



# HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 1370

**HEARING DATE: DECEMBER 20, 2023**

**Record No.:** 2023-0108130TH  
**Subject:** Historic Preservation Commission Guidance on Specified Enforcement Penalties  
**Staff Contact:** Corey Teague, Zoning Administrator – (628) 652-7328  
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ADOPTING DEFINITIONS, FACTORS, AND CRITERIA FOR CONSIDERATION, TO BE UPDATED FROM TIME TO TIME, TO PROVIDE GUIDANCE TO THE ZONING ADMINISTRATOR WHEN DETERMINING THE APPROPRIATE PENALTY AMOUNT FOR SPECIFIED VIOLATIONS.

WHEREAS, Planning Code enforcement is governed by the provisions of Section 176;

WHEREAS, Planning Code Section 176 authorizes the Zoning Administrator to enforce the Planning Code through various actions;

WHEREAS, the Zoning Administrator may assess daily penalties to the Responsible Party for unabated violations to help ensure compliance with the Planning Code;

WHEREAS, Planning Code Section 176 was amended by Ordinance No. 40-23 to, among other things, add Section 176(c)(1)(C)(ii) to authorize the Zoning Administrator to assess a one-time penalty of up to up to \$500,000 per violation for work done without the required authorization or permit that results in a significant alteration or damage to or demolition of 1) a historic landmark, 2) a contributor to one or more historic districts or conservation districts that are identified in the Appendices to Articles 10 and Article 11 of the Planning Code, or 3) any property listed in the California Register of Historical Resources or the National Register of Historic Places; and

WHEREAS, Planning Code Section 176(c)(1)(C)(ii) also states that the Historic Preservation Commission, within 12 months of the effective date of Ordinance No. 40-23, must adopt definitions for “significant alteration or damage” and “demolition” as those terms are applied in Section 176(c)(1)(C)(ii), as well as relevant factors and criteria for

consideration, to be updated from time to time, to provide guidance to the ZA when determining the appropriate penalty amount for violations subject to this subsection (c)(1)(C)(ii);

NOW THEREFORE BE IT RESOLVED that the Historic Preservation Commission hereby adopts the following definitions, factors, and criteria for consideration, to be updated from time to time, to provide guidance to the Zoning Administrator when determining the appropriate penalty amount for violations subject to Planning Code Sec. 176(c)(1)(C)(ii):

1. For Articles 10 and 11 historic buildings, **“Demolition”** shall be defined pursuant to Planning Code Section 1005(f):
  - a. Removal of more than 25 percent of the surface of all external walls facing a public street(s); or
  - b. Removal of more than 50 percent of all external walls from their function as all external walls; or
  - c. Removal of more than 25 percent of external walls from function as either external or internal walls; or
  - d. Removal of more than 75 percent of the building's existing internal structural framework or floor plates.
2. For qualifying Category A historic buildings, **“Demolition”** shall be defined pursuant to Planning Code Section 317(b)(2):
  - a. "Residential Demolition" shall mean any of the following:
    - i. Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or
    - ii. A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or
    - iii. A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.
3. For Articles 10 and 11 historic buildings, **“Significant Alteration or Damage”** shall be defined as:
  - a. Removal of more than 10 percent of character-defining features (measured by surface area)

located at:

- i. All exterior elevations;
- ii. Publicly accessible interiors; and
- iii. Any designated interiors.

4. For qualifying Category A historic buildings, **“Significant Alteration or Damage”** shall be defined as:
  - a. Removal of more than 10 percent of character-defining features (measured by surface area) on publicly visible elevations and publicly accessible interiors. Character-defining features shall be defined by the Planning Department pursuant to review by preservation staff.
5. The following factors and criteria are adopted for consideration, to be updated from time to time, to provide guidance to the ZA when determining the appropriate penalty amount for specified violations subject to Planning Code Sec. 176(c)(1)(C)(ii):
  - a. All relevant factors listed in Sec. 176(c)(1)(D)(iv) should be fully considered;
  - b. The uniqueness of the historic property’s construction and materials, and the challenge to replicate should be fully considered;
  - c. The inability to correct or replace character-defining features may warrant a larger penalty;
  - d. Additional damage caused by the violation (e.g., removal of siding/roofing leading to water intrusion and damage to interior elements, such as murals) may warrant a larger penalty;
  - e. A documented period of deferred maintenance of the historic property may warrant a larger penalty;
  - f. Demolition, significant alteration, or damage to individually historic buildings (e.g., City Landmarks, individual resources on the California or National Register, etc.) may warrant a larger penalty than such violations for buildings that are only contributors to historic districts;
  - g. Willful or intentional violations by a Responsible Party warrant a larger penalty;
  - h. A repeat offense by a Responsible Party warrants a larger penalty;
  - i. A larger scope of overall Planning Code violations at the subject lot may warrant a larger penalty;
  - j. The suitability of allowing payment of penalties over time (i.e., annual installments) should be considered;
  - k. The penalty amounts assessed for past violations subject to the penalty of Planning Code Section

176(c)(1)(C)(ii); and

- l. The absence of any of the factors and criteria listed in the Planning Code or this resolution shall not mean that the Zoning Administrator should not assess any penalty, and such penalty amount may be based on other factors and criteria that are specific to an individual violation.

I hereby certify that the Historic Preservation Commission ADOPTED the foregoing Resolution on December 6, 2023.



Jonas P. Ionin  
Commission Secretary

AYES: Baldauf, Campbell, Vergara, Foley, Nageswaran, Matsuda

NAYS: None

ABSENT: Wright

ADOPTED: December 20, 2023