

**SAN FRANCISCO**  
**PRESERVATION BULLETIN NO. 4**

**CERTIFICATE OF APPROPRIATENESS PROCEDURES**

Reviewed and adopted by the Landmarks Preservation Advisory Board on June 17, 1998

**DEFINITION**

A Certificate of Appropriateness (C of A) is the authorization designated City Landmarks and Historic Districts require for the following types of work:

- 1) Designated City Landmarks -- exterior alterations requiring a permit and demolitions of a site or structure; and
- 2) Designated City Historic Districts -- alterations requiring a permit and other types of exterior changes visible from a public street or other public places (as provided in the historic district ordinance, even when a permit is not required), demolitions and new construction of a site or structure within the district.

**JURISDICTION**

A C of A is required for landmark sites and buildings in local historic districts by Planning Code Section 1005 (Article 10). Other historic resources, such as buildings designated as [Architecturally Significant] (AS) through the Planning Department's 1976 Architectural Survey or buildings on the National Register of Historic Places, do not require C of A's unless they are also designated as City Landmarks or are within City Historic Districts. All designated City Landmarks and Historic Districts are listed in the Appendices to Article 10 of the Planning Code.

**PURPOSE**

The purpose of requiring a Certificate of Appropriateness is to ensure that designated landmark sites and historic districts are preserved and that alterations, demolitions and new construction are compatible with historic resources. More broadly, the purposes of all aspects of Article 10 of the Planning Code is to promote the health, safety and general welfare of the public through a variety of means including the protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons, significant examples of architectural styles, or that provide examples of the physical surroundings in which past generations lived.

**APPLICABILITY**

The C of A is generally required for most exterior alterations and all demolitions of structures that are designated City Landmarks and for most exterior alterations, demolitions and new construction of a site or structure within a designated City Historic District when a City permit is required. Any work involving a sign, awning, marquee, canopy or other appendage for which a City permit is required on a landmark site or in an historic district also requires a C of A. In some designated Historic Districts, even some work that does not require a permit (such as, for instance, painting and landscaping in Jackson Square Historic District) requires a C of A. The

rules which determine the need for a C of A are discussed in Code Sections 1005 and 1006 for designated City Landmarks and Sections 1005 and 1006 as well as Section 7 ( "Additional Provisions for Certificates of Appropriateness" ) of each of the Appendices to Article 10 for Historic Districts. (Each Appendix covers a separate historic district. Each historic district has other, usually additional provisions spelling out what requires a C of A in that district.)

Section 1005(e) lists four types of work that are exempt from a C of A. As explained in this section, the following types of work do not require C of A's:

- 1) New construction on the site of a legally demolished Landmark (when the Landmark is not in a designated Historic District);
- 2) Interior alterations (except for publicly-owned landmarks for which the designating ordinance requires review of interior work);
- 3) Ordinary maintenance and repairs, which means work done "for the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster" (examples include reroofing and dry rot repair with replacement of materials and details in kind);
- 4) Work done to bring a building into compliance with the UMB Seismic Retrofit Ordinance, when the Zoning Administrator determines that such work complies with the Architectural Design Guide for Exterior Treatment of Unreinforced Masonry Buildings (UMB) During Seismic Retrofit, November, 1991.

Members of the public may determine whether a C of A is required by contacting the Planning Information Center counter (PIC) on the first floor at 1660 Mission Street, 558-6377. If a C of A is required, an application is available at the PIC. If PIC is unable to determine whether a C of A is needed, it is recommended that applicants sign up for a project review meeting with preservation staff by calling 558-6300. Call the PIC for the fee. The fee structure is set forth in Planning Code Section 356(c).

## **THE C of A PROCESS**

An application for a C of A may be filed by the property owner or certified agent of the owner.

All C of A's must be reviewed by the Landmarks Preservation Advisory Board (Landmarks Board). The Board must conclude its review by making a finding that the proposal does or does not result in a "significant impact upon, or is potentially detrimental to, the landmark site or historic district." Under Sections 1002 and 1006.2, the Landmarks Board provides its advice to the Planning Department (Department) and Planning Commission (Commission) as part of the review process but is not the acting body.

As described in Planning Code Sections 1002 and 1006.2, the Planning Department and Planning Commission are the bodies that either approve or disapprove a C of A. For alterations, the Planning Department can approve a C of A application. If the Department disapproves a C of A for an alteration or if the Planning Commission requests, the application must also be reviewed by the Planning Commission. The Commission must review and act upon all applications for a C of A for new construction in an historic district and demolitions of landmarks or buildings within an historic district.

The Landmarks Board provides its findings to the Planning Department in cases of alterations

and to the Planning Commission in cases of demolitions of landmarks and for all demolitions and

new construction of buildings within historic districts as well as for any C of A that is recommended for disapproval by the Department or which the Planning Commission requests to review.

In the case of alterations, the Planning Department must then make a formal finding as to whether the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district, and must notify the applicant of this determination.

If the Planning Department finds that the proposal would not have a significant impact or is not potentially detrimental to a landmark or historic district, then the Department issues a C of A. Any required building permit or other applications can be reviewed administratively by the Planning Department so long as they are in conformance with the C of A. The issuance of a C of A by the Department is not appealable; however, if someone disagrees with the C of A determination, he or she can appeal the subsequent issuance of the building permit to the Board of Appeals.

If the Department finds that the proposal would have a significant impact or is potentially detrimental to a landmark or historic district, then the application must be scheduled for action before the Planning Commission. The Planning Commission can also request a hearing on any C of A application.

In the case of new construction within an historic district or a demolition of a landmark or within an historic district, the application for a C of A is automatically scheduled before the Planning Commission. In this case, the Landmarks Board provides its advice to the Commission. The Department provides a recommendation to the Commission. Code Section 1006.4 clarifies that for cases scheduled before the Planning Commission (that is, for new construction and demolitions) the application must be scheduled before the Landmarks Board before the Planning Commission hearing but that failure by the Landmarks Board to act shall not constitute grounds to continue the Planning Commission hearing.

For applications scheduled for Planning Commission review, the Commission may approve (in part or in whole and with or without conditions) or disapprove any C of A application or, for demolition applications only, may suspend action on the application for 180 days. Appeals on actions regarding C of As by the Commission may be made to the Board of Supervisors. The Board of Supervisors may also suspend action on a C of A application for demolition for an additional 180 days.

Staff shall inform the Landmarks Board of any final actions by the Director of Planning, Planning Commission and/or Board of Supervisors that deviate from the Board's recommendations.

before Commission action and the project be subsequently modified by the Commission, a new C of A would be required in order to carry out the project.

may be required for properties within historic districts.

Once the C of A application is reviewed by Planning staff and deemed to be complete, and staff analysis has been completed, staff will schedule the matter for a public hearing before

the Landmarks Board. The Landmarks Board review process, assuming no other discretionary approvals are required by the Department, either consists of one or two steps: it is either reviewed by only the full Board or it is first reviewed by the Architectural Review Committee (ARC) of the Board and then reviewed by the full Board. The two-step process is used in instances where ARC review is requested by the applicant or is more complex and focuses on design issues. The ARC provides its findings to the full Landmarks Board at a subsequent hearing.

## **APPLICATION REVIEW STANDARDS**

Planning Code Section 1006.7 spells out the standards the Landmarks Board, the Planning Department and the Planning Commission must use in giving their advice (in the case of the Landmarks Board) and in making decisions (in the case of the Planning Department and Commission). Section 1006.7(b) regarding landmark sites provides in pertinent part that [the proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the landmark...]

In historic districts, Section 1006.7(c) uses the same language but additionally states that projects in historic districts be compatible to the character of the historic district as described in the designating ordinance for that historic district. These standards appear in Section 7, [Additional Provisions for Certificates of Appropriateness,] of each of the historic district appendices to Article 10. Section 1006.7(c) further states in pertinent part that where

compatibility does not presently exist with the character of the historic district, [reasonable efforts shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.]

The Landmarks Board, as a policy, also uses The Secretary of the Interior's *Standards for Rehabilitation* as the review criteria.

*All actions taken by the Planning Department and Commission must additionally comply with all other aspects of San Francisco's Planning Code and General Plan.*

## **EARLY READS FROM STAFF AND/OR THE LANDMARKS BOARD**

If, prior to filing a C of A application, an applicant wants to have an [early read] of their proposal or to otherwise seek advice before filing, the Department recommends they request a project review from preservation staff. In unusual circumstances, particularly for very large and/or otherwise significant projects, an applicant may also request an informational presentation before the Architectural Review Committee of the Landmarks Board.

**CITY AND COUNTY OF SAN FRANCISCO PLANNING DEPARTMENT**  
**CERTIFICATE OF APPROPRIATENESS APPLICATION FORM**

Per Article 10 of the San Francisco Planning Code, a Certificate of Appropriateness authorization (C of A) is required for alterations to designated City Landmarks and Historic Districts, including:

- Any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural, or other appendage, for which a City permit is required, on a Landmark site or in an Historic District;
- Exterior changes in an Historic District visible from a public street or other public place, where the designating ordinance requires approval of such changes pursuant to the provisions of Article 10; and
- The addition of a mural to any Landmark or contributory structure in an Historic District, which is not owned by the City or located on property owned by the City, regardless of whether or not a City permit is required for the mural.

Members of the public may determine whether a C of A is required by contacting the Planning Information Counter (PIC) on the first floor of 1660 Mission Street at 415-558-6377. If a C of A is required, an application is available at the PIC. If the PIC is unable to determine whether a C of A is required, it is recommended that applicants either request a written determination from the Zoning Administrator (by a letter outlining the proposed work/project, call the PIC for the fee) or by requesting a Project Review meeting with Preservation Staff (by calling 558-6300, also call the PIC for fee).

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**REQUIREMENTS AND ATTACHMENTS**

The intent of this application is to provide Staff and the Landmarks Preservation Advisory Board (Landmarks Board) with sufficient information to understand and review the proposal. Receipt of the application and the accompanying materials by the Planning Department (Department) shall only serve the purpose of establishing a Planning Department file for the proposed project. After the file is established, Department Staff will review the application to determine whether the application is complete or whether additional information is required in order for the Landmarks Board to make a recommendation on the proposal. **TWENTY COPIES OF PLANS AND COLOR PHOTOGRAPHS IN REDUCED SETS (8½" x 14" OR 11" x 17") WILL BE REQUIRED 10 DAYS BEFORE THE SCHEDULED HEARING.** If the application is for a demolition, additional information not listed here may be required.

***THE APPLICATION MUST BE FILED WITH THE FOLLOWING MATERIALS:***

- One original signed and completed application form
- A check payable to the Planning Department for the initial fee, based on construction costs of project (Note: additional time and materials charges will be billed if Staff time exceeds the initial fee paid)
- One original Letter of Authorization by property owner(s) for agent(s) of owners
- One full set of architectural plans showing existing conditions and proposed scope of work. All plans must show: existing to remain, existing to be removed, new construction, existing and proposed materials, project name and address, title of drawing, scale, date, and drawing number

All plans shall include:

- ✓ Site Plan at 1/8" scale
  - ✓ Floor Plans at 1/4" scale
  - ✓ Elevations at 1/4" scale
  - ✓ Section(s) at 1/4" scale
  - ✓ Detail drawings at 1/2" scale
- Current photographs and historic photographs (if possible)
  - Specifications (for cleaning, repair, etc.)
  - Product cut sheets for new elements (including windows, doors, etc.)
  - Two sets of adhesive back mailing labels addressed to the property owner, applicant, architect, etc., for Planning Department use to send hearing agenda and final C of A

### **STANDARDS FOR REVIEW OF APPLICATIONS**

Planning Code Section 1006.7 spells out the standards that the Landmarks Board, the Planning Department and the Planning Commission must use in giving their recommendations (in the case of the Landmarks Board) and in making decisions (in the case of the Planning Department and Planning Commission). Section 1006.7 additionally states that projects in historic districts be compatible with the character of the district as described in the designating ordinance for that district. Within the Appendices in Article 10 for each Historic District, review standards are outlined in Section 7, "Additional Provisions for Certificates of Appropriateness."

The Landmarks Board and the Planning Department, as a policy, also use *The Secretary of the Interior's Standards for the Treatment of Historic Properties* as an additional evaluative standard.

All actions taken by the Planning Department and the Planning Commission must additionally comply with all other aspects of San Francisco's Planning Code and General Plan.

### **SCHEDULED HEARINGS**

The Landmarks Board meets the first and third Wednesdays of each month in Room 400 of City Hall. For information on the Landmarks Board calendar and agenda items, please call the Landmarks Board Recording Secretary at 415-558-6266 after 3:00pm on the Friday preceding the regularly scheduled hearing.

### **PROCEDURES FOR FILING THIS APPLICATION**

To file this application, contact the Intake Coordinator at 415-558-6300.

After the intake, applications will be reviewed by Staff for completeness. If determined complete and Code-complying, the Project will be scheduled for a Landmarks Board hearing within 60 days.

**A. OWNER/PROJECT SPONSOR INFORMATION**

Property Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_( ) \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_( ) \_\_\_\_\_

Primary Contact for Project Information: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_( ) \_\_\_\_\_

Fax Number: \_\_\_\_\_ File Date: \_\_\_\_\_

Email: \_\_\_\_\_

**B. PROJECT INFORMATION**

Address of Project: \_\_\_\_\_

Cross Streets: \_\_\_\_\_

*Complete if applicable:*

Building Permit Application (BPA) No.: \_\_\_\_\_

BPA File Date: \_\_\_\_\_

**C. APPLICANT'S AFFIDAVIT**

Under penalty of perjury, I, the applicant, declare that I am the owner or authorized agent of the owner(s) of this property, and that the information presented is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of Applicant in Full)

Date: \_\_\_\_\_

**D. ENVIRONMENTAL DETERMINATION (To be filled out by Preservation Technical Specialist during application intake)**

Determination: \_\_\_\_\_

**E. ZONING CLASSIFICATION / HISTORIC RATINGS**

Assessor's Block/Lot: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Height/Bulk: \_\_\_\_\_

Landmark No. and Name \_\_\_\_\_ Historic District: \_\_\_\_\_

Article 11 Category: \_\_\_\_\_ Conservation District: \_\_\_\_\_

1976 AS Survey Rating: \_\_\_\_\_ Here Today Page: \_\_\_\_\_

Heritage Rating: \_\_\_\_\_ Other Surveys: \_\_\_\_\_

**F. PROJECT DESCRIPTION**

Alteration                       Addition                       New Construction                       Demolition

Other: \_\_\_\_\_

Present/Previous Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Describe proposed scope of work: \_\_\_\_\_

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Describe existing features and materials to be removed: \_\_\_\_\_

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**Note: Attach continuation sheets, if necessary.**

**G. COMPLIANCE WITH APPLICABLE PLANNING CODE PRESERVATION STANDARDS**

In reviewing applications for Certificates of Appropriateness, the Landmarks Board will consider whether the proposed work would be appropriate for and consistent with the purpose of Article 10 of the Planning Code. Please describe below how the proposed work would preserve, enhance, or restore, and not damage or destroy, the building’s exterior architectural features:

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**This question applies to proposed work in historic districts only. Describe how the proposed project is compatible with the character of the pertinent historic district described in the specific appendix to Article 10 of the Planning Code. (Appendices B through L of Article 10 provide in-depth information on each of the individual historic districts, describing their unique features and particular standards for review within the district.)**

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**Note: Attach continuation sheets, if necessary.**

**H. COMPLIANCE WITH THE SECRETARY OF THE INTERIOR'S STANDARDS (STANDARDS) FOR THE REHABILITATION OF HISTORIC PROPERTIES**

Please describe how the proposed project meets the following 10 rehabilitation Standards. Please respond to each statement as completely as possible (i.e. give reasons as to *how* and *why* the project meets the Standards rather than merely concluding that it does so).

1. The property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships:

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2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided:

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

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**4. Changes to a property that have acquired historic significance in their own right will be retained and preserved:**

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**5. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved:**

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

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**7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used:**

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**8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken:**

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**9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment:**

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**10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired:**

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**Note: Attach continuation sheets, if necessary.**

## **I. APPLICATION FILING FEE (DETERMINED BY PROJECT CONSTRUCTION COST)**

Per Planning Code Section 356(c), the filing fee for a C of A application is based on the overall construction cost of the proposed project. All checks should be made payable to the San Francisco Planning Department; a receipt for payment will be provided at the application intake.

<u>Construction Cost</u>	<u>Fee Schedule</u>
\$0 to \$999	\$558 (=\$545 + Board of Appeals surcharge \$13)
\$1,000 to \$19,999	\$1,103 (=\$1,090 + Board of Appeals surcharge \$13)
\$20,000 or more	\$5,058 (=\$5,045 + Board of Appeals surcharge \$13)

*Effective October 1, 2007*