

1 (Landmarks)

2 **AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE**  
3 **(CITY PLANNING CODE) BY AMENDING SECTIONS 1004, 1005, 1006, AND 1006.2**  
4 **TO PROVIDE FOR CERTIFICATE OF APPROPRIATENESS APPROVAL OF**  
5 **ALTERATIONS TO CITY-OWNED PARKS, SQUARES, PLAZAS OR GARDENS ON A**  
6 **LANDMARK SITE, WHERE THE DESIGNATING ORDINANCE IDENTIFIES THE**  
7 **ALTERATIONS THAT REQUIRE SUCH APPROVAL.**

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9 Note: Additions are underlined; deletions are in ((double parentheses)).

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

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12 SECTION 1. Part II, Chapter II of the San Francisco Municipal Code (City Planning  
13 Code) is hereby amended by amending Section 1004 thereof to read as follows:

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

15 (a) Pursuant to the procedures set forth hereinafter:

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

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

25 (b) Each such designating ordinance shall include, or shall incorporate by reference

1 to the pertinent resolution of the Planning Commission then on file with the Clerk  
2 of the Board of Supervisors, as though fully set forth in such designating  
3 ordinance, the location and boundaries of the landmark site or historic district, a  
4 description of the characteristics of the landmark or historic district which justify its  
5 designation, and a description of the particular features that should be preserved.  
6 Any such designation shall be in furtherance of and in conformance with the  
7 purposes of this Article 10 and the standards set forth herein.

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

12 (1) For a publicly owned landmark, review of proposed changes in major  
13 interior architectural features;

14 (2) For a historic district, such further controls and standards as the Board of  
15 Supervisors deems necessary or desirable, including but not limited to  
16 facade, setback and height controls;

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

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

1 designation be amended or rescinded, and in such case the procedures for an  
2 original designation set forth in Sections 1004.1, 1004.2 and 1004.3 hereof shall  
3 not apply.  
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5 SECTION 2. Part II, Chapter II of the San Francisco Municipal Code (City Planning  
6 Code) is hereby amended by amending Section 1005 thereof to read as follows:

7 SEC. 1005. CONFORMITY AND PERMITS.

- 8 (a) No person shall carry out or cause to be carried out on a designated landmark  
9 site or in a designated historic district any construction, alteration, removal or  
10 demolition of a structure or any work involving a sign, awning, marquee, canopy  
11 or other appendage, for which a City permit is required, except in conformity with  
12 the provisions of this Article 10. In addition, no such work shall take place unless  
13 all other applicable laws and regulations have been complied with, and a permit  
14 has been issued for said work.
- 15 (b) The Central Permit Bureau shall not issue, and no other City department or  
16 agency shall issue, any permit for construction, alteration, removal or demolition  
17 of a structure or any permit for work involving a sign, awning, marquee, canopy or  
18 other appendage on a landmark site or in a historic district, except in conformity  
19 with the provisions of this Article 10. In addition, no such permit shall be issued  
20 unless all other applicable laws and regulations have been complied with.
- 21 (c)
- 22 (1) Where so provided in the designating ordinance for a historic district, any  
23 or all exterior changes visible from a public street or other public place  
24 shall require approval in accordance with the provisions of this Article 10,  
25 regardless of whether or not a City permit is required for such exterior

1 changes. Such exterior changes may include, but shall not be limited to,  
2 painting and repainting; landscaping; fencing; and installation of lighting  
3 fixtures and other building appendages.

4 (2) The addition of a mural to any landmark or contributory structure in a  
5 historic district shall require compliance with the provisions of this Article  
6 10, regardless of whether or not a City permit is required for the mural.

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

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

19 (e) After receiving a permit application from the Central Permit Bureau in accordance  
20 with the preceding subsection, the Department shall ascertain whether Section  
21 1006 requires a Certificate of Appropriateness for the work proposed in such  
22 permit application. If such Certificate is required and has been issued, and if the  
23 permit application conforms to such Certificate, the permit application shall be  
24 processed without further reference to this Article 10. If such Certificate is  
25 required and has not been issued, or if in the sole judgment of the Department

1 the permit application does not so conform, the permit application shall be  
2 disapproved or held by the Department until such time as conformity does exist;  
3 the decision and action of the Department shall be final. Notwithstanding the  
4 foregoing, in the following cases the Department shall process the permit  
5 application without further reference to this Article 10:

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

9 (2) When the application is for a permit to make interior alterations only on a  
10 privately owned structure, or on a publicly owned structure unless the  
11 designating ordinance requires review of such alterations pursuant to  
12 Section 1004(c) hereof;

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

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

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

25 (1) Removal of more than 25 percent of the surface of all external walls facing

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a public street(s); or

- (2) Removal of more than 50 percent of all external walls from their function as all external walls; or
- (3) Removal of more than 25 percent of external walls from function as either external or internal walls; or
- (4) Removal of more than 75 percent of the building's existing internal structural framework or floor plates unless the City determines that such removal is the only feasible means to meet the standards for seismic load and forces of the latest adopted version of the San Francisco Building Code and the State Historical Building Code.

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

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

1 Commission has provided advice to the Advisory Board within 50 days of  
2 receipt of a written request for advice and information regarding the  
3 proposed mural.  
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5 SECTION 3. Part II, Chapter II of the San Francisco Municipal Code (City Planning  
6 Code) is hereby amended by amending Section 1006 thereof to read as follows:

7 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED. In the case of:

- 8 (1) Any construction, alteration, removal or demolition of a structure or any work  
9 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code  
10 Section 1005(g), or other appendage, for which a City permit is required, on a  
11 landmark site or in a historic district;
- 12 (2) Exterior changes in a historic district visible from a public street or other public  
13 place, where the designating ordinance requires approval of such changes  
14 pursuant to the provisions of this Article 10; and
- 15 (3) The addition of a mural to any landmark or contributory structure in a historic  
16 district, which is not owned by the City or located on property owned by the City,  
17 as set forth in Planning Code Section 1005(g), regardless of whether or not a City  
18 permit is required for the mural; and
- 19 (4) Alterations to City-owned parks, squares, plazas or gardens on a landmark site,  
20 where the designating ordinance identifies the alterations that require approval  
21 under this Article 10.

22 A Certificate of Appropriateness shall be required and shall govern review of permit  
23 applications as provided in Sections 1005(e) and 1005(g), except in the specific cases  
24 set forth in Section 1005(e). The procedures, requirements, controls and standards in  
25 Sections 1006 through 1006.8 shall apply to all applications for Certificates of

1           Appropriateness; provided, however, that the designating ordinance for a historic district,  
2           or for a City-owned park, square, plaza or garden on a landmark site, may modify or add  
3           to these procedures, requirements, controls and standards.

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5           SECTION 4. Part II, Chapter II of the San Francisco Municipal Code (City Planning  
6           Code) is hereby amended by amending Section 1006.2 thereof to read as follows:

7           SEC. 1006.2. REVIEW BY DEPARTMENT OF CITY PLANNING AND CITY PLANNING  
8           COMMISSION.

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

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

24           (2)    If it is determined that the proposal would have a significant impact upon,  
25           or is potentially detrimental to, the landmark site or historic district, or upon



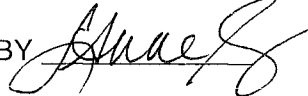
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request of the Planning Commission, the Planning Commission shall hold a public hearing on the application.

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

APPROVED AS TO FORM:

LOUISE RENNE

BY 

Lisa-Anne Wong

Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 991871

**Date Passed:**

Ordinance amending Planning Code by amending Sections 1004, 1005, 1006, and 1006.2 to provide for certificate of appropriateness approval of alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies the alterations that require such approval.

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December 6, 1999 Board of Supervisors — PASSED, ON FIRST READING

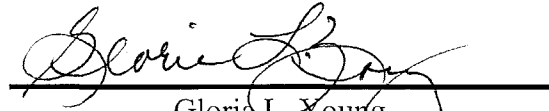
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 13, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 991871

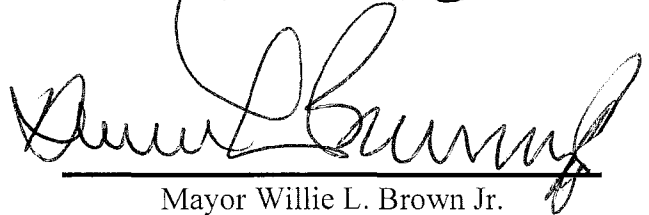
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on December 13,  
1999 by the Board of Supervisors of the City  
and County of San Francisco.



Gloria L. Young  
Clerk of the Board

**DEC 23 1999**

**Date Approved**



Mayor Willie L. Brown Jr.