be differentiated from the old, it  
19 shall be compatible with the historic materials, features, size, scale and proportion, and  
20 massing to protect the integrity of the property and its environment.

21 (9) New ~~exterior~~ additions and adjacent or related new construction ~~will~~ shall be  
22 undertaken in such a manner that, if removed in the future, ~~can be removed in the future and~~  
23 ~~in such a manner that if removed in the future,~~ the essential form and integrity of the historic  
24 property and its environment would be unimpaired ~~without extensive restoration or~~  
25 reconstruction.

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1 (10) Archaeological resources shall be protected and preserved in place. If such  
2 resources must be disturbed, mitigation measures ~~will~~ shall be undertaken.

3 (11) The proposed work shall also comply with any specific controls and  
4 standards embodied in the designating ordinance, including design guidelines and height  
5 and bulk controls.

6 (c) ~~Additional Standards for Projects in Historic Districts~~ Standards for Review of  
7 New Construction and Other Work in Historic Districts. ~~For applications pertaining to a site~~  
8 or feature in a historic district, other than on a landmark site or on a site of a contributing  
9 resource, any new construction, addition, alteration or exterior change shall meet the following  
10 requirements: (1) on the whole, generally be compatible with respect to height, massing,  
11 fenestration, materials, color, texture, detail, ~~style,~~ scale and proportion, signage, landscaping and  
12 other features, which define the character of the historic district as described in the designating  
13 ordinance; and (2) comply with any specific controls or standards that may be embodied in the  
14 designating ordinance, including, but not by limitation, design guidelines and height and bulk  
15 controls; and (3) preserve, enhance or restore, and not damage or destroy, the exterior  
16 architectural appearance of any site, structure or object which is compatible with the  
17 character of the historic district. Notwithstanding the foregoing, any exterior change to a  
18 property within a historic district that is not already compatible with the character of the  
19 historic district shall bring the site, structure or object closer to compatibility, and in no  
20 event shall there be a greater deviation from compatibility

21 (d) Standards for Review of Demolitions.

22 (1) Applications for demolition on landmark sites, of contributing resources within a  
23 historic district, or of a designated significant interior shall not be approved unless one of the  
24 following ~~two~~ determinations is made by the Historic Preservation Commission, based on evidence  
25 in the record:

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1 (i) It is determined that the property retains no substantial reasonable remaining  
2 market value or reasonable use, taking into account the costs of rehabilitation to meet the  
3 requirements of the Building Code, the provisions of the State Historic Building Code, the Mills  
4 Act, federal rehabilitation tax credits and any other available incentives. Costs of rehabilitation  
5 necessitated by alterations made: (A) in violation of this Article, (B) by demolition in violation of  
6 this Article, (C) by failure of the current or prior owners to maintain the property whether by  
7 intention or neglect in violation of Planning Code section 1011, (D) to accommodate the owner's  
8 specific personal or business needs or desires to expand the square footage or to make alterations  
9 inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in the  
10 calculation of rehabilitation costs for this purpose; or

11 (ii) Pursuant to Section 1010(b) of this Article, the Director of the Department of  
12 Building Inspection or Chief of the Fire Department has declared in writing that a serious and  
13 imminent public safety hazard exists and that demolition of the structure is the only feasible means  
14 to secure the public safety; or

15 (iii) The building has been rescinded as an individual landmark or as a  
16 contributing structure in a historic district pursuant to Section 1005.9 of this Article; or

17 (iv) The Historic Preservation Commission adopts specific findings that: (1) the  
18 proposed project meets the Secretary of the Interior's Standards for Rehabilitation; and (2)  
19 that the proposed alteration is the best method available to preserve and protect the  
20 subject property as a contributor to the district and to protect and enhance the integrity of  
21 the historic district.

22 (2) If the application proposes removal or demolition on a landmark site, or of a  
23 contributing resource within a historic district, or of a designated significant interior, the Historic  
24 Preservation Commission may determine, in its sole discretion, that additional time is necessary to  
25 make a determination with regard to the standards required by Section 1007.5(d)(1)(i), above, or to

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1 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,  
2 the Historic Preservation Commission may suspend action on the application for a period not to  
3 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good  
4 cause shown, extend the suspension for an additional period not to exceed 180 days.

5 (3) If the application proposes removal or demolition of a structure in a designated  
6 historic district other than on a landmark site, or site of a contributing resource, or of a designated  
7 significant interior, the Historic Preservation Commission may disapprove or approve the  
8 application, or may suspend action on it for a period not to exceed 90 days, subject to extension by  
9 the Historic Preservation Commission as provided in the preceding subsection; provided; however,  
10 that the designating ordinance for the historic district may authorize the suspension of action for an  
11 alternate period which may exceed 90 days and in such event the provision of the designating  
12 ordinance shall govern, subject to extension by the Historic Preservation Commission as provided  
13 herein.

14 (e) Replacement Structures. Except where the Director of the Department of Building  
15 Inspection or Chief of the Fire Department has declared that a serious and imminent public safety  
16 hazard exists and that demolition of the structure is the only feasible means to secure the public  
17 safety (as provided in Section 1007.5(d)(1)(ii), above), no application for a demolition permit in a  
18 historic district, whether pertaining to a contributing resource or a noncontributing resource, shall  
19 be approved until a Certificate of Appropriateness for the replacement structure has been approved  
20 by the Historic Preservation Commission in accordance with the standards for new construction in  
21 a historic district as provided in Section 1007.5(c) of this Article.

22 ~~\_\_\_\_\_ (f) Independent Experts. The Historic Preservation Commission may call upon~~  
23 ~~the services of an independent expert to aid in evaluation of the economic, structural,~~  
24 ~~engineering, construction or other data when reasonably necessary for decisions~~  
25 ~~regarding demolition or major alterations. The applicant shall pay for the reasonable costs~~

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1 of the services of such independent expert(s) who shall be selected and hired by, and  
2 report directly to, the Historic Preservation Commission or Historic Preservation Officer.

3 SEC. 1008. PLANNING COMMISSION RIGHT TO MODIFY A CERTIFICATE OF  
4 APPROPRIATNESS.

5 SEC. 1008.1. Projects Requiring Multiple Approvals.

6 (a) For project applications that require multiple planning approvals, the Historic  
7 Preservation Commission must review and act on any Certificate of Appropriateness pursuant to  
8 Section 1007 of this Article before any other planning approval action.

9 (b) Only as to those projects that (1) require a Planning Commission hearing on either  
10 a conditional use permit, as required under this Code as of November 4, 2008, or permit  
11 review as required under Sections 309 and 309.1 of this Code as of November 4, 2008 and (2) do  
12 not concern a designated landmark site, the Planning Commission may modify a decision of the  
13 Historic Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its  
14 members, pursuant to the following:

15 (1) Any consideration by the Planning Commission of whether to modify a Certificate of  
16 Appropriateness shall take place during the noticed hearing on the related conditional use permit  
17 or Section 309 permit review.

18 (2) In its consideration as to whether to modify a Certificate of Appropriateness, the  
19 Planning Commission may consider policies set forth in the General Plan and the Priority Policies  
20 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall  
21 apply all applicable historic resources provisions of this Code, including the applicable provisions  
22 of Section 1007 of this Article, and any specific controls and standards embodied in the designating  
23 ordinance, including any design guidelines and height and bulk controls.

24 (3) Any decision of the Planning Commission to modify the Historic Preservation  
25 Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its

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1 members, and the Planning Commission's resolution shall include a statement of reasons for the  
2 modification, including identification of policies or objectives that would be promoted by a  
3 modification of the Certificate of Appropriateness, and findings as to how the Planning  
4 Commission's decision complies with all applicable historic resources provisions of this Code,  
5 including the applicable provisions of Section 1007 of this Article and any specific controls and  
6 standards embodied in the designating ordinance, including any design guidelines and height and  
7 bulk controls.

8 (4) A written report which shall include findings adopted by the Planning  
9 Commission regarding a Any proposed modification of a Certificate of Appropriateness  
10 pursuant to this Section 1008 that would expand, broaden, or enlarge or materially modify the  
11 scope of the work proposed under the Certificate of Appropriateness that was considered by  
12 the Historic Preservation Commission shall be referred provided back to the Historic  
13 Preservation Commission for consideration before the Planning Commission's action to  
14 modify the Certificate of Appropriateness becomes final within twenty (20) days of the  
15 Planning Commission's action. In all cases of referral back, the proposal shall be heard by  
16 the Historic Preservation Commission as a new proposal according to the requirements  
17 set forth in this Article, except that newspaper notice need only be given ten (10) days  
18 prior to the date of the hearing. The Historic Preservation Commission shall review the  
19 modifications within a reasonable time of referral back. In the event the Historic  
20 Preservation Commission does not review the modifications within a reasonable time, the  
21 Planning Commission may finalize its decision.

22 SEC. 1008.2. Planning Commission Review of Discretionary Review Applications

23 (a) The Planning Commission shall not conduct Discretionary Review hearings  
24 under Sections 311 or 312 of this Code for projects on sites identified in the San Francisco  
25 Register, defined in Section 1004 of this Article, that include exterior modifications subject

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1 to a Certificate of Appropriateness. For mandatory Discretionary Reviews by the Planning  
2 Commission pursuant to Section 317 or other applicable sections of the Code, if there is a  
3 Certificate of Appropriateness that must be approved or disapproved by the Historic  
4 Preservation Commission, the Planning Commission cannot modify said Certificate of  
5 Appropriateness unless the proposed project meets the provisions outlined in Section  
6 1008.1(b).

7 SEC 1008.3 Zoning Administrator's Review of Variance Applications.

8 (a) For project applications that require a Variance from the Planning Code in  
9 addition to a Certificate of Appropriateness, the Historic Preservation Commission must  
10 review and act on any Certificate of Appropriateness pursuant to Section 1007 of this  
11 Article before the Zoning Administrator may take action on the Variance application.

12 (b) The Zoning Administrator does not have the authority to modify Variance  
13 applications on sites identified in the San Francisco Register, defined in Section 1004 of  
14 this Article, that include exterior modifications subject to a Certificate of Appropriateness.  
15 Upon final action by the Historic Preservation Commission, the Zoning Administrator may  
16 consider and act upon the Variance application, provided that any final action taken by the  
17 Zoning Administrator does not result in the modification of the approved Certificate of  
18 Appropriateness.

19 SEC. 1008.42. Projects Located on Vacant Lots.

20 For projects that are located on vacant lots, the Planning Commission may modify a  
21 decision of the Historic Preservation Commission on a Certificate of Appropriateness by a two-  
22 thirds vote of its members, pursuant to the following:

23 (a) Within ten (10) days of the decision of the Historic Preservation Commission on a  
24 Certificate of Appropriateness, the Planning Commission may consider and adopt a resolution of  
25 intent to review and consider modifying the Certificate of Appropriateness.

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1 (b) The Planning Commission shall review and consider at a public meeting any  
2 proposed modification of a Certificate of Appropriateness at a public hearing to be held within  
3 forty five (45) ~~twenty (20)~~ days of the adoption of the resolution of intent. Notice of such  
4 meeting(s) shall be given not less than ~~ten (10)~~ twenty (20) days prior to the meeting date in the  
5 same manner as required for a Certificate of Appropriateness.

6 (c) In its consideration as to whether to modify a Certificate of Appropriateness, the  
7 Planning Commission may consider policies set forth in the General Plan and the Priority Policies  
8 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall  
9 apply all applicable historic resources provisions of this Code, including the applicable provisions  
10 of Section 1007 of this Article, and any specific controls and standards embodied in the designating  
11 ordinance, including any design guidelines and height and bulk controls.

12 (d) Any decision of the Planning Commission to modify a Certificate of Appropriateness  
13 shall require a two-thirds vote of its members, and the Planning Commission's resolution shall  
14 include a statement of reasons for the modification, including identification of policies or objectives  
15 that would be promoted by a modification of the Certificate of Appropriateness, and findings as to  
16 how the Planning Commission's decision complies with all applicable historic resources provisions  
17 of this Code, including those listed in (c) above.

18 (e) A written report which shall include findings adopted by the Planning  
19 Commission regarding a ~~Any proposed~~ modification of a Certificate of Appropriateness  
20 pursuant to this section that would expand, broaden, or enlarge or materially modify the  
21 scope of the work proposed under the Certificate of Appropriateness that was considered by  
22 the Historic Preservation Commission shall be provided referred back to the Historic  
23 Preservation Commission for consideration before the Planning Commission's action to  
24 modify the Certificate of Appropriateness becomes final within twenty (20) days of the  
25 Planning Commission's action. In all cases of referral back, the proposal shall be heard by

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1 the Historic Preservation Commission as a new proposal according to the requirements  
2 set forth in this Article, except that newspaper notice need only be given ten (10) days  
3 prior to the date of the hearing. The Historic Preservation Commission shall review the  
4 modifications within a reasonable period of referral back. In the event the Historic  
5 Preservation Commission does not review the modifications within a reasonable period,  
6 the Planning Commission may finalize its decision.

7 (f) If the Planning Commission takes Discretionary Review of any project upon  
8 which the Historic Preservation Commission has made a decision on a permit to alter  
9 pursuant to this Article, any decision of the Planning Commission that would, broaden,  
10 enlarge or materially modify the scope of the work proposed under the permit that was  
11 considered by the Historic Preservation Commission shall be referred back to the Historic  
12 Preservation Commission for review, which may approve, disapprove, or approve with  
13 conditions, any changes proposed by the Planning Commission. In all cases of referral  
14 back to the Historic Preservation Commission under this subsection, the proposal shall be  
15 heard by the Historic Preservation Commission as a new application according to the  
16 requirements set forth in this Article for the permit, except that newspaper notice need only  
17 be given ten (10) days prior to the date of the hearing. The Historic Preservation  
18 Commission shall review the modifications within a reasonable period of referral back. In  
19 the event the Historic Preservation Commission does not review the modifications within a  
20 reasonable period, the Planning Commission may finalize its decision.

21 (f) For the purposes of this Section, a "vacant lot" shall not include any vacant  
22 lot created by subdivision, lot line adjustment, or other divisions of a lot, parcel, or site,  
23 upon which a landmark or contributory structure is located, or any lot, parcel, or site  
24 located within a historic district at any time following the designation of such landmark or  
25 contributory structure or historic district.

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1        SEC. 1009. APPEALS.

2        SEC. 1009.1. Right of Appeal. The Historic Preservation Commission's decision on a  
3 Certificate of Appropriateness, or the Planning Commission's modification of a Historic  
4 Preservation Commission's decision on a Certificate of Appropriateness pursuant to Section 1008  
5 of this Article, shall be final unless appealed to the Board of Appeals, which may modify the  
6 decision on a Certificate of Appropriateness by a 4/5 vote; provided, however, that if the project  
7 requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional  
8 use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of  
9 Supervisors, which may modify the Historic Preservation Commission's decision on a Certificate of  
10 Appropriateness, or Planning Commission's modification of a Certificate of Appropriateness, by a  
11 majority vote. A decision appealed to the Board of Appeals shall not become effective unless and  
12 until the Board of Appeals' decision on the Certificate of Appropriateness becomes final. Any  
13 decision appealed to the Board of Supervisors shall not become effective until the Board of  
14 Supervisors' approval or action on the appeal. Nothing in this Section shall be construed to  
15 authorize the appeal of any decision of the Historic Preservation Commission under Section  
16 1007.5(d) of this Article to suspend action on a Certificate of Appropriateness application.

17        SEC. 1009.2. Appeals to the Board of Appeals.

18        (a) Any appeal under this Section to the Board of Appeals shall be taken by filing  
19 written notice of appeal with the Board of Appeals within (15) days after the date of the decision by  
20 the Historic Preservation Commission or the Planning Commission, where applicable, by the  
21 property owner or any interested party in writing to the Board of Appeals.

22        (b) Notice of any appeal to the Board of Appeals of a Certificate of Appropriateness  
23 shall, in addition to being given pursuant to the notice requirements of the Board of Appeals, be  
24 given to (1) the owners of all real property within 300-feet of the exterior boundaries of any  
25 landmark site that is the subject of the appeal, and (2) in the case of an appeal of a Certificate of

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1 Appropriateness for a project in a historic district, to all property owners within 300 feet of the  
2 exterior boundaries of the property that is the subject of the appeal, and, (3) to all other interested  
3 parties who have in writing or email to the Historic Preservation Officer requested such notices.

4 (c) Any decision of the Board of Appeals to modify a Certificate of Appropriateness  
5 shall require a 4/5 vote of its members.

6 (d) Except as otherwise provided in this subsection, the procedures and requirements  
7 governing hearings before the Board of Appeals shall apply.

8 SEC. 1009.3. Appeals to the Board of Supervisors.

9 (a) The Historic Preservation Commission's decision on a Certificate of  
10 Appropriateness, or the Planning Commission's modification of a Historic Preservation  
11 Commission's decision on a Certificate of Appropriateness pursuant to Section 1008 of this Article,  
12 are subject to appeal to the Board of Supervisors only if the projects requires Board of Supervisors  
13 approval or is appealed to the Board of Supervisors as a conditional use.

14 (b) Any appeal under this Section to the Board of Supervisors shall be taken by filing  
15 written notice of appeal with the Board of Supervisors within (15) days after the date of the  
16 decision by the Historic Preservation Commission or the Planning Commission, where applicable,  
17 by the property owner or any interested party in writing to the Clerk of the Board of Supervisors.

18 (c) Upon filing of such written notice of appeal, the Board of Supervisors or the Clerk  
19 thereof shall set a time and place for hearing such appeal, which hearing may be conducted at the  
20 same meeting that the Board of Supervisors considers the project's required approvals or the  
21 conditional use appeal, as applicable; provided that said hearing and decision must be made not  
22 more than 60 days from the date of filing of the appeal. Failure of the Board of Supervisors to act  
23 within such time limit shall be deemed to constitute approval by the Board of Supervisors of the  
24 action of the Historic Preservation Commission, or, if applicable, the Planning Commission.

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1 (d) Any decision of the Board of Supervisors to modify the Historic Preservation  
2 Commission's decision on a Certificate of Appropriateness, or Planning Commission's modification  
3 of a Certificate of Appropriateness, shall require a majority vote.

4 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

5 Where the Director of the Department of Building Inspection or Chief of the Fire Department  
6 determines that a condition on or within a landmark site or a structure or object within a historic  
7 district is unsafe or dangerous, whether caused by failure to properly maintain the structure or by a  
8 major disaster such as fire, earthquake or other calamity, by Act of God, or by the public enemy,  
9 the following provisions shall apply:

10 (a) If the unsafe or dangerous condition does not pose a serious and imminent public  
11 safety hazard, the Director of the Department of Building Inspection or Chief of the Fire  
12 Department shall attempt to determine the measures of repair or other work necessary to correct  
13 the unsafe condition in a manner consistent with the purposes and standards set forth in this  
14 Article. To the extent possible, such officials shall consult with the Historic Preservation  
15 Commission and shall consider relevant provisions of the State Historical Building Code. Where  
16 possible, temporary measures which have minimal intervention with the structure or object shall be  
17 implemented in order to allow sufficient time for proper review by the Historic Preservation  
18 Commission. ~~In the event of disagreement as to whether alteration, repair or other work~~  
19 ~~rather than demolition is the best available means to secure the public safety, the opinion~~  
20 ~~of an independent expert with experience in historic preservation shall be obtained by the~~  
21 ~~Historic Preservation Commission from a list of qualified consultants. The findings of this~~  
22 ~~expert shall be given due weight by the Director of the Department of Building Inspection~~  
23 ~~and Chief of the Fire Department when determining how to abate a hazardous condition.~~

24 (b) If the Director of the Department of Building Inspection or Chief of the Fire  
25 Department declares in writing that the condition does pose a serious and imminent public safety

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1 hazard and that alteration or demolition of the structure is the only feasible means to secure the  
2 public safety, none of the provisions of this Article shall be construed to prevent any measures of  
3 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of  
4 any structure, other feature, or part thereof; provided, however, that only such work as is  
5 absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to  
6 this Section

7 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

8 (a) Maintenance. The owner, lessee, or other person responsible for maintenance or  
9 operation of a landmark or of a structure or object in a historic district shall comply with all  
10 applicable codes, laws and regulations governing the maintenance of property. It is the intent of  
11 this section:

12 (1) To preserve designated landmarks and contributory structures or objects within  
13 historic districts, including the interior portions thereof when designated as significant interiors,  
14 from neglect and/or the negative cumulative effects of successive alterations; and

15 (2) To preserve landmarks and contributory structures or objects within historic  
16 districts, including the interior portions thereof when designated as significant interiors, against  
17 decay and deterioration and to keep them free from structural defects. Such defects may include  
18 but not be limited to the following:

19 (A) Facades, which may fall and injure the public or property;

20 (B) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor  
21 supports, deteriorated walls or other vertical structural supports;

22 (C) Members of ceilings, roofs, ceiling and roof supports, parapets, cornices or other  
23 horizontal members, which sag, split or buckle due to defective material or deterioration;

24 (D) Deteriorated ornamental features;

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1 \_\_\_\_\_(E) — Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations  
2 or floors, including broken windows or doors;

3 \_\_\_\_\_(F) — Defective or insufficient weather protection for exterior wall covering,  
4 including lack of paint or weathering due to lack of paint or other protective covering;

5 \_\_\_\_\_(E G) Any fault or defect in the resource, which renders it not properly watertight or  
6 structurally unsafe.

7 \_\_\_\_\_(b) Enforcement Procedures. Failure to maintain property as provided in a manner  
8 that complies with all applicable codes, laws and regulations governing maintenance  
9 property herein shall be unlawful and is hereby declared to be a public nuisance. Violations of  
10 this Section 1011 shall be subject to enforcement procedures as set forth in Sections 1012 and 1013  
11 of this Article, and as set forth in Sections 176 and 176.1 of this Code.

12 \_\_\_\_\_ SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

13 \_\_\_\_\_(a) In addition to any other penalties provided in this Code or elsewhere, whenever the  
14 Historic Preservation Commission, Zoning Administrator or Historic Preservation Officer  
15 determines that there has been an alteration or demolition of a landmark or any building within a  
16 historic district in violation of the provisions of this Article, the site may not be developed in excess  
17 of the floor area ratio, dwelling unit density or building volume of the altered or demolished  
18 building for a period of 20 years from the unlawful alteration or demolition. The Zoning  
19 Administrator shall send written notice to the property owner of such determination. No  
20 department shall approve or issue a permit that would authorize construction of a structure  
21 contrary to the provisions of this Section.

22 \_\_\_\_\_(b) A property owner may be relieved of the penalties provided in Subsection (a) if:

23 \_\_\_\_\_(1) As to an unlawful alteration or demolition, the owner can demonstrate to the  
24 satisfaction of the Historic Preservation Commission and the Zoning Administrator that the work

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1 alleged to be a violation did not require a Certificate of Appropriateness as provided in Section  
2 1007 of this Article; or

3 (2) As to an unlawful alteration, the owner restores the original distinguishing qualities  
4 and character of the building destroyed or altered, including exterior character-defining spaces,  
5 materials, features, finishes, exterior walls and exterior ornamentation. A property owner who  
6 wishes to effect a restoration pursuant to this Section 1012(b)(2) shall, in connection with the filing  
7 of a building or site permit application, file an application for a Certificate of Appropriateness.  
8 The Historic Preservation Commission may not approve the Certificate of Appropriateness unless it  
9 finds that the restoration can be accomplished with a substantial degree of success in accordance  
10 with the standards for issuance of a Certificate of Appropriateness set forth in this Article 10. Upon  
11 such approval, and the completion of such work in a satisfactory manner, the limitation on floor  
12 area ratio set forth in Section 1012(a) above shall not thereafter apply.

13 (c) In the event that the owner does not (1) respond to the Zoning Administrator's  
14 written notice within 30 days of the date of such notice or (2) demonstrate that no violation has  
15 occurred or (3) restore as described above, the Zoning Administrator shall cause to be filed with  
16 the Recorder of the City and County of San Francisco a Notice of Special Restriction limiting the  
17 development of the site.

18 (d) In addition to the penalties described in this Section 1012, any building owner who  
19 violates this Article 10 shall be subject to the enforcement procedures and penalties described in  
20 Section 1013 of this Article and Sections 176 and 176.1 of this Code.

21 SEC. 1013. ENFORCEMENT AND PENALTIES.

22 The provisions of this Article and any provision or condition of any certificate of appropriateness  
23 that has been obtained pursuant to this Article shall be enforced and penalties shall be assessed as  
24 provided in Sections 176 and 176.1 of this Code.

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1 (a) Authority of Historic Preservation Commission. The Historic Preservation  
2 Commission shall have the power to (1) file appeals on its own behalf to any appropriate City  
3 officials, commissions, boards, departments or agencies; and (2) initiate enforcement actions and  
4 imposition of penalties pursuant to Sections 176 and 176.1 of this Code by providing notice of any  
5 violation to the Director of the Planning Department, Director of Building Inspection, Zoning  
6 Administrator, City Attorney, District Attorney or other appropriate City officials, commissions,  
7 boards, departments or agencies who shall be required to immediately institute enforcement  
8 proceedings;

9 (b) Duty to Administer and Enforce. It shall be the duty of the Zoning Administrator  
10 ~~Director of the Planning Department~~, or the Zoning Administrator's Director's delegate, to  
11 administer and enforce the provisions of this Article 10. Upon request, the Department of Building  
12 Inspection shall assist the Zoning Administrator ~~Director of the Planning Department~~ in the  
13 performance of this duty.

14 (c) Inspection of Premises. In the performance of his duties, the Zoning Administrator  
15 ~~Director of the Planning Department~~ and employees of the Department properly authorized to  
16 represent the Zoning Administrator ~~Director of the Planning Department~~ shall have the right to  
17 enter any building or premises for the purposes of investigation and inspection upon reasonable  
18 notice to the owner; and provided further, that such right of entry shall be exercised only at  
19 reasonable hours, and that in no case shall entry be made to any building without notice to the  
20 owner or tenant thereof without the written order of a court of competent jurisdiction.

21 (d) Methods of Enforcement. In addition to the regulations of this Article 10, Article 11,  
22 other Articles of this Code and provisions of the Charter which govern enforcement procedures and  
23 the approval or disapproval of applications for building permits or other permits or licenses  
24 affecting the use of land or buildings, the Zoning Administrator ~~Director of the Planning~~  
25

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1 ~~Department~~ shall have the additional authority to implement the enforcement thereof by the  
2 following means:

3 (1) ~~The Zoning Administrator Director of the Planning Department~~ may serve  
4 notice requiring the removal of any violation of this Article 10 or Article 11 upon the owner, agent  
5 or tenant of the building or land, or upon the architect, builder, contractor or other person who  
6 commits or assists in any such violation; and

7 (2) ~~The Zoning Administrator Director of the Planning Department~~ may call upon  
8 the District Attorney to institute any necessary legal proceedings to enforce the provisions of this  
9 Article 10 or Article 11, and the District Attorney is hereby authorized to institute appropriate  
10 actions to that end.

11 (e) Penalties. Any person, firm or corporation violating any of the provisions of this  
12 Article 10 or Article 11 shall be deemed guilty of a misdemeanor and upon conviction thereof shall  
13 be fined in an amount not exceeding \$1,000.00 or be imprisoned for a period not exceeding six  
14 months or be both so fined and imprisoned. Each day such a violation is committed or permitted to  
15 continue shall constitute a separate offense and shall be punishable as such hereunder.

16 (f) Injunctive Relief. The City Attorney may maintain an action for injunctive relief to  
17 cause, where possible, the complete or partial restoration or reconstruction of any building altered  
18 or demolished in violation of this Article 10 or Article 11, or an abatement action to cause the  
19 correction or removal of any violation of this Article 10 or Article 11.

20 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

21 SEC. 1014.1 City-Owned Historic Resources.

22 (a) All officials, boards, commissions, agencies and departments of the City shall  
23 cooperate with the Historic Preservation Commission in carrying out the spirit and intent of this  
24 Article.

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1 (b) Except as otherwise provided in this Article, Certificates of Appropriateness under  
2 the provisions of Section 1007 of this Article are required for all projects affecting historic  
3 resources listed on the San Francisco Register which are owned, leased, or otherwise under the  
4 jurisdiction or control of any City board, commission, agency or department, the agency, even if the  
5 project is not subject to the permit review procedures of the City, provided that this requirement  
6 shall not supersede, impair or modify provisions of the City Charter or laws governing the State of  
7 California and the United States of America. All governmental bodies shall work cooperatively  
8 with the Historic Preservation Commission to assure the appropriate treatment of historic  
9 resources.

10 (c) City officials, boards, commissions, agencies and departments shall cooperate with  
11 the Historic Preservation Commission in surveying and preparing architectural and historic  
12 inventories and surveys of their properties.

13 SEC. 1014.2. Historic Resources Owned by Other Public Agencies.

14 The Historic Preservation Officer shall take appropriate steps to notify all other public agencies  
15 which own, lease, may acquire, or have within their jurisdiction properties listed on the San  
16 Francisco Register, about the existence and character of the historic resource and shall cause a  
17 current record of such historic resources to be provided to each such public agency. In the case of  
18 a proposed project affecting any historic resource listed on the San Francisco Register which is not  
19 subject to the permit review procedures of the City or to the requirements to obtain a Certificate of  
20 Appropriateness under this Article, the Historic Preservation Commission shall provide such  
21 advice, consultation and assistance to the public agency as it may deem necessary or appropriate  
22 based on the purposes and standards of this Article.

23 SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES

24 SEC. 1015.1. Comprehensive Survey Program Established.

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1 An ongoing program to comprehensively survey all historic resources within the boundaries of the  
2 City, including, without limitation, all historic resources owned by the City and other local, state or  
3 federal entities, is hereby established in the Planning Department under the direction of the  
4 Historic Preservation Commission.

5 SEC. 1015.2. Implementation of Comprehensive Survey Program.

6 To implement and carry out the comprehensive survey program, the Historic Preservation Officer  
7 shall have the following duties and responsibilities:

8 (a) The Historic Preservation Officer shall develop and implement a comprehensive  
9 plan for conducting historic resource surveys on a citywide basis, including without limitation the  
10 adoption of context statements. The plan shall be subject to review and approval by the Historic  
11 Preservation Commission.

12 (b) To further the implementation of the comprehensive survey program, the Historic  
13 Preservation Officer will work with interns and volunteers, and with nonprofit organizations that  
14 have access to private funding for the purpose of conducting historic resource surveys.

15 (c) All surveys shall be conducted in conformance with state survey standards and  
16 procedures established by the State Office of Historic Preservation, using the criteria for  
17 landmarks, historic districts and contributing resources set forth in Section 1005.1 of this Article.

18 (d) The Historic Preservation Officer shall work with the Environmental Review  
19 Officer on ~~oversee and manage~~ all historic resource surveys required to be conducted by the  
20 City in connection with the environmental review of projects, plans or studies, including without  
21 limitation historic resource surveys performed in conjunction with the environmental review of  
22 projects pursuant to the California Environmental Quality Act<sup>7</sup>. The Historic Preservation  
23 Officer shall oversee and manage any historic resource surveys required pursuant to the  
24 National Environmental Protection Act and Section 106 of the National Historic Preservation Act<sup>2</sup>,  
25 as well as any surveys performed in connection with general plan elements, area plans, community

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1 plans, rezoning plans or proposals Redevelopment Area plans and studies, and any other land use  
2 plans or studies within the boundaries of the City or may assist in conducting any other historic  
3 resource surveys. ~~The Environmental Review Officer shall be required to conduct all~~  
4 ~~historic resource surveys and studies by and through the Historic Preservation Officer.~~ All  
5 such survey activities shall be an integral part of the comprehensive survey program established by  
6 this Section.

7 (e) The Historic Preservation Officer shall present the results of all surveys to the  
8 Historic Preservation Commission for review at a public hearing pursuant to procedures adopted  
9 by the Historic Preservation Commission for this purpose, at the conclusion of which the Historic  
10 Preservation Commission shall adopt, adopt with modifications or disapprove the survey results.  
11 The decision of the Historic Preservation Commission shall be final.

12 (f) Following the adoption of a survey, the Historic Preservation Officer shall include  
13 the survey results on the San Francisco Inventory of Historic Resources established pursuant to  
14 Section 1015 of this Article and shall make the results of the survey available for use in the  
15 planning processes of City officials, departments, agencies and commissions, and other local, state  
16 and federal agencies as to their activities within the jurisdiction of the City.

17 (g) The Historic Preservation Officer shall forward all survey results to the State Office  
18 of Historic Preservation for integration into the statewide comprehensive historic preservation  
19 planning process including the State Historic Resources Database.

20 (h) All historic resource surveys that have been recognized, accepted or adopted by the  
21 Board of Supervisors; identified as having historic status in the General Plan; endorsed by the  
22 Planning Commission; or prepared by the Planning Department with funding through a federal  
23 grant administered by the State Office of Historic Preservation as of the date of enactment of this  
24 Article are and for all purposes shall be considered to be adopted historic resource surveys and  
25

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1 included on the San Francisco Inventory of Historic Resources pursuant to Section 10151016 of  
2 this Article.

3 SEC. 1016. SAN FRANCISCO INVENTORY OF HISTORIC RESOURCES.

4 SEC. 1016.1. San Francisco Inventory Established.

5 (a) The Historic Preservation Commission shall maintain a list or compilation of  
6 identified historic resources that have been identified as worthy of preservation that but have  
7 not been designated pursuant to the provisions of this Article, as landmarks or contributing  
8 resources or are not situated in designated historic districts pursuant to the provisions of  
9 this Article. Such list or compilation shall be known as the San Francisco Inventory of Historic  
10 Resources (hereinafter referred to as the "San Francisco Inventory").

11 (b) The San Francisco Inventory shall include, but not by limitation, all individual  
12 resources and districts, and contributing resources located in such districts, that, as of the effective  
13 date of this Article or at anytime thereafter, are: (1) listed individually or included in a district  
14 listed on the National Register of Historic Places or the California Register of Historical  
15 Resources; (2) included in surveys approved, adopted or endorsed by the Historic Preservation  
16 Commission; (3) identified as having historic status in the General Plan; (4) designated as  
17 California State Landmarks or Points of Historic Interest; (5) listed in the California Resources  
18 Inventory System (CHRISD) Database maintained by the State Office of Historic Preservation  
19 as being eligible for listing in, or that appear eligible for listing in the National Register of Historic  
20 Places or the California Register of Historic Resources; (6) designated as Structures of Merit as of  
21 the effective date of this Article; (7) identified as having architectural, cultural, or historic  
22 significance in historic resource surveys, including without limitation, those conducted by San  
23 Francisco Architectural Heritage, which surveys that the City has approved, adopted or  
24 endorsed; (8) identified as "AS" in the 1976 Architectural Survey; (9) identified as architecturally,  
25 culturally, or historically significant in surveys conducted in connection with environmental review

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1 pursuant to the California Environmental Quality Act, the National Environmental Policy Act or  
2 Section 106 of the National Historic Preservation Act, where the City or the Historic Preservation  
3 Commission has ~~approved~~, adopted or endorsed such survey or where the subject environmental  
4 review document is approved and certified by the city in connection with project approval; and (10)  
5 otherwise identified by the Historic Preservation Commission, Planning Commission or Board of  
6 Supervisors as having significance to the architectural or cultural history of San Francisco.

7 (c) The Historic Preservation Officer may remove a site or structure from the  
8 Inventory if a written determination is issued finding that the site or structure is has lost its  
9 integrity through inappropriate additions and modifications. This written determination will  
10 be provided to the Historic Preservation Commission.

11 (e) Any changes to or deletions from the Inventory shall be subject to prior review  
12 by the Historic Preservation Commission.

13 SEC. ~~1016.2~~ 1015.2. Maintenance and Use of San Francisco Inventory.

14 (a) The Historic Preservation Officer shall ~~may~~ take appropriate steps to maintain and  
15 regularly update the San Francisco Inventory and to make it available for public review and use.

16 (b) The Historic Preservation Officer shall insure that the San Francisco Inventory, as it  
17 is amended from time to time, is incorporated into the records and electronic database of the  
18 Planning and Building Departments.

19 (c) The Historic Preservation Officer shall deliver a copy of the San Francisco  
20 Inventory, as it is amended from time to time, to the Clerk of the Board of Supervisors and to all of  
21 the City officials and departments listed in Section 1004(f) of this Article.

22 (d) The San Francisco Inventory is intended to be used as a planning tool to be taken  
23 into consideration by the City departments, agencies and commissions in making decisions as to  
24 projects and plans that may impact historic preservation. and the Historic Preservation

25 Commission may develop and implement guidelines and procedures for appropriate

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1 review of projects that would alter or demolish properties included on the San Francisco  
2 Inventory.

3 SEC. 1017. PRESERVATION INCENTIVES.

4 The Historic Preservation Commission shall develop and implement incentives for  
5 preservation of historic resources, which may include, but not by limitation, the following:

6 (a) Developing and implementing a program to encourage the use of ~~require the~~  
7 ~~Department of Building Inspection to use~~ the State Historical Building Code for all eligible  
8 projects, including but not by limitation, for projects involving properties listed on the San  
9 Francisco Register or San Francisco Inventory;

10 (b) Promoting the use and implementation of Mills Act property-tax relief program  
11 (California Government Code Section 50280 et seq.) for owners of historic properties;

12 (c) Investigating the use by the City of the Marks Historical Rehabilitation Act for  
13 issuance of tax-exempt industrial development bonds;

14 (d) Promoting of the use of the federal historic rehabilitation tax credit program;

15 (e) Investigating and recommending additional historic preservation incentives,  
16 including without limitation, economic and tax incentives, acquisition of development rights,  
17 transfer of development rights, preservation easements, fee adjustments and negotiated agreements;

18 (f) Conferring recognition upon the owners of landmarks or the owners of sites,  
19 structures and objects within historic districts, and recognize and honor other historic preservation  
20 efforts in other areas of the City of San Francisco by means of certificates, plaques, markers,  
21 signage and awards;

22 (g) Exploring the use of available federal, State, local or private funding sources and  
23 mechanisms to promote and support historic preservation;

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1 (h) Developing and recommending to the Mayor, Board of Supervisors, Planning  
2 Commission and other boards and commissions, a program of incentives for preservation of  
3 historic resources.

4 SEC. 1018. RELATIONSHIP TO ARTICLE 11.

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

8 SEC. 1019. SEVERABILITY.

9 If any section, subsection, subdivision, sentence, clause or phrase of this Article is for any  
10 reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,  
11 such decision shall not affect the validity of the remaining portions of this Article 10 or any part  
12 thereof. The Board of Supervisors hereby declares that it would have passed this ordinance and  
13 adopted this Article and each section, subsection, subdivision, sentence, clause or phrase thereof,  
14 irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses  
15 or phrases be declared invalid or unconstitutional.

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1 Section 4. The San Francisco Planning Code is hereby amended by rescinding  
2 Article 11 in its entirety.

3 Section 5. The San Francisco Planning Code is hereby amended to add new  
4 Article 11, to read as follows:

5 ARTICLE 11 – HISTORIC PRESERVATION IN C-3 ZONING DISTRICTS  
6 PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL,  
7 HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS  
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10 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

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- 6     1112.1     Applications for a Permit to Demolish.  
7     1112.2     Consideration by the Historic Preservation Commission.  
8     1112.3     Decision by the Historic Preservation Commission.  
9     1112.4     Standards and Requirements for Review of Applications to Demolish.

10    SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION DISTRICTS.

- 11    1113.1     Standards for Review of New and Replacement Structures.

12    SEC. 1114. ~~PLANNING COMMISSION'S RIGHT TO MODIFY A DECISION OF THE~~  
13    ~~HISTORIC PRESERVATION COMMISSION.~~

- 14    1114.1.     Projects Requiring Multiple Approvals.  
15    1114.2.     Planning Commission Review of Discretionary Review Applications.  
16    1114.3     Zoning Administrator's Review of Variance Applications.  
17    1114.4     Projects Located on Vacant Lots.

18    SEC. 1115. APPEALS.

- 19    1115.1.     Right of Appeal.  
20    1115.2.     Appeals to the Board of Appeals.  
21    1115.3.     Appeals to the Board of Supervisors.

22    SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

23    SEC. 1117. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

24    SEC. 1118. UNLAWFUL ALTERATION OR DEMOLITION.

25    SEC. 1119. ENFORCEMENT AND PENALTIES.

26    SEC. 1020. RELATIONSHIP TO ARTICLE 10.

27    SEC. 1121. NOTICE OF AMENDMENT.

28    SEC. 1122. NOTICE PROCEDURE.

29    SEC. 1123. TIME PROVISIONS.

30    SEC. 1024. SEVERABILITY.

31    PLANNING DEPARTMENT'S PROPOSED MODIFICATIONS 4-7-09

32    SUPERVISOR PESKIN  
33    BOARD OF SUPERVISORS

1  
2 SEC. 1101. FINDINGS AND PURPOSES.

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

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

19 \_\_\_\_\_(c)—— It is therefore declared that the protection, enhancement, and perpetuation of  
20 buildings and definable subareas of special architectural, historical, and aesthetic interest  
21 is necessary to promote the health, safety, prosperity and welfare of the people of the City.  
22 Accordingly, the purposes of this Article are:

23  
24  
25 **PLANNING DEPARTMENT'S PROPOSED MODIFICATIONS 4-7-09**

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

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

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

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

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

20       ~~—— (e) — It is further found that the provisions of this Article 11 implement the~~  
21 ~~provisions of the voter approved Charter Amendment creating a Historic Preservation~~  
22 ~~Commission and establishing its powers and duties.~~

23       (a) A substantial number of the buildings in the C-3 District have a special  
24 architectural, historical, and aesthetic value. These buildings contribute substantially to

25       **PLANNING DEPARTMENT'S PROPOSED MODIFICATIONS 4-7-09**

1 San Francisco's reputation throughout the United States as a City of outstanding beauty  
2 and physical harmony;

3 (b) Encourage and promote the adaptive reuse of the City's historic resources;

4 (c) Conserve resources that provide continuity with San Francisco's past;

5 (d) Implement the historic preservation goals, policies, and programs of the  
6 General Plan, specifically the Downtown Element, and the eight General Plan priority  
7 policies set forth in Section 101.1 of the Planning Code in balance with the overall goals of  
8 the General Plan;

9 (e) Preserve notable landmarks and areas of historic, architectural, or aesthetic  
10 value, and promote the preservation of other buildings and features that provide continuity  
11 with past development;

12 (f) Use care in the remodeling of significant older buildings to enhance rather  
13 than weaken their original character;

14 (g) Design new buildings to respect the character of older development nearby;

15 (h) Celebrate and preserve significant reminders of the 1906 Earthquake and  
16 Fire;

17 (i) Promote the identification, documentation, and evaluation of the significance  
18 of individual historic resources and conservation districts;

19 (j) Promote public awareness of the value of rehabilitation, restoration, and  
20 maintenance of the existing building stock as a means to conserve reusable material and  
21 energy resources;

22 (k) Recognize the City's historic resources as economic assets;

23 **PLANNING DEPARTMENT'S PROPOSED MODIFICATIONS 4-7-09**

24 SUPERVISOR PESKIN  
25 BOARD OF SUPERVISORS

1           (l) Stabilize and improve property values, and enhance the aesthetic and visual  
2 character and environmental amenities of the City's historic properties and areas;

3           (m) The use of Transferable Development Rights as provided herein is  
4 necessary to promote the urban planning and design goals of the General Plan by (1)  
5 maintaining appropriate overall development capacities in each zoning district within the C-  
6 3 area, as defined by applicable floor area, height, bulk and other parameters; (2)  
7 encouraging and directing development into the Special Development District in order to  
8 maintain a compact downtown financial district; and (3) requiring the retention of  
9 Significant Buildings, providing incentives for the retention of Contributory Buildings, and  
10 encouraging the compatible replacement or alteration of Unrated buildings in Conservation  
11 Districts, as defined herein; and

12           (n) It is further found that the provisions of this Article 11 implement the  
13 provisions of the voter approved Charter Amendment creating a Historic Preservation  
14 Commission and establishing its powers and duties.

15           SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

16           The buildings in the C-3 Districts are divided into five categories according to the Building Rating  
17 methodology as set forth and explained in the Preserving the Past section of the Downtown Plan, a  
18 component of the General Plan. Those categories are as follows:

19           (a) Significant Buildings - Category I. Buildings which:

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

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

22           (3) Are rated Excellent in Architectural Design or are rated Very Good in both  
23 Architectural Design and Relationship to the Environment.

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

25           **PLANNING DEPARTMENT'S PROPOSED MODIFICATIONS 4-7-09**

- 1 (1) Which meet the standards in Section 1102(a) above; and
- 2 (2) Are located on deep interior lots with non-architecturally treated side and rear
- 3 walls; and
- 4 (3) To which, because of their depth and relationship to other structures, more
- 5 substantial alteration of the back of these buildings can be accommodated, without affecting their
- 6 architectural quality or the appearance of the retained portions from their ability to function as
- 7 separate structures. Such alterations could be a rear addition to the building, a new, taller
- 8 structure at the rear of the building, or replacement of the rear of the building with a new taller
- 9 structure, even if such alterations are visible when viewing the principal facades, provided that
- 10 such alteration could be done without affecting the architectural quality of the building or its
- 11 relationship to the environment and without affecting the appearance of the retained portions as a
- 12 separate structure when viewing the principal facades. The addition or new construction would be
- 13 required to meet the standards and criteria for new construction in Conservation Districts as set
- 14 forth in Section 1113 of this Article. The designation of Category II Buildings shall identify for
- 15 each building the portion of the building beyond which such additions may be permitted.
- 16 (c) Contributory Buildings - Category III. Buildings which:
- 17 (1) Are located outside a designated Conservation District; and
- 18 (2) Are at least 40 years old; and
- 19 (3) Are judged to be Buildings of Individual Importance; and
- 20 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in
- 21 Relationship to the Environment.
- 22 (d) Contributory Buildings - Category IV. Buildings which:
- 23 (1) Are located in a designated Conservation District; and
- 24 (2) Are at least 40 years old;
- 25

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BOARD OF SUPERVISORS

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

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

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

7 SEC. 1102.1. Designation of Buildings.

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

9 (a) Significant Buildings - Category I. The buildings listed in Appendix A to Article 11  
10 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
11 Significant Buildings - Category I.

12 (b) Significant Buildings - Category II. The buildings listed in Appendix B to Article 11  
13 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
14 Significant Buildings - Category II.

15 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to Article  
16 11 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
17 Contributory Buildings - Category III. Once any Transfer Development Rights have been  
18 transferred from a Contributory Building, that building is subject to the same restrictions on  
19 demolition and alteration as a Significant Building. These restrictions may not be removed  
20 by the transfer of TDR back to the building.

21 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to Article  
22 11 included in the San Francisco Planning Code as of January 6, 2009 are hereby designated as  
23 Contributory Buildings - Category IV. Once any Transfer Development Rights have been  
24 transferred from a Contributory Building, that building is subject to the same restrictions on  
25

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1 demolition and alteration as a Significant Building. These restrictions may not be removed  
2 by the transfer of TDR back to the building.

3 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise  
4 designated in this Section are hereby designated as Unrated - Category V. Once a Category V  
5 building has been deemed Compatible by the Historic Preservation Commission, the  
6 buildings is subject to the same restrictions on demolition and alteration as a Significant  
7 Building. These restrictions may not be removed by the transfer of TDR back to the  
8 building.

9 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.  
10 Portions of the C-3 District may be designated as Conservation Districts if they contain substantial  
11 concentrations of buildings that together create geographic areas of special architectural and  
12 aesthetic importance. In theses areas, buildings of a somewhat lesser quality than those required to  
13 be retained take on an increased importance since they help create a setting that reinforces and  
14 compliments the qualities of the more significant structures, and their own attributes are more  
15 apparent and appreciated. Such areas shall contain substantial concentrations of Significant and  
16 Contributory Buildings and possess substantial overall architectural, aesthetic or historic qualities  
17 justifying additional controls in order to protect and promote those qualities and to facilitate  
18 preservation of the quality and character of the area as a whole.

19 SEC. 1103.1. Conservation District Designations.  
20 The following Conservation Districts are hereby designated for the reasons indicated in the  
21 appropriate Appendix:

22 (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as set  
23 forth in Appendix E to Planning Code Article 11 included in the San Francisco Planning Code as of  
24 January 6, 2009.

1 (b) The New Montgomery-Second Street Conservation District is hereby designated as  
2 set forth in Appendix F to Planning Code Article 11 included in the San Francisco Planning Code  
3 as of January 6, 2009.

4 (c) The Commercial-Leidesdorff Conservation District is hereby designated as set forth  
5 in Appendix G to Planning Code Article 11 included in the San Francisco Planning Code as of  
6 January 6, 2009.

7 (d) The Front-California Conservation District is hereby designated as set forth in  
8 Appendix H to Planning Code Article 11 included in the San Francisco Planning Code as of  
9 January 6, 2009.

10 (e) The Kearny-Belden Conservation District is hereby designated as set forth in  
11 Appendix I to Planning Code Article 11 included in the San Francisco Planning Code as of January  
12 6, 2009.

13 (f) The Pine-Sansome Conservation District is hereby designated as set forth in  
14 Appendix J to Planning Code Article 11 included in the San Francisco Planning Code as of  
15 January 6, 2009.

16 SEC. 1104. INCLUSION ON THE SAN FRANCISCO REGISTER.

17 (a) In accordance with the provisions of Planning Code Section 1004, all buildings that  
18 are rated Significant and Contributory buildings and individual properties within Conservation  
19 Districts designated as of the date of enactment of this Article, including all designating  
20 ordinances and related Appendices, are hereby included on the San Francisco Register and  
21 shall be subject to all restrictions and conditions applicable to such designated resources under this  
22 Article 11.

23 (b) The Historic Preservation Officer shall insure that the requirements set forth in  
24 Planning Code Section 1004 have been met as to designated Significant and Contributory buildings  
25 and properties within Conservation Districts, including, without limitation, the requirement that all

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1 designated Significant and Contributory buildings and properties within Conservation Districts  
2 shall be incorporated into the records and electronic database of the Planning and Building  
3 Departments, that notices of such designations have been properly recorded in the official property  
4 records in the office of the County recorder, and that such resources are included on the San  
5 Francisco Register published on the Planning Department's web site. The Central Permit Bureau  
6 shall maintain a current record of such Buildings and Conservation Districts.

7 SEC. 1105. CONFORMITY AND PERMITS.

8 The following requirements are intended to ensure conformity between existing City permit  
9 processes and the provisions of this Article:

10 (a) No person shall carry out or cause to be carried out on any historic resource, which  
11 is listed on or has been nominated for listing on the San Francisco Register as a Significant or  
12 Contributory Building or building located within a Conservation District, any alteration,  
13 construction, relocation, removal or demolition of any structure, appurtenance, object or feature,  
14 except in conformity with the provisions of this Article. Except where explicitly so stated, nothing  
15 in this Article shall be construed as relieving any person from other applicable permit  
16 requirements. In addition, no work shall take place unless all other applicable laws and  
17 regulations have been complied with, and any required permits have been issued for said work.

18 (b) Upon receipt of any application for a building permit, demolition permit, site permit,  
19 alteration permit, or any other permit that may affect any historic resource that is listed on or has  
20 been nominated for listing on the San Francisco Register as a Significant or Contributory Building  
21 or a building within a Conservation District, the Central Permit Bureau shall promptly forward the  
22 application to the Historic Preservation Officer and shall not issue any permit unless the Historic  
23 Preservation Officer has determined, in accordance with this Article and any rules and regulations  
24 issued by the Historic Preservation Commission, that such application is exempt from the  
25 provisions of this Article or that the permit application conforms with the decision action of the

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1 Historic Preservation Commission on such application. If review by the Historic Preservation  
2 Commission is required and has not been obtained, or if, in the judgment of the Historic  
3 Preservation Officer, the permit application is not in strict conformance with the decision of the  
4 Historic Preservation Commission, no action shall be taken to grant or deny the permit application  
5 until such time as conformity does exist. The Historic Preservation Commission shall resolve any  
6 question as to conformity of a permit application with its decision on the project that is the subject  
7 of the permit application. The approval of any project or the issuance or amendment of any permit  
8 by the Central Permit Bureau that is inconsistent with any provision of this Article, or with any  
9 provision or condition of the decision action of the Historic Preservation Commission pursuant to  
10 this Article, is invalid and shall be revoked or rescinded by the Zoning Administrator or the  
11 Director of the Department of Building Inspection.

12 (c) The Department of Building Inspection shall not give final approval or a certificate  
13 of final completion on any building permit for work on a Significant or Contributory Building or a  
14 building within a Conservation District unless and until the Historic Preservation Officer has  
15 determined in writing that the work has been completed in accordance with the terms and  
16 conditions of the approval action by the Historic Preservation Commission. The Historic  
17 Preservation Commission shall resolve any questions as to conformity of work with the terms and  
18 conditions of its approval action. Any final approval or a certificate of final completion on such  
19 work without a determination that the work has been completed in conformity with the  
20 Commission's approval action shall be invalid and shall be revoked or rescinded by the Zoning  
21 Administrator or the Director of the Department of Building Inspection in conformance the  
22 provisions in Article 1.7 of this Code.

23 (d) No abatement proceedings or enforcement proceedings shall be undertaken by any  
24 department, agency, board or commission of the City for any Significant or Contributory Building  
25 or building located within a Conservation District that is listed on the San Francisco Register or

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1 has been nominated for listing on the San Francisco Register without prior notification of and  
2 consultation with the Historic Preservation Commission where feasible. Such proceedings shall  
3 comply with the provisions of this Article where feasible.

4 SEC. 1106. PROCEDURES FOR DESIGNATION OF ADDITIONAL BUILDINGS OR  
5 CHANGE OF DESIGNATION.

6 Buildings may be designated or their designation may be changed through amendment of  
7 Appendices A, B, C and D of this Article. The Historic Preservation Commission shall have the  
8 authority to recommend approval, disapproval, or modification of all Significant or Contributory  
9 building designations to the Board of Supervisors pursuant to this Article 11. Such designation or  
10 change of designation shall be governed by the following provisions in lieu of the provisions of  
11 Section 302:

12 (a) Initiation of Designation or Change in Designation. The designation or change of  
13 designation of a building may be initiated by motion of the Board of Supervisors; ~~or initiated by~~  
14 ~~motion of the Historic Preservation Commission;~~ by resolution of the Planning Commission;  
15 upon the verified application of the owner or authorized agent of the affected property;  
16 upon the application of any organization or group which has historic preservation stated as one of its goals  
17 in its bylaws or articles of incorporation;  
18 or upon the application of at least 50 registered voters of  
19 the City. Except in the case of initiation by governmental bodies, any such application shall be filed  
20 with the Historic Preservation Officer upon forms prescribed by the Historic Preservation  
21 Commission, and shall be accompanied by all data required by the Historic Preservation  
22 Commission.

23 (b) Notice; Review by the Historic Preservation Officer; Referral to the Historic  
24 Preservation Commission. Upon determination by the Historic Preservation Officer that a verified  
25 application is complete and contains all necessary information or upon receipt of the motion or  
resolution of one of the governmental bodies set forth in Subsection (a) above, the Historic

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1 Preservation Officer shall (1) send notice of the proposed designation or change of designation by  
2 mail to the owner of the affected property, unless the application is that of the owner, and to any  
3 other interested person or organization requesting such notices, (2) notify the Central Permit  
4 Bureau of the proposed designation, (3) promptly undertake a study of the proposed designation or  
5 change of designation and prepare a report and recommendation to the Historic Preservation  
6 Commission; and (4) schedule a public hearing before the Historic Preservation Commission on  
7 the matter. Notwithstanding the foregoing, if an individual, organization, or other interested  
8 party has consented to receipt of notice by electronic mail, such notice shall satisfy the  
9 requirements of this section and mailed notice shall not be required.

10 (c) Action by the Historic Preservation Commission. At the public hearing scheduled on  
11 the matter, the Historic Preservation Commission shall consider and determine the appropriate  
12 designation or change in designation of the building without referral to or recommendation of the  
13 Planning Commission. If the Historic Preservation Commission recommends that the designation  
14 or change of designation be approved or modified in whole or in part, it shall transmit the  
15 proposal, together with a copy of its resolution recommending approval, to the Clerk of the Board  
16 of Supervisors. Decisions of the Historic Preservation Commission to disapprove the proposed  
17 designation or change of designation shall be final unless appealed to the Board of Supervisors  
18 pursuant to Subsection 1106(e) below.

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

23 (e) Appeal to Board of Supervisors.

24 (1) Notice of Appeal. If the Historic Preservation Commission disapproves the  
25 proposed designation or change of designation, such action shall be final except upon the filing of a

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1 notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons,  
2 organizations or groups listed in Section 1106(a); provided, however, that if the proposal was  
3 initiated by the Board of Supervisors, the Clerk of the ~~said~~ Board shall be notified immediately of  
4 the disapproval without the necessity for an appeal.

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

10 (f) Notice of Proceedings. Notice of the hearings scheduled before the Historic  
11 Preservation Commission and Board of Supervisors pursuant to this Section 1106, and of the  
12 availability of applicable reports, shall be given by mail to the initiators of the designation or  
13 change of designation, to the owners of any affected building, to appellants, and to any other  
14 interested person or organization requesting such notices. Notice of the hearing before the Historic  
15 Preservation Commission shall contain a general explanation of the proposed designation or  
16 change of designation and the grounds for the proposal as provided in 1106(g) of this Article. Not  
17 withstanding the foregoing, if an individual, organization, or other interested party has  
18 consented to receipt of notice by electronic mail, such notice shall satisfy the requirements  
19 of this section and mailed notice shall not be required.

20 (g) Grounds for Designation or Change of Designation. The designation of a building may be  
21 changed if (1) changes in the area in the vicinity of a building located outside a Conservation  
22 District warrant a change in the rating of the building with respect to its relationship to the  
23 environment and therefore place it in a different category, pursuant to Section 1102; or (2) changes  
24 in Conservation District boundaries make a building of Contextual Importance fall outside a  
25 Conservation District and therefore no longer eligible for designation as a Contributory building.

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1 or, conversely, make a building of Contextual Importance fall within a Conservation District and  
2 therefore eligible for designation as a Contributory Building; or (3) changes in the physical  
3 features of the building due to circumstances beyond the control of the owner, or otherwise  
4 permitted by this Article, warrant placing the building in a different category pursuant to the  
5 standards set forth in Section 1102; or (4) restoration of the building to its original quality and  
6 character warrants placing the building in a different category pursuant to the standards set forth  
7 in Section 1102; or (5) by the passage of time, the building has become at least 40 years old,  
8 making it eligible to be considered for designation as a Significant or Contributory building,  
9 pursuant to Section 1102; or (6) A property from our recent past or less than 40 years of age  
10 that is of exceptional significance is eligible for classification as a Building I-IV depending  
11 on its location within or outside the boundaries of a designated Conservation District  
12 provided that it possesses a high level of integrity and it meets at least one of the following  
13 criteria in lieu of the Standards for definition criteria for the designation of building listed  
14 above: (1) It is associated with events that have made a significant contribution to the  
15 social patterns of the 20<sup>th</sup> century; or (2) It is associated with an architect of significant or  
16 influential merit; or (3) It embodies innovative modern technology to solve structural,  
17 programmatic, or aesthetic challenges; or (4) It possesses high artistic or aesthetic values  
18 that exhibits exemplary composition, proportion, scale, material, and detail; or (5)It  
19 possesses referential values that generates influence on subsequent architects; (7 6) the  
20 discovery of new factual information (for example, information about the history of the building)  
21 makes the building eligible for rating as a Building of Individual or Contextual Importance and,  
22 therefore, eligible to be designated as a Significant or Contributory Building.

23 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION  
24 DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

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1 A Conservation District may be designated or its boundary changed through amendment of  
2 Section 1103.1 of this Article 11. The Historic Preservation Commission shall have the authority to  
3 recommend approval, disapproval, or modification of all Conservation District designations or  
4 boundary changes to the Board of Supervisors pursuant to this Article 11. Such designation or  
5 boundary change shall be governed by the following provisions in lieu of the provisions of Section  
6 302:

7 (a) Initiation of Designation or Boundary Change. The designation of an area of the C-3  
8 District as a Conservation District or the change of District boundaries may be initiated by motion  
9 of the Board of Supervisors; by resolution of the Planning Commission or the Historic  
10 Preservation Commission; upon the verified application of the owners or other authorized agents  
11 of greater than 25 percent of the structures in the area proposed for designation (or, as to an  
12 alteration-boundary extension, 25 percent of the structures of the proposed new district unless it  
13 would be an area smaller than the existing district, in which case it shall be 25 percent of the  
14 structures of the existing district); upon the verified application of any organization or group  
15 which has historic preservation stated as one of its goals in its bylaws or articles of incorporation;  
16 or upon the verified application of at least 150 registered voters of the City. Except in case of an  
17 initiation by governmental bodies, any such application shall be filed with the Historic Preservation  
18 Officer upon forms prescribed by the Historic Preservation Commission, and shall be accompanied  
19 by all data required by the Historic Preservation Commission.

20 (b) Notice; Review by the Historic Preservation Officer; Referral to the Historic  
21 Preservation Commission. Notice, review by the Historic Preservation Officer and referral to the  
22 Historic Preservation Commission shall be as provided in Section 1106(b) of this Article.

23 (c) Action by the Historic Preservation Commission. Action by the Historic  
24 Preservation Commission shall be as set forth in Section 1106(c) of this Article, except that the  
25 Planning Commission shall have an opportunity to review and comment on the proposed

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1 designation or boundary change as set forth in Section 1107(d) of this Article. Decisions of the  
2 Historic Preservation Commission to disapprove the proposed designation or boundary change of a  
3 Conservation District shall be final unless appealed to the Board of Supervisors pursuant to  
4 Subsection 1007(f) below.

5 (d) Planning Commission Review and Comment on Conservation Districts. In the case  
6 of a proposed designation or boundary change of a Conservation District, the Historic  
7 Preservation Officer shall also send a copy of the notice of hearing to the Secretary of the Planning  
8 Commission. The Planning Commission may review the proposed designation or boundary change  
9 of the Conservation District, and may forward its comments to the Historic Preservation  
10 Commission for consideration during the Historic Preservation Commission's public hearing.  
11 Failure of the Planning Commission to provide comments prior to the hearing shall not prevent the  
12 Historic Preservation Commission from acting on the proposed designation or boundary change,  
13 provided that any comments received from the Planning Commission within 45 days of the hearing  
14 notice shall be forwarded to the Board of Supervisors together with the Historic Preservation  
15 Commission's recommendation. The Planning Commission may waive its right to comment on the  
16 proposed designation or boundary change of the Conservation District, and its failure to do so  
17 within said 45-day period shall constitute a waiver.

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

22 (f) Appeal to Board of Supervisors.

23 (1) Notice of Appeal. If the Historic Preservation Commission disapproves the  
24 proposed designation or boundary change, such action shall be final except upon the filing of a  
25 notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the persons,

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1 organizations, or groups listed in Section 1107(a); provided, however, that if the proposal was  
2 initiated by the Board of Supervisors, the Clerk of the ~~said Board~~ shall be notified immediately of  
3 the disapproval without the necessity for an appeal.

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

9 (g) Notice of Proceedings. Notice of the hearings scheduled before the Historic  
10 Preservation Commission and Board of Supervisors pursuant to this Section 1007, and of the  
11 availability of applicable reports, shall be given by mail to the initiators of the designation or  
12 alteration, to the owners of all lots within the proposed new district and within 300 feet of the  
13 proposed new district or of that portion of the district being altered, as well as to interested  
14 individuals or organizations who have in writing or email to the Historic Preservation Officer  
15 requested such notices. Notice of the hearing scheduled before the Historic Preservation  
16 Commission shall also be given to the Secretary of the Planning Commission. Notice of the hearing  
17 before the Historic Preservation Commission shall contain a general explanation of the proposed  
18 designation or change of District boundaries and the grounds for the proposal based on the  
19 applicable standards provided in 1107(h) of this Article. Notwithstanding the foregoing, if an  
20 individual, organization, or other interested party has consented to receipt of notice by  
21 electronic mail, such notice shall satisfy the requirements of this section and mailed notice  
22 shall not be required.

23 (h) Standards Applicable to Designation or Boundary Change. The standards governing  
24 the designation and change of District boundaries are those set forth in Section 1103 of this Article.

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

3 SEC. 1108. NOTICE OF DESIGNATION.

4 When a building has been designated Significant or Contributory or its designation is  
5 changed pursuant to Section 1106, or when a new Conservation District is established or the  
6 boundary of a Conservation District changed pursuant to Section 1107, the Historic Preservation  
7 Officer shall notify each affected property owner by mail and shall cause a copy of the ordinance,  
8 or notice thereof, to be recorded in the official property records in the office of the County  
9 Recorder. In addition, as provided in Planning Code Section 1004, the Historic Preservation  
10 Officer shall insure that: (a) the Planning Code is promptly updated; (b) the change is incorporated  
11 into the records and electronic database of the Planning and Building Departments; (c) the change  
12 is made to the San Francisco Register published on the Planning Department's web site; and (d)  
13 the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or  
14 deletions to City officials and departments. The Central Permit Bureau shall maintain a current  
15 record of all such Buildings and Conservation Districts.

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

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

22 (a) Significant Buildings. Lots on which are located buildings designated as Significant  
23 Buildings - Category I or Category II - are eligible to transfer the difference between the allowable  
24 gross floor area permitted on the lot by Section 124 of this Code and the gross floor area of the  
25 development on the lot, if all the requirements for transfer set forth in Section 128 are met. Lots on

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

3 (b) Contributory Buildings. Lots on which are located buildings designated as  
4 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference  
5 between the allowable gross floor area permitted on the lot by Section 124 of the Code and the  
6 gross floor area of the development on the lot, if all the requirements for transfer set forth in  
7 Section 128 are met. Alteration or demolition of such a building in violation of Section 1110 or  
8 Section 1112, or alterations made without a permit issued pursuant to Sections 1111 through  
9 1111.5, eliminates eligibility for the transfer of TDR; provided, however, that such eligibility may  
10 nonetheless be retained or acquired again if, pursuant to Section 1118(b), the property owner  
11 demonstrates as to any alteration that it was not major, or if the property owner restores the  
12 demolished or altered building. Once any TDR have been transferred from a Contributory Building,  
13 the building is subject to the same restrictions on demolition and alteration as a Significant  
14 Building. These restrictions may not be removed by the transfer of TDR back to the building.

15 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in the  
16 Appendix establishing a Conservation District, lots located in such a District on which are located  
17 Category V Buildings (designated as neither Significant nor Contributory) are eligible to transfer  
18 the difference between the allowable gross floor area permitted on the lot under Section 124 of the  
19 Code and the gross floor area of the development on the lot, if all the requirements for transfer set  
20 forth in Section 128 are met; provided, however, that a lot is eligible as a Preservation Lot  
21 pursuant to this Section only if (1) the exterior of the building is substantially altered so as to make  
22 it compatible with the scale and character of the Significant and Contributory Buildings in the  
23 district, including those features described in Sections 6 and 7 of the Appendix to Article 11  
24 describing the relevant district, and has thus been determined to be a "Compatible Rehabilitation"  
25 by the Historic Preservation Commission, pursuant to Section 1111.3 of this Article, and the

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1 building meets or has been reinforced to meet the standards for seismic loads and forces of the  
2 1975 Building Code or (2) the building on the lot is new, having replaced a Category V Building,  
3 and has received approval as a Compatible Replacement Building by the Historic Preservation  
4 Commission, pursuant to Section 1113 of this Article.

5 (d) TDR Documentation Provided to Historic Preservation Commission. The Zoning  
6 Administrator shall provide copies of all documentation filed or issued pursuant to the provisions of  
7 Section 128 of this Code to the Historic Preservation Officer within 5 days of their filing or  
8 issuance; which documents shall include, without limitation, applications for a Statement of  
9 Eligibility, proposed and final Statements of Eligibility or written determinations that no TDR are  
10 available for transfer, Notices of Revocation or Suspension of Eligibility, Notices of Cancellation of  
11 Eligibility, Notices of Restrictions, Certificates of Transfer, written certifications that the owner of  
12 the Development Lot owns TDR, Notices of Use of TDR, and Cancellations of Notice of Use of  
13 TDR. All transfers of development rights and other activities under Section 128 of this Code shall  
14 be promptly reported to the Historic Preservation Commission at a public meeting and a complete  
15 and current database of all TDR in C-3 Districts shall be maintained and published by the Zoning  
16 Administrator on the Planning Department web site.

17 SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS  
18 OR BUILDINGS IN CONSERVATION DISTRICTS.

19 With respect to a designated Significant or Contributory Building or any building in a Conservation  
20 District, no person shall carry out or cause to be carried out any alteration to the exterior of a  
21 building for which a permit is required pursuant to the Building Code unless the permit is approved  
22 pursuant to the provisions of Sections 1111 through 1111.5 of this Article. The Historic  
23 Preservation Commission shall have the authority to approve, disapprove, or modify all  
24 applications for permits to alter designated Significant or Contributory Buildings or buildings  
25 within Conservation Districts under this Article, subject to appeal as provided in this Article 11.

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1        SEC. 1111.    APPLICATIONS FOR PERMITS TO ALTER.

2        (a)        Referral. All applications for permits to undertake any alteration of a building  
3 designated Significant or Contributory or a building in any Conservation District shall be referred  
4 to the Historic Preservation Officer by the Central Permit Bureau within five (5) days of receipt.

5        (b)        Required Filing. All permit applications to undertake any alteration of a building  
6 designated Significant or Contributory or a building in any Conservation District shall be filed with  
7 the Historic Preservation Officer by the owners of the property or their authorized agents, together  
8 with the required fee.

9        (c)        Content of Applications. The content of applications for permits to alter such  
10 buildings shall be in accordance with the policies, rules and regulations adopted by the Historic  
11 Preservation Commission. All such applications shall be upon forms prescribed for such purpose,  
12 and shall contain or be accompanied by all information required to assure the presentation of  
13 pertinent facts for proper consideration of the application and for the permanent record. The  
14 application shall be accompanied by plans and specifications consistent with the requirements set  
15 forth in Section 1007.2(b) of Article 10. The applicant will also be required to file with his/her  
16 application the information needed for the preparation and mailing of notices as required in  
17 Section 1111.2(a) of this Article.

18        (d)        Applications for Category V Buildings. An applicant for a major alteration permit  
19 for a Category V Building in any of the Conservation Districts which provides for such eligibility  
20 may request on the application a determination that if the proposed alteration is completed as  
21 approved, the building will be deemed a Compatible Rehabilitation under Section 1109(c) so that  
22 the lot on which the building is located becomes eligible as a Preservation Lot for the transfer of  
23 TDR.

24  
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1 (e) Verification. Each application filed by or on behalf of one or more property owners  
2 shall be verified by signature of at least one such owner or his/her authorized agent attesting to the  
3 truth and correctness, under penalty of perjury, of all facts, statements and information presented.

4 (f) Review of Applications.

5 (1) An application for a permit to alter shall first be reviewed by the Historic  
6 Preservation Officer who shall determine whether or not the application is complete and accurate.

7 (2) Once the application has been determined to be complete and accurate, the Historic  
8 Preservation Officer shall review and evaluate the project for consistency with the standards for  
9 review of applications set forth in Section 1111.5 and shall determine whether the proposed  
10 alteration constitutes a Major Alteration or Minor Alteration pursuant to Section 1111.1 of this  
11 Article.

12 (3) As to those individual permits falling within the categories of alterations deemed to  
13 be minor alterations, the Historic Preservation Commission may delegate to the Historic  
14 Preservation Officer the authority to approve an Administrative Permit to Alter pursuant to Section  
15 1111.4 of this Article without referral to the Historic Preservation Commission. Otherwise, the  
16 application shall be referred to the Historic Preservation Commission for consideration and  
17 decision pursuant to Sections 1111.2 and 1111.3 of this Article.

18 SEC. 1111.1. Determination of Major or Minor Alteration.

19 (a) The Historic Preservation Commission shall have the authority to determine if a  
20 proposed alteration is a Major Alteration or a Minor Alteration and may promulgate rules and  
21 regulations to further define categories of Major Alterations and Minor Alterations consistent with  
22 the definitions set forth below.

23 (1) An alteration is considered Major if any of the following apply:

24 (i) The alteration will substantially change, obscure or destroy exterior character-  
25 defining spaces, materials, features or finishes; or

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

3 (iii) The alteration results in the addition of height to the building; or

4 (iv) Storefront alterations that extend beyond the piers and lintels of the  
5 storefront or the ground floor openings, which could include cladding materials, excessive  
6 signage, and removal or obscuring of character-defining features; alteration would affect  
7 the ground-floor frontage of the building; or

8 (v) The alteration is to comply with the UMB Seismic Retrofit Ordinances if it is visible  
9 from the exterior of a structure, unless it meets all the criteria set forth in Subsection (2)(iii) below;  
10 or

11 (vi) The alteration constitutes a major alteration pursuant to Planning Code Section  
12 1007.1(b)(1).

13 (2) An alteration is considered Minor if:

14 (i) The criteria set forth in Subsection (a) above do not apply; or

15 (ii) Storefront Alterations may be considered a minor alteration provided that  
16 said alterations meet the following requirements: (1) the Historic Preservation Officer  
17 determines that the alterations are compatible with the character-defining features of the  
18 building and the conservation district as identified in the corresponding Appendix; and (2)  
19 the alterations are confined within the piers & lintels at the ground-floor level; or

20 (iii) The installation or modification of signage and awnings may be determined to  
21 be a minor alteration provided that the alterations conform to the signage and awning  
22 guidelines pursuant to Appendix K of this Article; or

23 (iv) The work consists only of ordinary maintenance and repairs, which shall be defined as  
24 work that does not include any change in the design, materials or outer appearance of a structure,  
25 the sole purpose and effect of which is to correct minor deterioration, decay or damage; or

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1 (v iii) The sole purpose and effect of the alteration is to comply with the UMB Seismic  
2 Retrofit Ordinances; provided that such work it is not visible from the exterior of a structure, that  
3 the criteria set forth in Subsection (a) do not apply, and that such work does not constitute a  
4 demolition pursuant to Planning Code Section 1007.1(a).

5 (3) An alteration shall not be considered a Minor Alteration if the proposed alteration,  
6 in combination with all other alterations that have occurred to the resource over time would  
7 constitute a Major Alteration.

8 (b) Within 10 days after referral by the Central Permit Bureau, the Historic Preservation  
9 Officer shall (i) determine in writing if the proposed alteration is a Major Alteration or a Minor  
10 Alteration, and (ii) mail a copy of such determination to the applicant and any individuals or  
11 organizations who have in writing or email to the Historic Preservation Officer requested notice of such  
12 determinations. Notwithstanding the foregoing, if an individual, organization, or other interested  
13 party has consented to receipt of notice by electronic mail, such notice shall satisfy the  
14 requirements of this section and mailed notice shall not be required.

15 (c) Permits determined by the Historic Preservation Officer to be Minor Alterations may  
16 be approved administratively by the Historic Preservation Officer pursuant Section 1111.4 of this  
17 Article if such authority has been delegated by the Historic Preservation Commission to the  
18 Historic Preservation Officer. Absent such delegation, Minor Alterations shall be referred to the  
19 Historic Preservation Commission for consideration and decision pursuant to this Article.

20 SEC. 1111.2. Consideration of Major Alterations by the Historic Preservation  
21 Commission.

22 Upon a determination that the proposed alteration is a Major Alteration, the application  
23 shall be referred to the Historic Preservation Commission for consideration and decision pursuant  
24 to the following procedures:

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1 (a) Scheduling and Notice of Hearing. The Historic Preservation Commission shall  
2 hold a public hearing on the proposed alteration within forty-five days (45) after the application  
3 has been determined complete. Notice of the time, place and purpose of the hearing shall be given  
4 not less than ten (10) days prior to the date of the hearing as follows:

5 (1) By mail to the applicant.

6 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries  
7 of the building that is the subject of the application, using for this purpose the names and addresses  
8 of the owners as shown on the latest equalized assessment roll in the office of the Tax Collector.  
9 Failure to send notice by mail to any such property owner where the address of such owner is not  
10 shown on such assessment roll shall not invalidate any proceedings in connection with such action.

11 (3) By mail to all other interested parties who have in writing or email to the Historic  
12 Preservation Officer requested such notices.

13 (4) By posting notice on the project site that is the subject of the application, ~~or in a~~  
14 location adjacent to the project site.

15 (5) Such other notice as the Historic Preservation Commission may deem appropriate.

16 Notwithstanding the foregoing, if an individual, organization, or other interested party has  
17 consented to receipt of notice by electronic mail, such notice shall satisfy the requirements  
18 of this section and mailed notice shall not be required.

19 (6) The notice shall include a photo of the existing resource, ~~a brief description of its~~  
20 historic significance, detail plans of any proposed alterations or additions to the existing resource,  
21 and all other items required under Section 311(c)(5) of this Code.

22 (b) Report and Recommendation. The Historic Preservation Officer shall make all  
23 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
24 and shall prepare a written report containing (1) the results of the review and evaluation with

25 ~~written recommendations, (2) including the results of the environmental review of the proposed~~

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1 project under CEQA or NEPA, including, ~~without limitation,~~ any environmental impact report,  
2 negative declaration or determination that the project is exempt from environmental review, (3)  
3 together with ~~proposed findings and a motion~~ on the merits of the proposed project; ~~and~~ (4)  
4 any other material that may be necessary for the Historic Preservation Commission to  
5 make it's determination. The Historic Preservation Officer's recommendation of the  
6 proposed project ~~The recommendation~~ may be to approve, approve with conditions, or  
7 disapprove the application, and, where applicable, the application for a determination that the  
8 building is a Compatible Rehabilitation. The report, together with the complete application for the  
9 proposed alteration, shall be submitted to the Historic Preservation Commission at least five (5)  
10 days prior to the date set for hearing. The applicant and any other person who so requests shall be  
11 supplied with a copy of the report and recommendations of the Historic Preservation Officer.

12 (c) Category V Buildings. Applications for permits to alter any Category V building in a  
13 Conservation District which alteration is determined to be major shall be governed by the  
14 standards of Section 1111.5(f), and where applicable, the Historic Preservation Commission  
15 shall find that the project qualifies or fails to qualify as a compatible rehabilitation.

16 (d) Record. A record shall be kept of the pertinent information presented at the hearing,  
17 and such record shall be maintained as a part of the public records of the Historic Preservation  
18 Commission in the Planning Department.

19 (e) Continuations. The Historic Preservation Commission shall determine the instances  
20 in which the alteration permit application scheduled for hearing may be continued or taken under  
21 advisement. The Historic Preservation Commission may also continue a hearing on an application  
22 pending completion of adequate and complete environmental review of the proposed project. In  
23 such cases, new notice need not be given of the further hearing date, provided such date is  
24 announced at the scheduled hearing.

25 SEC. 1111.3. Decision by the Historic Preservation Commission.

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1 (a) The Historic Preservation Commission may approve, approve with conditions,  
2 disapprove or modify an application for a permit to alter a designated Significant or Contributory  
3 building or a building within a Conservation District, and where applicable, a determination that  
4 the building is a Compatible Rehabilitation. The Historic Preservation Commission's decision  
5 shall state the findings of fact relied upon in reaching the decision, which findings of fact shall  
6 become a material part of the final decision on the permit to alter. If the Historic Preservation  
7 Commission disapproves the application for the permit to alter, it shall recommend disapproval to  
8 the Central Permit Bureau, which shall deny the application.

9 (b) In all cases where the Historic Preservation Commission has made a decision to require  
10 modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ ~~thirty (30)~~ days of the  
11 decision by the Historic Preservation Commission, a revised application containing all modifications  
12 prior to a final action of the Historic Preservation Commission. In such cases the hearing may be  
13 continued until the revised application has been submitted. A new notice need not be given of the further  
14 hearing date, provided such date is announced at the scheduled hearing; provided, however, that if the  
15 applicant does not revise the application within said ~~45~~ ~~30~~-day period or if the revised application is  
16 determined to be inconsistent with the Historic Preservation Commission's decision, the Historic  
17 Preservation Commission may disapprove the Certificate of Appropriateness or schedule a new hearing  
18 to consider the application. Failure to submit a revised application containing all modifications  
19 required by the Historic Preservation Commission within ~~forty-five (45)~~ ~~thirty (30)~~ days of the decision  
20 shall be deemed to constitute disapproval of the application.

21 (c) The decision of the Historic Preservation Commission, in approving, approving with  
22 conditions, disapproving or modifying an application, shall be final except upon the valid modification  
23 of the Historic Preservation Commission's decision on the permit application by the Planning  
24 Commission as provided in Section 1114 of this Article, or upon the filing of a valid appeal to the Board  
25 of Appeals or Board of Supervisors as provided in Section 1115 of this Article.

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1 (d) The Historic Preservation Commission’s determination that a building qualifies or  
2 fails to qualify as a Compatible Rehabilitation is a final administrative decision.

3 (e) Time Limit for Exercise. The decision on the permit application to alter a  
4 designated Significant or Contributory building or building within a Conservation District  
5 pursuant to this Article shall be valid for a period of three (3) years from the date it becomes final,  
6 after which time it shall be null and void if all permits have not been issued by the City to allow the  
7 project to proceed to completion in compliance with the decision on the permit application.

8 (f) Reconsideration. When an application for a permit to alter a designated Significant  
9 or Contributory building or building within a Conservation District has been disapproved by the  
10 Historic Preservation Commission, no application, the same or substantially the same as that which  
11 was disapproved, shall be resubmitted to or reconsidered by the Historic Preservation Commission  
12 for a period of one year from the final action upon the earlier application.

13 SEC. 1111.4. Administrative Approval of Permit to Alter.

14 If the Historic Preservation Officer has determined that a proposed activity constitutes a Minor  
15 Alteration pursuant to the criteria set forth in Section 1111.1 of this Article, the Historic  
16 Preservation Officer may issue an Administrative Permit to Alter which shall be subject to the  
17 following procedures:

18 (a) Within ten (10) days after the date the Historic Preservation Officer has issued an  
19 Administrative Permit to Alter, “an Administrative Permit to Alter, the applicant and any  
20 individuals or organizations that have requested in writing to be notified of such determinations  
21 shall be notified in writing of the determination.

22 (b) The Administrative Permit to Alter shall be placed on an “Administrative List”  
23 to be included in the agenda for the next Historic Preservation Commission hearing. The  
24 Administrative Permit to Alter shall be placed on the consent calendar for the next meeting  
25 of the Historic Preservation Commission to be held at least ten (10) days following the date

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1 ~~of the written notification required by subsection (i) above. Except as provided in subsection~~  
2 ~~(d) below, the notice and hearing requirements provided in Section 1112.3 of this Article shall not~~  
3 ~~be required.~~

4 ~~(c) At the next regularly-scheduled hearing, any~~ ~~At or prior to the scheduled~~  
5 ~~meeting of the Historic Preservation Commission, any member of the public, Historic~~  
6 ~~Preservation Commissioner may request that the Administrative Permit to Alter be~~  
7 ~~removed from the Administrative List and be scheduled~~ ~~may object in writing to the~~  
8 ~~issuance of the Administrative Permit to Alter and request that the Historic Preservation~~  
9 ~~Commission schedule the proposed activity for a public hearing, in which event, the Historic~~  
10 ~~Preservation Commission shall consider the proposed project pursuant to the~~  
11 ~~requirements of Section 1111.2 and 111.3 of this Article, except that newspaper notice~~  
12 ~~need only be given ten (10) days prior to the date of the hearing.~~

13 ~~(d) At the scheduled meeting, any member of the Historic Preservation~~  
14 ~~Commission or any member of the public may request that the proposed activity be~~  
15 ~~removed from the consent calendar and scheduled for public hearing at a future meeting,~~  
16 ~~in which event, the Historic Preservation Commission shall consider the proposed activity~~  
17 ~~pursuant to the requirements of Section 1102.3 of this Article.~~

18 ~~(d v) If the proposed project is not removed from the Administrative List, the~~  
19 ~~Administrative Permit to Alter proposed activity is not removed from the consent calendar,~~  
20 ~~the Administrative Permit to Alter shall become final and shall be treated as a Certificate of~~  
21 ~~Appropriateness for all purposes of this Article.~~

22 ~~SEC. 1111.5. Standards and Requirements for Review of Applications for Alterations.~~

23 ~~The Historic Preservation Commission, Board of Appeals, the City Planning Commission,~~  
24 ~~the Director of Planning Director, and the Board of Supervisors shall be governed by the following~~

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1 standards in the review of applications for major alteration permits. In all such proceedings, the  
2 applicant has the burden of establishing that the standards and have been met.

3 (a) General Standards.

4 (1) The proposed alteration shall be consistent with and appropriate for the effectuation  
5 of the purposes of this Article.

6 (2) The proposed work shall comply with any specific controls and standards  
7 embodied in the designating ordinance. For work within Conservation Districts, proposed  
8 work shall comply with any specific controls and standards embodied in Sections 6 and 7  
9 of the corresponding Appendices.

10 (3 2) Secretary of the Interior's Standards for the Treatment of Historic Properties.

11 The Secretary of the Interior's Standards for the Treatment of Historic Properties

12 Rehabilitation (codified in Code of Federal Regulations Volume 36 Section 67 as may be amended  
13 from time to time) shall be used by the Historic Preservation Commission in its review of  
14 applications for major alteration permits and permits for additions and new construction.

15 ~~Additional treatment methods for the preservation, reconstruction and restoration of~~  
16 ~~cultural resources listed in the Secretary of the Interior's Standards for the Treatment of~~  
17 ~~Historic Properties shall also be used by the Historic Preservation Commission in its~~  
18 ~~review of permit applications.~~

19 (4 3) In the event of any conflict between the Secretary's Standards and any other  
20 standards and controls set forth in this Section 1111.5 or contained in the designating ordinance or  
21 Appendix which describes a Conservation District in which a building is located, the more  
22 protective standards shall control.

23 (b) For Significant Buildings - Categories I and II, and for Contributory Buildings -  
24 Categories III and IV, proposed alterations shall be consistent with the architectural character  
25 of the building shall not adversely affect any significant historical or architectural feature of

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1 ~~the building~~ and shall meet the following standards which are based in part on the Secretary of the  
2 Interior's Standards for Rehabilitation and are contained in the Preserving the Past section of the  
3 Downtown Plan, a component of the General Plan:

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

8 (2) The integrity of distinctive stylistic features or examples of skilled craftsmanship that  
9 characterize a building shall be preserved; and

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

18 (5 4) Contemporary design of alterations may be permitted, provided that such alterations  
19 do not destroy significant exterior architectural material and that such design is compatible with  
20 the size, scale, color, material and character of the building and its surroundings. Greater latitude  
21 may be given for alteration of the ground-floor frontage necessary to adapt the space for ground  
22 floor uses.

23 (c) In the case of Significant Buildings - Category I, any additions to height of the  
24 building (including addition of mechanical equipment, elevator penthouses and other rooftop  
25 features) shall be limited to one story above the height of the existing roof, provided that the

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1 standards set forth in this Section 1111.5 shall be met, including, without limitation, the Secretary  
2 of the Interior's Standards for new additions, exterior alterations, and adjacent or related new  
3 construction, and provided that the addition shall not be visible when viewing the principal facades  
4 and shall in no event cover more than 75 percent of the roof area.

5 (d) In the case of Significant Buildings - Category II, additions to height of the building  
6 (including addition of mechanical equipment, elevator penthouses and other rooftop features) may  
7 be permitted at the rear of the building on that portion of the lot not restricted in Appendix B even if  
8 such structure or addition will be visible when viewing the principal facades, provided that such  
9 addition or new construction can be done without affecting the architectural quality of the building  
10 or its relationship to the environment or the appearance of the retained portion as a separate  
11 structure when viewing the principal facades, and provided that the standards set forth in this  
12 Section 1111.5 shall be met, including, without limitation, the Secretary of the Interior's Standards  
13 for new additions, exterior alterations, and adjacent or related new construction.

14 (e) Standards for Review of Major Alterations in Conservation Districts. For all  
15 applications pertaining to buildings located within Conservation Districts, including, without  
16 limitation, additions to Significant Buildings pursuant to (c) and (d) above, the proposed work shall  
17 comply with all standards and guidelines set forth in Sections 6 and 7 of the Appendix which  
18 describes the District in addition to the applicable standards and controls set forth in this Section  
19 1111.5; provided that, in the event of any conflict between the standards and controls set forth in  
20 this Section 1111.5 and those contained in the Appendix which describes the District, the more  
21 protective standards shall control.

22 (f) Within Conservation Districts, all major exterior alterations to Category V Buildings  
23 shall be found by the Historic Preservation Commission to be compatible in scale and design  
24 with the District as set forth in Sections 6 and 7 of the Appendix, which describes the District.

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1 (g) Applications for permits to alter any Category V Building in a Conservation District,  
2 which are subject to review pursuant to Section 309 of this Code, shall only be approved pursuant  
3 to Section 309 if they meet the standards set forth in this Section 1111.5 and if the application for  
4 the proposed alteration has been reviewed by the Historic Preservation Commission pursuant to  
5 this Article.

6 Sec. 1111.6. Permits for Signs.

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

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

12 (c) Apart from and in addition to any grounds for approval or disapproval of the  
13 application under Article 6, an application involving a permit for a business sign, identifying sign,  
14 or nameplate to be located on a Significant or Contributory Building or any building in a  
15 Conservation District may be disapproved, or approved subject to conditions if the proposed  
16 location, materials, means of illumination or method or replacement of attachment would adversely  
17 affect the special architectural, historical or aesthetic significance of the building or the  
18 Conservation District. No application shall be denied on the basis of the content of the sign.

19 (d) The Historic Preservation Commission may adopt guidelines for appropriate  
20 signage to be located on Significant or Contributory Buildings or on buildings located in  
21 Conservation Districts and may thereafter delegate to the Historic Preservation Officer the  
22 authority to administratively approve or disapprove applications for sign permits pursuant to  
23 Section 1111.4 of this Article without referral to the Historic Preservation Commission. Otherwise,  
24 such applications for sign permits shall be referred to the Historic Preservation Commission for  
25 consideration and decision pursuant to the provisions of this Article.

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1        SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS  
2 AND BUILDINGS IN CONSERVATION DISTRICTS.

3        No person shall demolish or cause to be demolished all or any part of a Significant or  
4 Contributory Building or any building in a Conservation District without obtaining a demolition or  
5 alteration permit pursuant to the provisions of this Article. The Historic Preservation Commission  
6 shall have the authority to approve, disapprove, or modify all applications for permits to demolish  
7 designated Significant or Contributory Buildings or buildings within Conservation Districts under  
8 this Article. Applications for permits to demolish Category V Buildings located outside a  
9 Conservation District may be processed without reference to this Article. For all purposes of this  
10 Article, demolition shall be as defined in Section 1007.1(a) of Article 10 of this Code.

11        SEC. 1112.1. Applications for a Permit To Demolish.

12        (a) Referral. Applications for a permit to demolish any Significant or Contributory  
13 Building or a building in any Conservation District shall be referred to the Historic Preservation  
14 Officer by the Central Permit Bureau within five (5) days of receipt.

15        (b) Required Filing. All permit applications to demolish any Significant or Contributory  
16 Building or a building in any Conservation District shall be filed with the Historic Preservation  
17 Officer by the owners of the property or their authorized agents, together with the required fee.

18        (~~b~~-c) Content of Applications. The content of applications to demolish any Significant or  
19 Contributory Building or a building in any Conservation District shall be in accordance with the  
20 policies, rules and regulations adopted by the Historic Preservation Commission. The applications  
21 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all  
22 information required to assure the presentation of pertinent facts for proper consideration of the  
23 application and for the permanent record. The application shall be accompanied by photographs  
24 and detail plans and specifications showing the existing exterior architectural appearance and  
25 features, including but not limited to texture of materials, architectural design and detail of the

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1 structure, and showing the site in the context of its surroundings. In addition, all applications to  
2 demolish any Significant or Contributory Building or a building in any Conservation District shall  
3 contain the following information:

4 (1) For all properties: (i) the amount paid for the property; (ii) the date of purchase  
5 and the party from whom purchased; (iii) the cost of any improvements since purchase by the  
6 applicant and date incurred; (iv) the assessed value of the land, and the assessed value of the  
7 improvements thereon, according to the most recent assessments; (v) real estate taxes for the  
8 previous two years; (vi) annual debt service, if any, for the previous two years; (vii) all appraisals  
9 obtained within the previous five years by the owner or applicant in connection with his or her  
10 purchase, financing or ownership of the property; (viii) any listing of the property for sale or rent,  
11 price asked and offers received, if any; and (ix) any consideration by the owner for profitable and  
12 adaptive uses for the property, including renovation studies, plans, and bids, if any; and

13 (2) For income producing property: (i) annual gross income from the property for the  
14 previous four years; (ii) itemized operating and maintenance expenses for the previous four years;  
15 and (iii) annual cash flow for the previous four years; and

16 (3) Applications for demolition shall also contain a description of any Transferable  
17 Development Rights (“TDR”) ~~any TDR’s or the right to such rights~~ which have been transferred  
18 from the property, a statement of the quantity of such ~~rights~~ TDR’s and untransferred rights  
19 remaining, the ~~purchase~~ amount received for rights transferred from the property, the transferee,  
20 and a copy of each document effecting a transfer of such rights. Properties which are or may be  
21 eligible for the transfer of TDR from the property shall contain a description of the rights available  
22 for transfer, the quantity of such rights and the current estimated value of such rights.

23 (4) For all proposed demolitions within Conservation Districts, detail plans for the  
24 proposed new construction shall be required, including but not limited to, (1) architectural  
25 plans, elevations, sections, detail drawings, and specifications for the new construction

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1 showing the proposed exterior architectural appearance and features and materials; (2)  
2 photograph montages and drawings showing the proposed new structure and site in the  
3 context of its surroundings; and (3) any other information that may be requested by the  
4 Historic Preservation Commission or the Historic Preservation Officer.

5 (5) The applicant shall also be required to file with his/her application the information  
6 needed for the preparation and mailing of notices as required in Section 1111.2(a) of this Article.

7 (c) Verification. Each application filed by or on behalf of one or more property owners  
8 shall be verified by signature of at least one such owner or his/her authorized agent attesting to the  
9 truth and correctness, under penalty of perjury, of all facts, statements and information presented.

10 (d) Review of Applications.

11 (1) An application for a permit to demolish any Significant or Contributory Building or  
12 a building in any Conservation District shall first be reviewed by the Historic Preservation Officer  
13 who shall determine whether or not the application is complete and accurate. Incomplete or  
14 inaccurate applications shall be returned to the applicant.

15 (2) Once the application has been determined to be complete and accurate, the Historic  
16 Preservation Officer shall determine the designation of the building and whether any TDR have  
17 been transferred from the lots of such buildings, and shall review and evaluate the project for  
18 consistency with the standards for review of demolition applications set forth in Section 1112.4 of  
19 this Article.

20 SEC. 1112.2. Consideration by the Historic Preservation Commission.

21 The Historic Preservation Commission shall hold a public hearing on applications to demolish a  
22 Significant or Contributory Building or building in any Conservation District pursuant to the  
23 following procedures:

24 (a) Scheduling and Notice of Hearing. The Historic Preservation Commission shall  
25 hold a public hearing on the proposed demolition within forty-five days (45) after the application

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1 has been determined complete and accurate. Notice of the time, place and purpose of the hearing  
2 shall be given not less than ten (10) days prior to the date of the hearing as follows:

3 (1) By mail to the applicant.

4 (2) By mail to the owners of all real property within 300 feet of the exterior boundaries  
5 the site of the building that is the subject of the application, using for this purpose the names and  
6 addresses of the owners as shown on the latest equalized assessment roll in the office of the Tax  
7 Collector. Failure to send notice by mail to any such property owner where the address of such  
8 owner is not shown on such assessment roll shall not invalidate any proceedings in connection with  
9 such action.

10 (3) By mail to all other interested parties who have in writing or email to the Historic  
11 Preservation Officer requested such notices.

12 (4) By posting notice on the project site that is the subject of the application, or in a  
13 location adjacent to the project site.

14 (5) Such other notice as the Historic Preservation Commission shall deem appropriate.

15 Notwithstanding the foregoing, if an individual, organization, or other interested party has  
16 consented to receipt of notice by electronic mail, such notice shall satisfy the requirements  
17 of this section and mailed notice shall not be required.

18 (6) The notice shall include a photo of the existing resource, a description of its historic  
19 significance, detail plans for new construction proposed for the site, and all other items required  
20 under Section 311(c)(5) of this Code.

21 (b) Report and Recommendation. The Historic Preservation Officer shall make all  
22 necessary investigations and studies prior to the hearing of the Historic Preservation Commission  
23 and shall prepare a written report containing (1) the results of the review and evaluation with  
24 written recommendations, (2) including, without limitation, accurate and complete information on  
25 TDR in relation to the project site, (3) and the results of the environmental review of the proposed

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1 project under CEQA or NEPA, including, ~~without limitation,~~ any environmental impact report,  
2 negative declaration or determination that the project is exempt from environmental review.(4)  
3 together with proposed findings and a motion on the merits of the proposed project. And (5)  
4 any other material that may be necessary for the Historic Preservation Commission to  
5 make its determination. The recommendation may be to approve, approve with conditions,  
6 disapprove or modify the application. The report, together with the complete application for the  
7 proposed demolition and proposed new construction, shall be submitted to the Historic  
8 Preservation Commission at least five (5) days prior to the date set for hearing. The applicant and  
9 any other person who so requests shall be supplied with a copy of the report and recommendations  
10 of the Historic Preservation Officer.

11 (c) Record. A record shall be kept of the pertinent information presented at the hearing,  
12 and such record shall be maintained as a part of the permanent public records of the Historic  
13 Preservation Commission in the Planning Department.

14 (d) Continuations. The Historic Preservation Commission shall determine the instances  
15 in which the demolition permit application scheduled for hearing may be continued or taken under  
16 advisement. The Historic Preservation Commission may also continue a hearing on an application  
17 pending accurate and complete information on TDR in relation to the project site or pending  
18 completion of adequate and complete environmental review of the proposed project. In such cases,  
19 new notice need not be given of the further hearing date, provided such date is announced at the  
20 scheduled hearing.

21 SEC. 1112.3. Decision by the Historic Preservation Commission.

22 (a) The Historic Preservation Commission may approve, approve with conditions,  
23 disapprove or modify an application for a permit to demolish a designated Significant or  
24 Contributory building or a building within a Conservation District. The Historic Preservation  
25 Commission's decision shall be in writing and shall state the findings of fact relied upon in

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1 reaching the decision, which findings of fact shall become a material part of the final decision on  
2 the permit to demolish. If the Historic Preservation Commission disapproves the application for  
3 the permit to demolish, it shall recommend disapproval to the Central Permit Bureau, which shall  
4 deny the application.

5 (b) In all cases where the Historic Preservation Commission has made a decision to  
6 require modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ thirty  
7 (30) days of the decision by the Historic Preservation Commission, a revised application  
8 containing all modifications prior to a final action of the Historic Preservation Commission. In  
9 such cases the hearing may be continued until the revised application has been submitted. A new  
10 notice need not be given of the further hearing date, provided such date is announced at the  
11 scheduled hearing; provided, however, that if the applicant does not revise the application within  
12 said 30-day period or if the revised application is determined to be inconsistent with the Historic  
13 Preservation Commission's decision, the Historic Preservation Commission may disapprove the  
14 Certificate of Appropriateness or schedule a new hearing to consider the application. Failure to  
15 submit a revised application containing all modifications required by the Historic Preservation  
16 Commission within ~~forty-five (45)~~ thirty (30) calendar days of the decision shall be deemed to  
17 constitute disapproval of the application.

18 (c) The decision of the Historic Preservation Commission, in approving, approving with  
19 conditions, disapproving or modifying an application, shall be final except upon the valid  
20 modification of the Historic Preservation Commission's decision on the permit application by the  
21 Planning Commission as provided in Section 1114 of this Article or upon the filing of a valid  
22 appeal to the Board of Appeals or Board of Supervisors as provided in Section 1115 of this Article.

23 (d) Time Limit for Exercise. The decision on the application for a permit to demolish a  
24 designated Significant or Contributory building or building within a Conservation District  
25 pursuant to this Article shall be valid for a period of three (3) years from the date it becomes final,

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1 after which time it shall be null and void if all permits have not been issued by the City to allow the  
2 project to proceed to completion in compliance with the approved application.

3 (e) Reconsideration. When an application for a permit to demolish a designated  
4 Significant or Contributory building or building within a Conservation District has been  
5 disapproved by the Historic Preservation Commission, no application, the same or substantially the  
6 same as that which was disapproved, shall be resubmitted to or reconsidered by the Historic  
7 Preservation Commission for a period of one year from the final action upon the earlier  
8 application.

9 SEC. 1112.4. Standards and Requirements for Review of Applications to Demolish.

10 The Historic Preservation Commission, Board of Appeals, the ~~City~~ Planning Commission,  
11 the Director of Planning Director, and the Board of Supervisors shall be governed by the following  
12 standards and criteria in their review and consideration of applications for permits to demolish any  
13 Significant or Contributory Buildings. In all such proceedings, the applicant has the burden of  
14 establishing that the standards and criteria have been met.

15 (a) For Significant Buildings - Categories I and II, and Contributory Buildings -  
16 Categories III and IV from which TDR have been transferred, no demolition permit may be  
17 approved unless the following findings are made: (1) on the basis of independent verification, the  
18 building is rendered unsafe for occupancy; is infeasible for rehabilitation due to fire, earthquake,  
19 or similar circumstances, or was substantially and irretrievably deteriorated prior to adoption of  
20 the Downtown Plan; or (2) no reasonable use can be made of the building.

21 (b) For Contributory Buildings - Categories III and IV from which no TDR have been  
22 transferred, a demolition permit may be approved provided that the following findings are made:

23 (1) On the basis of independent verification, the building is rendered unsafe for  
24 occupancy; is infeasible for rehabilitation due to fire, earthquake, or similar circumstance, or was  
25 substantially and irretrievably deteriorated prior to adoption of the Downtown Plan; or

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1 (2) On the basis of substantial evidence in the record, that the property retains no  
2 reasonable remaining market value or reasonable use, taking into account the costs of  
3 rehabilitation to meet the requirements of the Building Code; and taking into consideration the  
4 provisions of the State Historic Building Code, the availability of TDR, property tax savings that  
5 may be available under the Mills Act, federal rehabilitation tax credits, and any other relevant  
6 factors. Costs of rehabilitation necessitated by alterations made: (i) in violation of this Article or  
7 Article 10 of this Code, (ii) by demolition in violation of this Article or Article 10 of this Code, (iii)  
8 by failure of the current or prior owners to maintain the property whether by intention or neglect in  
9 violation of Section 1117 of this Article or Planning Code Section 1011; or (iv) to expand the  
10 square footage or make alterations inconsistent with the standards of Section 1111.5 of this Article,  
11 may not be included in the calculation of rehabilitation costs for this purpose; or

12 (3) The building has been rescinded as a Contributory Building pursuant to  
13 Section 1106(g) of this Article; or

14 (4) The Historic Preservation Commission adopts specific findings that (1) the  
15 proposed project meets the Secretary of the Interior's Standards for Rehabilitation; and (2)  
16 that the proposed alteration is the best method available to preserve and protect the  
17 subject property as a Contributory Building and to protect and enhance the integrity of the  
18 building.

19 (b) For all buildings located within Conservation Districts, whether pertaining to  
20 Significant Buildings - Categories I and II, or a Contributory Building - Category IV, or an  
21 Unrated Building - Category V, whether or not TDR have been transferred from the site, no  
22 demolition permit shall be approved until an application for the new or replacement structure has  
23 been approved by the Historic Preservation Commission in accordance with the standards for new  
24 construction in a Conservation District as provided in Section 1113 of this Article, and the building  
25 or site permit conforming to such approval has been lawfully issued.

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1 (c) For a Contributory Building – Category III, located outside of a Conservation  
2 District, no demolition permit shall be approved until an application for the new or replacement  
3 structure has been approved by the Historic Preservation Commission, and the Historic  
4 Preservation Commission has found that the proposed replacement structure will not adversely  
5 affect the character, scale or design qualities of the general area in which it is located, whether by  
6 reason of the quality of the proposed design or by virtue of the relationship of the replacement  
7 structure to its setting, and the building or site permit conforming to such approval has been  
8 lawfully issued.

9 (d) Suspension of Action. The Historic Preservation Commission may determine, in its  
10 sole discretion, that additional time is necessary to make the findings required by this Section, or to  
11 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,  
12 the Historic Preservation Commission may suspend action on the application for a period not to  
13 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good  
14 cause shown, extend the suspension for an additional period not to exceed 180 days.

15 ~~\_\_\_\_\_ (e) Independent Experts. The Historic Preservation Commission may call upon~~  
16 ~~the services of an independent expert to aid in evaluation of the economic, structural,~~  
17 ~~engineering, construction or other data when reasonably necessary for decisions~~  
18 ~~regarding demolition or major alterations. The applicant shall pay for the reasonable costs~~  
19 ~~of the services of such independent expert(s) who shall be selected and hired by, and~~  
20 ~~report directly to, the Historic Preservation Commission or Historic Preservation Officer.~~

21 SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION

22 DISTRICTS.

23 No person shall construct or cause to be constructed any new or replacement structure, or  
24 addition to any existing structure in a Conservation District unless the application for the new or  
25 replacement structure or addition has been approved by the Historic Preservation Commission in

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1 accordance with the standards set forth in Section 1113.1 of this Article. The Historic Preservation  
2 Commission shall have the authority to approve, disapprove, or modify all applications for permits  
3 for new or replacement structures or additions to any existing structure within Conservation  
4 Districts under this Article, subject to appeal as set forth in this Article 11.

5 SEC. 1113.1 Standards for Review of New and Replacement Structures.

6 The Historic Preservation Commission, Board of Appeals, the ~~City~~ Planning Commission,  
7 the ~~Director of~~ Planning Director, and the Board of Supervisors shall be governed by the following  
8 standards and criteria in their review and consideration of applications for new or replacement  
9 structures or additions to any existing structures in a Conservation District. In all such  
10 proceedings, the applicant has the burden of establishing that the standards and criteria have been  
11 met.

12 (1) The proposed new or replacement construction shall (i) be compatible with respect  
13 to the massing and composition, scale and proportion, height, materials, color, texture, detailing  
14 and ornamentation, style, signage and other features of the District as set forth in Sections 6 of the  
15 Appendix which describes the District; and (ii) conform to each of the specific standards and the  
16 guidelines for review of new construction for the District as set forth in Section 7 of the Appendix  
17 which describes the District.

18 (2) Applications for a building or site permit to construct or add to a structure in any  
19 Conservation District which are subject to review pursuant to Section 309 of this Code shall only  
20 be approved pursuant to Section 309 if they meet the standards set forth herein and if the building  
21 or site permit application has first been reviewed by the Historic Preservation Commission  
22 pursuant to this Article.

23 (3) If the building is constructed in accordance with such approvals, and if the building  
24 is located in a Conservation District for which, pursuant to the Appendix establishing that District,  
25 such a transfer is permitted, the building shall be deemed a Compatible Replacement Building, and

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1 the lot on which such building is located shall be eligible as a Preservation Lot for the transfer of  
2 TDR.

3 SEC. 1114. ~~PLANNING COMMISSION RIGHT TO MODIFY A DECISION OF THE~~  
4 HISTORIC PRESERVATION COMMISSION.

5 SEC. 1114.1. ~~Projects Requiring Multiple Approvals.~~

6 (a) For project applications that require multiple planning approvals, the Historic  
7 Preservation Commission must review and act on any application for a permit to alter pursuant to  
8 the provisions of Sections 1110 through 1111.6 before any other planning approval action.

9 (b) Only as to those projects that (1) require a Planning Commission hearing on either  
10 a conditional use permit under Section 303 of this Code as of November 4, 2008, or permit review  
11 in C-3 Districts under Sections 309 and 309.1 of this Code in effect as of November 4, 2008 and (2)  
12 do not concern a designated Significant (Categories I and II) or Contributory (Category III only)  
13 building, the Planning Commission may modify a decision of the Historic Preservation Commission  
14 on a permit to alter by a two-thirds vote of its members, pursuant to the following:

15 (1) Any consideration by the Planning Commission of whether to modify a decision of  
16 the Historic Preservation Commission on a permit to alter shall take place during the noticed  
17 hearing on the related conditional use permit or Section 309 permit review.

18 (2) In its consideration as to whether to modify a decision of the Historic Preservation  
19 Commission on a permit to alter, the Planning Commission may consider policies set forth in the  
20 General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its  
21 decision, the Planning Commission shall apply all applicable historic resources provisions of this  
22 Code, including the provisions of Sections 1110 through 1111.6 of this Article governing permits to  
23 alter and, as to any buildings located within Conservation Districts, the standards and guidelines  
24 set forth in Sections 6 and 7 of the Appendix which describes the District; ~~and, if the subject~~

25 building is also a landmark under Article 10 of this Code, the Planning Commission shall  
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1 also apply all applicable historic resources provisions of Article 10 this Code, including the  
2 applicable provisions of Section 1007, and any specific controls and standards embodied  
3 in the designating ordinance.

4 (3) Any decision of the Planning Commission to modify a decision of the Historic  
5 Preservation Commission on a permit to alter shall require a two-thirds vote of its members and the  
6 Planning Commission's resolution shall include a statement of reasons for the modification,  
7 including identification of policies or objectives that would be promoted by a modification of the  
8 Historic Preservation Commission's decision, and findings as to how the Planning Commission's  
9 decision complies with all applicable historic resources provisions of this Code.

10 (4) A written report which shall include findings adopted by the Planning  
11 Commission regarding a~~Any proposed modification of a decision of the Historic Preservation~~  
12 Commission on a permit to alter that~~would expand, broaden, enlarge or materially modify the~~  
13 scope of the work proposed under the permit to alter that~~was considered by the Historic~~  
14 Preservation Commission pursuant to Sections 1110 through 1111.6 of this Article shall be  
15 referred provided back to the Historic Preservation Commission for consideration before the  
16 Planning Commission's action to modify the Historic Preservation Commission's decision  
17 becomes final within twenty (20) days of the Planning Commission's action. ~~In all cases of~~  
18 ~~referral back, the proposal shall be heard by the Historic Preservation Commission as a~~  
19 ~~new application according to the requirements set forth in this Article 11 for a permit to~~  
20 ~~alter, except that newspaper notice need only be given ten (10) days prior to the date of~~  
21 ~~the hearing. The Historic Preservation Commission shall review the modifications within a~~  
22 ~~reasonable period of referral back. In the event the Historic Preservation Commission~~  
23 ~~does not review the modifications within a reasonable period, the Planning Commission~~  
24 ~~may finalize its decision.~~

25 SEC. 1114.2. Planning Commission Review of Discretionary Review Applications  
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1           (a) The Planning Commission shall not conduct Discretionary Review hearings for  
2 projects on sites identified in the San Francisco Register, defined in Section 1004 of Article  
3 10 and 1104 of this Article, that include exterior modifications subject to a Permit to Alter.  
4 For mandatory Discretionary Reviews by the Planning Commission pursuant to Section  
5 317 or other applicable sections of the Code, if there is a Permit to Alter that must be  
6 approved or disapproved by the Historic Preservation Commission, the Planning  
7 Commission cannot modify said Permit to Alter unless the proposed project meets the  
8 provisions outlined in Section 1114.1(b).

9           (c) — If the Planning Commission takes Discretionary Review of any project upon  
10 which the Historic Preservation Commission has made a decision on a permit to alter  
11 pursuant to this Article, any decision of the Planning Commission that would , broaden,  
12 enlarge or materially modify the scope of the work proposed under the permit that was  
13 considered by the Historic Preservation Commission shall be referred back to the Historic  
14 Preservation Commission for review, which may approve, disapprove, or approve with  
15 conditions, any changes proposed by the Planning Commission. In all cases of referral  
16 back to the Historic Preservation Commission under this subsection, the proposal shall be  
17 heard by the Historic Preservation Commission as a new application according to the  
18 requirements set forth in this Article for a permit to alter, except that newspaper notice  
19 need only be given ten (10) days prior to the date of the hearing. The Historic Preservation  
20 Commission shall review the modifications within a reasonable period of referral back. In  
21 the event the Historic Preservation Commission does not review the modifications within a  
22 reasonable period, the Planning Commission may finalize its decision.

23 SEC 1114.3 Zoning Administrator's Review of Variance Applications.

24           (a) For project applications that require a Variance from the Planning Code in  
25 addition to a Permit to Alter, the Historic Preservation Commission must review and act on  
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1 any Permit to Alter pursuant to Section 1111 of this Article before the Zoning Administrator  
2 may take action on the Variance application.

3 (b) The Zoning Administrator does not have the authority to modify Variance  
4 applications on sites identified in the San Francisco Register, defined in Section 1004 of  
5 Article 10 and 1104 of this Article, that include exterior modifications subject to a Permit to  
6 Alter. Upon final action by the Historic Preservation Commission, the Zoning Administrator  
7 may consider and act upon the Variance application, provided that any final action taken  
8 by the Zoning Administrator does not result in the modification of the approved Permit to  
9 Alter.

10 SEC. 1114.2. Projects Located on Vacant Lots.

11 As to projects located on vacant lots in Conservation Districts, the Planning Commission may  
12 modify a decision of the Historic Preservation Commission by a two-thirds vote of its members,  
13 pursuant to the following:

14 (a) Within ten (10) days of a decision of the Historic Preservation Commission on a  
15 permit for a project for new or replacement construction on a vacant lot in a Conservation District,  
16 the Planning Commission may, upon its own motion, adopt of a resolution of intent to review and  
17 consider modifying the decision of the Historic Preservation Commission. Said resolution shall  
18 identify the policies or objectives that would be promoted by a modification of the decision of the  
19 Historic Preservation Commission, or shall state why this Article has not been complied with.

20 (b) The Planning Commission shall review and consider any proposed modification of  
21 the decision of the Historic Preservation Commission on such permit at a public hearing to be held  
22 within twenty (20) days of the adoption of the resolution of intent. Notice of such meeting(s) shall  
23 be given not less than ten (10) days prior to the meeting date in the same manner as required for  
24 the Historic Preservation Commission's hearing on such a permit.

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1 (c) In its consideration as to whether to modify a decision of the Historic Preservation  
2 Commission on such permit, the Planning Commission may consider policies set forth in the  
3 General Plan and the Priority Policies of Section 101.1 of this Code, provided that, in making its  
4 decision, the Planning Commission shall apply all applicable historic resources provisions of this  
5 Code, including the applicable provisions of Section 1113 of this Article and, as to any project for a  
6 new or replacement structure to be located within a Conservation District, the standards and  
7 guidelines set forth in Sections 6 and 7 of the Appendix which describes the District; and, if the  
8 subject property is also located within a historic district under Article 10 of this Code, the Planning  
9 Commission shall also apply all applicable historic resources provisions of Article 10 this Code,  
10 including the applicable provisions of Section 1007, and any specific controls and standards  
11 embodied in the designating ordinance.

12 (d) Any decision of the Planning Commission to modify a decision of the Historic  
13 Preservation Commission on a permit for new or replacement construction on a vacant lot in a  
14 Conservation District shall require a two-thirds vote of its members, and the Planning  
15 Commission's resolution shall include a statement of reasons for the modification, including  
16 identification of policies or objectives that would be promoted by a modification of the decision,  
17 and findings as to how the Planning Commission's decision complies with all applicable historic  
18 resources provisions of this Code, including those listed in (c) above.

19 (e) A written report which shall include findings adopted by the Planning  
20 Commission regarding a~~Any proposed~~modification of a decision of the Historic Preservation  
21 Commission on a permit for a project located on a vacant lot pursuant to this Section 1114.2 that  
22 ~~would expand, broaden, enlarge or materially modify the scope of the work proposed~~  
23 ~~under the permit application that~~was considered by the Historic Preservation Commission shall  
24 be provided referred back to the Historic Preservation Commission for consideration before the  
25 Planning Commission's action to modify the decision of the Historic Preservation

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1 ~~Commission becomes final within twenty (20) days of the Planning Commission's action.~~  
2 ~~In all cases of referral back, the proposal shall be heard by the Historic Preservation~~  
3 ~~Commission as a new proposal according to the requirements set forth in this Article,~~  
4 ~~except that newspaper notice need only be given ten (10) days prior to the date of the~~  
5 ~~hearing. The Historic Preservation Commission shall review the modifications within a~~  
6 ~~reasonable period of referral back. In the event the Historic Preservation Commission~~  
7 ~~does not review the modifications within a reasonable period, the Planning Commission~~  
8 ~~may finalize its decision.~~

9 SEC. 1115. APPEALS.

10 SEC. 1115.1. Right of Appeal. The Historic Preservation Commission's decision on a  
11 permit pursuant to this Article 11, or the Planning Commission's modification of a Historic  
12 Preservation Commission's decision pursuant to Section 1114 of this Article, shall be final unless  
13 appealed to the Board of Appeals, which may modify the decision of the Historic Preservation  
14 Commission by a 4/5 vote; provided, however, that if the project requires Board of Supervisors  
15 approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be  
16 appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the  
17 Historic Preservation Commission's decision, or Planning Commission's modification of the  
18 decision, by a majority vote. A decision appealed to the Board of Appeals shall not become  
19 effective unless and until the Board of Appeals' decision becomes final. Any decision appealed to  
20 the Board of Supervisors shall not become effective until the Board of Supervisors' approval or  
21 action on the appeal. Nothing in this Section shall be construed to authorize the appeal of any  
22 decision of the Historic Preservation Commission under Section 1112.4(d) of this Article to suspend  
23 action on a permit application.

24 SEC. 1115.2. Appeals to the Board of Appeals.

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1 (a) Any appeal under this Section 1115.2 to the Board of Appeals shall be taken by filing  
2 written notice of appeal with the Board of Appeals within (15) days after the date of the decision by  
3 the Historic Preservation Commission or the Planning Commission, where applicable, by the  
4 property owner or any interested party in writing to the Board of Appeals.

5 (b) Notice of any appeal to the Board of Appeals under this Section 1115.2 shall, in  
6 addition to being given pursuant to the notice requirements of the Board of Appeals, be given to:  
7 (1) the owners of all real property within 300 feet of the exterior boundaries of any property that is  
8 the subject of the appeal, and (3) to all other interested parties who have in writing or email to the  
9 Historic Preservation Officer requested such notices.

10 (c) Any decision of the Board of Appeals under this Section 1115.2 to modify a decision  
11 of the Historic Preservation Commission, or the Planning Commission's modification of such a  
12 decision pursuant to Section 1114 of this Article, shall require a 4/5 vote of its members.

13 (d) Except as otherwise provided in this subsection, the procedures and requirements  
14 governing hearings before the Board of Appeals shall apply.

15 SEC. 1115.3. Appeals to the Board of Supervisors.

16 (a) The Historic Preservation Commission's decision on a permit pursuant to this  
17 Article 11, or the Planning Commission's modification of a Historic Preservation Commission's  
18 decision pursuant to Section 1114 of this Article, is subject to appeal to the Board of Supervisors  
19 only if the project—requires Board of Supervisors approval or is appealed to the Board of  
20 Supervisors as a conditional use.

21 (b) Any appeal under this Section 1115.3 to the Board of Supervisors shall be taken by  
22 filing written notice of appeal with the Board of Supervisors within fifteen (15) days after the date  
23 of the decision by the Historic Preservation Commission or the Planning Commission, where  
24 applicable, by the property owner or any interested party in writing to the Clerk of the Board of  
25 Supervisors.

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1 (c) Upon filing of such written notice of appeal, the Board of Supervisors or the Clerk  
2 thereof shall set a time and place for hearing such appeal, which hearing may be conducted at the  
3 same meeting that the Board of Supervisors considers the project's required approvals or the  
4 conditional use appeal, as applicable; provided that said hearing and decision must be made not  
5 more than 60 days from the date of filing of the appeal. Failure of the Board of Supervisors to act  
6 within such time limit shall be deemed to constitute approval by the Board of Supervisors of the  
7 action of the Historic Preservation Commission or, if applicable, the Planning Commission.

8 (d) Any decision of the Board of Supervisors under this Section 1115.3 to modify a  
9 decision of the Historic Preservation Commission, or the Planning Commission's modification of  
10 such a decision pursuant to Section 1114 of this Article, shall require a majority vote of its  
11 members.

12 SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

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

20 SEC. 1117. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

21 (a) Maintenance. The owner, lessee, or other person in actual charge of a Significant or  
22 Contributory Building shall comply with all applicable codes, laws and regulations governing the  
23 maintenance of property. It is the intent of this Section to preserve from deliberate or inadvertent  
24 neglect the exterior features of buildings designated Significant or Contributory, and the interior  
25 portions thereof when such maintenance is necessary to prevent deterioration and decay of the

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1 exterior. All such buildings shall be preserved against such decay and deterioration and free from  
2 structural defects through prompt corrections of any of the following defects:

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

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

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

8 (4) Deteriorated ornamental features;

9 (5) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations  
10 or floors, including broken windows or doors;

11 (6) Defective or insufficient weather protection for exterior wall covering,  
12 including lack of paint or weathering due to lack of paint or other protective covering;

13 (5 7) Any fault or defect in the building which renders it not properly watertight or  
14 structurally unsafe.

15 (b) Enforcement Procedures. Failure to maintain property as provided in a manner  
16 that complies with all applicable codes, laws and regulations governing maintenance  
17 herein shall be unlawful and is hereby declared to be a public nuisance. Violations of this Section  
18 1117 shall be subject to enforcement procedures as set forth in Sections 1118 and 1119 of this  
19 Article, and as set forth in Sections 176 and 176.1 of this Code.

20 SEC. 1118. UNLAWFUL ALTERATION OR DEMOLITION.

21 (a) In addition to any other penalties provided in Section 1119 of this Article or  
22 elsewhere in this Code, alteration or demolition of a Significant or Contributory Building or any  
23 building within a Conservation District in violation of the provisions of this Article shall eliminate  
24 the eligibility of the building's lot as a Preservation Lot, and such lot, if it is the site of an  
25 unlawfully demolished Significant Building, or Contributory Building from which TDR have been

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1 transferred, may not be developed in excess of the floor area ratio of the demolished building for a  
2 period of 20 years from the unlawful demolition. The Zoning Administrator shall send written  
3 notice to the property owner of such determination. No department shall approve or issue a permit  
4 that would authorize construction of a structure contrary to the provisions of this Section.

5 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:

6 (1) As to an unlawful alteration or demolition, the owner can demonstrate to the  
7 satisfaction of the Historic Preservation Commission and the Zoning Administrator that the  
8 violation did not constitute a major alteration as defined in Section 1111.1; or

9 (2) As to an unlawful alteration, the owner restores the original distinguishing qualities  
10 and character of the building destroyed or altered, including exterior character-defining spaces,  
11 materials, features, finishes, exterior walls and exterior ornamentation. A property owner who  
12 wishes to effect a restoration pursuant to this Subsection (b)(2) shall, in connection with the filing  
13 of a building or site permit application, seek approval of the proposed restoration by the Historic  
14 Preservation Commission pursuant to the provisions of this Article 11. If the application is  
15 approved and it is determined that the proposed work will effect adequate restoration, the Historic  
16 Preservation Commission shall so find. Upon such approval, and the completion of such work, the  
17 lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set forth  
18 in Subsection (a) shall not thereafter apply. The Historic Preservation Commission may not  
19 approve the restoration unless it first finds that the restoration can be done with a substantial  
20 degree of success. The determination under this Subsection (b)(2) is a final administrative decision.

21 (c) In the event that the owner does not (1) respond to the Zoning Administrator's  
22 written notice within 30 days of the date of such notice or (2) demonstrate that no violation has  
23 occurred or (3) restore as described above, the Zoning Administrator shall cause to be filed with  
24 the Recorder of the City and County of San Francisco a Notice of Special Restriction limiting the  
25 development of the site.

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1 (d) In addition to the penalties described in this Section 1118, any building owner who  
2 violates this Article 10 shall be subject to the enforcement procedures and penalties described in  
3 Section 1119 of this Article and Sections 176 and 176.1 of this Code.

4 SEC. 1119. ENFORCEMENT AND PENALTIES.

5 The provisions of this Article and any provision or condition of any approval action that has been  
6 obtained pursuant to this Article shall be enforced and penalties shall be assessed as provided in  
7 Sections 176 and 176.1 of this Code.

8 (a) Authority of Historic Preservation Commission. The Historic Preservation  
9 Commission shall have the power to (1) file appeals on its own behalf to any appropriate City  
10 officials, commissions, boards, departments or agencies; and (2) initiate enforcement actions and  
11 imposition of penalties pursuant to Sections 176 and 176.1 of this Code by providing notice of any  
12 violation to the Director of the Planning Department, Director of Building Inspection, Zoning  
13 Administrator, City Attorney, District Attorney or other appropriate City officials, commissions,  
14 boards, departments or agencies who shall be required to immediately institute enforcement  
15 proceedings;

16 (b) Duty to Administer and Enforce. It shall be the duty of the Zoning Administrator  
17 ~~Director of the Planning Department~~, or the Zoning Administrator's Director's delegate, to  
18 administer and enforce the provisions of this Article 11. Upon request, the Department of Building  
19 Inspection shall assist the Zoning Administrator ~~Director of the Planning Department~~ in the  
20 performance of this duty.

21 (c) Inspection of Premises. In the performance of his duties, the Zoning Administrator  
22 ~~Director of the Planning Department~~ and employees of the Department properly authorized to  
23 represent the Zoning Administrator ~~Director of the Planning Department~~ shall have the right to  
24 enter any building or premises for the purposes of investigation and inspection upon reasonable  
25 notice to the owner; and provided further, that such right of entry shall be exercised only at

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1 reasonable hours, and that in no case shall entry be made to any building without notice to the  
2 owner or tenant thereof without the written order of a court of competent jurisdiction.

3 (d) Methods of Enforcement. In addition to the regulations of this Article 11, Article 10,  
4 other Articles of this Code and provisions of the Charter which govern enforcement procedures and  
5 the approval or disapproval of applications for building permits or other permits or licenses  
6 affecting the use of land or buildings, the Zoning Administrator Director of the Planning  
7 Department shall have the additional authority to implement the enforcement thereof by the  
8 following means:

9 (1) The Zoning Administrator Director of the Planning Department may serve  
10 notice requiring the removal of any violation of this Article 11 or Article 10 upon the owner, agent  
11 or tenant of the building or land, or upon the architect, builder, contractor or other person who  
12 commits or assists in any such violation; and

13 (2) The Zoning Administrator Director of the Planning Department may call upon  
14 the District Attorney to institute any necessary legal proceedings to enforce the provisions of this  
15 Article 11 or Article 10, and the District Attorney is hereby authorized to institute appropriate  
16 actions to that end.

17 (e) Penalties. Any person, firm or corporation violating any of the provisions of this  
18 Article 11 or Article 10 shall be deemed guilty of a misdemeanor and upon conviction thereof shall  
19 be fined in an amount not exceeding \$1,000.00 or be imprisoned for a period not exceeding six  
20 months or be both so fined and imprisoned. Each day such a violation is committed or permitted to  
21 continue shall constitute a separate offense and shall be punishable as such hereunder.

22 (f) Injunctive Relief. The City Attorney may maintain an action for injunctive relief to  
23 cause, where possible, the complete or partial restoration or reconstruction of any building altered  
24 or demolished in violation of this Article 11 or Article 10, or an abatement action to cause the  
25 correction or removal of any violation of this Article 11 or Article 10.

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1        SEC. 1120.    RELATIONSHIP TO ARTICLE 10.

2        Buildings or areas within the C-3 District designated pursuant to the provisions of both  
3 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case of  
4 conflict, the more restrictive provision shall control.—Notwithstanding the rating of a building in a  
5 C-3 District pursuant to the provisions of Article 11, buildings may be designated as landmarks  
6 according to the provisions of Article 10.

7        ~~SEC. 1121.    NOTICE OF AMENDMENT.~~

8        ~~Except as to those amendments to this Article required to implement the provisions~~  
9 ~~of the voter approved Charter Amendment creating a Historic Preservation Commission~~  
10 ~~and establishing the powers and duties of such Commission, notice of any hearing before~~  
11 ~~the City Planning Commission, or, if no hearing, notice of the first hearing before the Board~~  
12 ~~of Supervisors, of a proposed amendment to this Article which materially alters the~~  
13 ~~limitations and requirements applicable to any building or class of buildings shall be given~~  
14 ~~to the owners of such buildings by mail.~~

15        ~~SEC. 1122.    NOTICE PROCEDURE.~~

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

19        ~~SEC. 1123.    TIME PROVISIONS.~~

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

22        SEC. 1121 24.        SEVERABILITY.

23        If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall not  
24 affect the validity of the remaining portions of this Article 11 or any part thereof. The Board of

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1 Supervisors hereby declares that it would have passed all portions of this Article irrespective of the  
2 fact that any one or more portions be declared unconstitutional or invalid.

3  
4 Section 6. The San Francisco Planning Code is hereby amended by adding new Section  
5 176(f), to read as follows:

6 (f) Additional Methods of Enforcement and Penalties for Violation of Articles 10 and  
7 11. Violations of the regulations set forth in Articles 10 and 11 are subject to the penalties and  
8 enforcement procedures set forth in Sections 1011, 1012, 1013, 1117, 1118, and 1119 of this Code  
9 in addition to those set forth in this Sections 176.

10 APPROVED AS TO FORM:

11 DENNIS J. HERRERA,  
12 City Attorney

13 By: \_\_\_\_\_  
14 Kate Herrmann Stacy  
15 Deputy City Attorney

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