



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memorandum Planning Code Text Changes September 15, 2010

*Project Name:* 2010 Planning Code 'Clean Up'  
*Case Number:* 2010.0080T  
*Initiated by:* John Rahaim, Director of Planning  
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*Recommendation:* **Approval with Modifications**

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Dear Historic Preservation Commissioners,

Included in your packets for the September 15<sup>th</sup> hearing is a revised version of Article 10 based on your comments from the September 1<sup>st</sup> hearing.

Article 11 has not been amended from what was in the August 18<sup>th</sup> hearing packets. That Article has been modified to incorporate the Department's recommendations for the August 4<sup>th</sup> hearing. The page numbers for Article 11 correspond with the original proposed legislation, dated July 8<sup>th</sup> (starting on pg. 364) and included in your original packets for the July 21<sup>st</sup> hearing.

If any Commissioner would like to receive an electronic copy or if another hard copy of the full text of the proposed Ordinance or other materials, please don't hesitate to contact the Department. They will be forwarded to you at the earliest convenience.

Members of the public can view the original proposed legislation and materials at 1650 Mission Street Suite #400 or on the Planning Department website under HPC Agenda for July 21<sup>st</sup>, Planning Department Case No. 2010.0080T.

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1 Note: Additions are *single-underline italics Times New Roman*;  
2 Deletions are ~~*striketthrough italics Times New Roman*~~.  
3 Board amendment additions are double underlined  
4 Board amendment deletions are ~~striketthrough normal~~.

5 Section 69. The San Francisco Planning Code is hereby amended by amending Article  
6 10, to read as follows:

7 SEC. 1001. PURPOSES.

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

14 (a) The protection, enhancement, perpetuation and use of structures, sites and  
15 areas that are reminders of past eras, events and persons important in local, State or national  
16 history, or which provide significant examples of architectural styles of the past or are  
17 landmarks in the history of architecture, or which are unique and irreplaceable assets to the  
18 City and its neighborhoods, or which provide for this and future generations examples of the  
19 physical surroundings in which past generations lived;

20 (b) The development and maintenance of appropriate settings and environment for  
21 such structures, and in such sites and areas;

22 (c) The enhancement of property values, the stabilization of neighborhoods and  
23 areas of the City, the increase of economic and financial benefits to the City and its  
24 inhabitants, and the promotion of tourist trade and interest;

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

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

7 SEC. 1002. POWERS AND DUTIES OF THE PLANNING DEPARTMENT AND THE  
8 HISTORIC PRESERVATION COMMISSION OF CITY PLANNING AND CITY PLANNING  
9 COMMISSION.

10 The Planning Department of City Planning (~~hereinafter referred to as the~~ "Department")  
11 and the ~~Planning Commission~~ Historic Preservation Commission ("HPC") shall have and exercise  
12 the powers and shall perform the duties set forth in this Section and elsewhere in this Article  
13 10 with respect to historical preservation. ~~The Department and the Planning Commission shall be~~  
14 ~~advised in the exercise and performance of their powers and duties by the Landmarks Preservation~~  
15 ~~Advisory Board hereinafter created.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

7 a) Nomination. The Department, a property owner(s), or a member of the public may request  
8 that the HPC initiate designation of an individual landmark or a historic district. Any such nomination  
9 for initiation of designation shall contain findings to support the initiation as well as any additional  
10 information subject to the application procedures and policies established by the HPC.

11 b) Initiation. Initiation of designation shall be made by one of the following methods: 1) ~~by a~~  
12 resolution to initiate designation by the Board of Supervisors; ~~or 2) by a resolution of intention to~~  
13 initiate designation by the HPC; or 3) a resolution to initiate designation by the HPC. Any such  
14 resolution shall make findings to support the initiation of designation of the individual landmark and/or  
15 historic district. The Board of Supervisors shall promptly refer any initiation of designation to the HPC  
16 for its review and recommendation.

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

23 SEC. 1004.2. INTENTIONALLY LEFT BLANK. – REFERRAL TO LANDMARKS  
24 PRESERVATION ADVISORY BOARD.

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

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

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

14           (a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall  
15 be given by at least one publication in a newspaper of general circulation in the City not less  
16 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days  
17 prior to the date of hearing to the owners of all property included in the proposed designation,  
18 using for this purpose the names and addresses of the last known owners as shown on the  
19 records of the Assessor, as well as the applicant of the nomination for initiation. Failure to send  
20 notice by mail to any such property owner where the address of such owner is not a matter of  
21 public record shall not invalidate any proceedings in connection with the proposed  
22 designation. The Department may also give such other notice as it may deem desirable and  
23 practicable.

24           (b) Time Limitation. ~~The Planning Commission~~ HPC shall ~~consider the report and~~  
25 ~~recommendation of the Advisory Board, if any, and shall~~ consider the conformance or lack of

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1 conformance of the proposed designation with the purposes and standards of this Article 10.  
2 ~~Where the Board of Supervisors has referred an initiation of designation to the HPC, The Planning~~  
3 ~~Commission the HPC~~ shall hold a public hearing and shall approve, disapprove or modify the  
4 proposal within 90 days from the date of referral of the proposed designation to the ~~Advisory~~  
5 ~~Board HPC~~. Failure to act within said time shall constitute approval. The Board of Supervisors  
6 may, by resolution, extend the time within which the ~~Planning Commission HPC~~ is to render its  
7 decision.

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

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

24 SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.  
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1           The Board of Supervisors shall hold a public hearing on any proposal so transmitted to  
2 it, after due notice to the owners of the property included in the proposal, and such other  
3 notice as the said Board may deem necessary. The Board of Supervisors may approve, or  
4 modify and approve, the designation by a majority vote of all its members.

5           SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

6           If the ~~Planning Commission~~ HPC disapproves the proposed designation, such action  
7 shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30  
8 days by a protest subscribed by the owners of at least 20 percent of the property proposed to  
9 be designated, or by any governmental body or agency, or by an organization with a  
10 recognized interest in historical preservation; provided, however, that if the proposal was  
11 initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately  
12 of the disapproval without the necessity for an appeal.

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

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

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

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

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

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

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

10          SEC. 1005. CONFORMITY AND PERMITS.

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

17          (b)

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

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

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1 (c)

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

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

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

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

22 (e) After receiving a permit application from the Central Permit Bureau in  
23 accordance with the preceding subsection, the Department shall ascertain whether *Section*  
24 ~~1006 requires~~ a Certificate of Appropriateness is required or has been approved for the work  
25 proposed in such permit application. If ~~such a~~ Certificate of Appropriateness is required and has

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1 been issued, and if the permit application conforms to ~~such Certificate~~ the work approved in the  
2 Certificate of Appropriateness, the permit application shall be processed without further  
3 reference to this Article 10. If ~~such a~~ Certificate of Appropriateness is required and has not been  
4 issued, or if ~~in the sole judgment of the Department~~ the permit application does not ~~so~~ conform to  
5 what was approved, the permit application shall be disapproved or held by the Department until  
6 such time as conformity does exist; ~~the decision and action of the Department shall be final.~~  
7 Notwithstanding the foregoing, in the following cases the Department shall process the permit  
8 application without further reference to this Article 10:

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

11 (2) When the application is for a permit to make interior alterations only on a  
12 privately-owned structure or on a publicly-owned structure, unless the Department has  
13 determined that any proposed interior alterations will not result in any visual or material impact to the  
14 subject building or the designating ordinance requires review of such interior alterations to the  
15 privately- or publicly-owned structure pursuant to Section 1004(c) hereof.

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

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

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



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1 (1) Removal of more than 25 percent of the surface of all external walls facing a  
2 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 percent of external walls from function as either  
6 external or internal walls; or

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

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

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

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

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1           SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

2           In the case of:

3           (1) Any construction, alteration, removal or demolition of a structure or any work  
4 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section  
5 1005(g)), or other appendage, for which a City permit is required, on a landmark site or in a  
6 historic district;

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

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

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

17           A Certificate of Appropriateness shall be required and shall govern review of permit  
18 applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set  
19 forth in Section 1005(e). The procedures, requirements, controls and standards in Sections  
20 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness;  
21 provided, however, that the designating ordinance for a historic district, or for a City-owned  
22 park, square, plaza or garden on a landmark site, may modify or add to these procedures,  
23 requirements, controls and standards.

24           SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

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

6 (c) Content of Applications. The content of applications shall be in accordance with  
7 the policies, rules and regulations of the Department and the ~~City Planning Commission~~ HPC.  
8 All applications shall be upon forms prescribed therefore, and shall contain or be  
9 accompanied by all information required to assure the presentation of pertinent facts for  
10 proper consideration of the case and for the permanent record. In general, the application  
11 shall be accompanied by plans and specifications showing the proposed exterior appearance,  
12 including but not limited to color, texture of materials, and architectural design and detail;  
13 drawings or photographs showing the property in the context of its surroundings may also be  
14 required. The applicant may be required to file with ~~his~~ the application ~~the~~ additional information  
15 needed for the preparation and mailing of notices as specified in Section 1006.3.

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

19 (e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires~~  
20 ~~a conditional use authorization in addition to a Certificate of Appropriateness, the Department may~~  
21 ~~combine the required applications, notices and hearings for administrative convenience and in the~~  
22 ~~interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~  
23 Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC must  
24 review and act on any Certificate of Appropriateness before any other planning approval action. For  
25 projects that (1) require a Conditional Use Authorization or permit review under Section 309, et. seq.

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1 of the Code, and (2) do not concern an individually landmarked property, the Planning Commission  
2 may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the  
3 Planning Commission shall apply all applicable historic resources provisions of the Code. For  
4 properties located on vacant lots, the Planning Commission may modify any decision on a Certificate  
5 of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all  
6 applicable historic resources provisions of the Planning Code.

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

9 An application for a Certificate of Appropriateness shall be reviewed by the Department which  
10 shall determine within 20 days after the application is filed whether or not the application is complete.

11 (a) The HPC shall have the authority to define categories of alterations to be deemed Minor  
12 Alterations and may delegate approval of an Administrative Certificate of Appropriateness for such  
13 work to Department staff, whose decisions may be appealed to the HPC pursuant to subsection  
14 1006.2(b) of this Article 10. The categories of Minor Alterations shall include but are not limited to the  
15 following:

16 (1) The application is for a permit to do “ordinary maintenance and repairs,” which for the  
17 purpose of this Article 10 shall mean any work, the sole purpose and effect of which is to correct  
18 deterioration, decay or damage; and

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

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

23 (b) If the application has been determined to be a Minor Alteration and delegated to the  
24 Department for approval, then the application may be approved by the Department without a hearing  
25 before the HPC. The Department shall mail to the applicant and any individuals or organizations who

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1 so request the Department's written decision approving an Administrative Certificate of  
2 Appropriateness. Such decisions of the Department may be appealed to the HPC within 15 days of the  
3 date of the written decision. The HPC may also review the decisions of the Department by its own  
4 motion.

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

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

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

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

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

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1           SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

2           When an application for a Certificate of Appropriateness has been filed and ~~Section~~  
3 ~~1006.2 provides that the Planning Commission has been determined to be complete by the Department~~  
4 ~~and Section 1006.2 provides that, the HPC shall hold a public hearing thereon.~~ ~~The~~ Department,  
5 shall set a time and place for said hearing within a reasonable period. Notice of the time,  
6 place and purpose of the hearing shall be given by the Department as follows:

7           (a)    By mail to the applicant;

8           (b)    ~~For individual landmarks, B~~ by mail not less than 10 days prior to the date of the  
9 hearing to the owners of all real property that is the subject of the application and, if said  
10 property is in a historic district, to the owners and occupants of the subject property of all real  
11 property within ~~the historic district~~ 300 feet of the subject property, using for this purpose the  
12 names and addresses of the owners as shown on the latest citywide assessment roll in the  
13 office of the Tax Collector, as well as any other interested parties who make a request in writing to  
14 the Department. Failure to send notice by mail to any such property owner where the address  
15 of such owner is not shown on such assessment roll shall not invalidate any proceedings in  
16 connection with such action;

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

19           (d)    By posting notice on the site not less than 10 days prior to the date of the hearing; and

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

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

23           ~~Where a public hearing before the Planning Commission has been scheduled thereon, the~~  
24 ~~application for a Certificate of Appropriateness shall be promptly referred to the Advisory Board and~~  
25 ~~shall be considered by the Advisory Board at its next regular meeting, or at a special meeting called for~~

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1 ~~that specific purpose. The Advisory Board shall render a report to the Planning Commission at or prior~~  
2 ~~to the scheduled public hearing; failure of the Advisory Board to consider the application or to render~~  
3 ~~a report shall not constitute grounds for continuation of the public hearing.~~

4 SEC. 1006.5. CONDUCT OF HEARING; DECISION.

5 Where a public hearing before the ~~Planning Commission~~HPC has been scheduled:

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

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

14 (c) Continuations. The ~~Planning Commission~~HPC shall determine the instances in  
15 which cases scheduled for hearing may be continued or taken under advisement. In such  
16 cases, new notice need not be given of the further hearing date, provided such date is  
17 announced at the scheduled hearing.

18 (d) Decision. The HPC shall approve, disapprove, or modify Certificates of  
19 Appropriateness for work to designated landmarks or within historic districts. The decision of the  
20 ~~Planning Commission~~HPC shall be rendered within 30 days from the date of conclusion of the  
21 hearing; failure of the ~~Commission~~HPC to act within the prescribed time shall be deemed to  
22 constitute disapproval of the application. The decision of the ~~Planning Commission~~HPC, in  
23 ~~either approving, or disapproving, or modifying~~ the application pursuant to Section 1006.6, shall  
24 be final except upon the filing of a valid appeal to the Board of Appeals or Board of Supervisors  
25 as provided in Section 1006.8. ~~The decision of the Planning Commission, in suspending action on~~

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1 ~~an application pursuant to Section 1006.6, shall be final.~~ If the ~~Planning Commission or the~~ Board of  
2 Appeals or Board of Supervisors on appeal, approves the application, ~~or after the expiration of~~  
3 ~~any suspension period imposed by the Commission,~~ the Department shall issue a Certificate of  
4 Appropriateness to the applicant.

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

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

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

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

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

24 (a) If the application for a Certificate of Appropriateness proposes construction or  
25 alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other



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1 appendage, or exterior changes in a historic district visible from a public street or other public  
2 place, the ~~Planning Commission~~ HPC shall approve, ~~or~~ disapprove, or modify the application in  
3 whole or in part.

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

10 (c) If the application proposes removal or demolition of a structure in a designated  
11 historic district, other than on a designated landmark site, the ~~Planning Commission~~ HPC may  
12 disapprove or approve the application, or may suspend action on it for a period not to exceed  
13 90 days, subject to extension by the Board of Supervisors as provided in the preceding  
14 subsection; provided, however, that the designating ordinance for the historic district may  
15 authorize the suspension of action for an alternate period which shall in no event exceed 90  
16 days, without extension, and in such event the provision of the designating ordinance shall  
17 govern.

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

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1           SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

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

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

12           (b)     For applications pertaining to landmark sites, the proposed work shall preserve,  
13 enhance or restore, and shall not damage or destroy, the exterior architectural features of the  
14 landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its  
15 major interior architectural features. The proposed work shall not adversely affect the special  
16 character or special historical, architectural or aesthetic interest or value of the landmark and  
17 its site, as viewed both in themselves and in their setting, nor of the historic district in  
18 applicable cases.

19           (c)     For applications pertaining to property in historic districts, other than on a  
20 designated landmark site, any new construction, addition or exterior change shall be  
21 compatible with the character of the historic district as described in the designating ordinance;  
22 and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore,  
23 and not to damage or destroy, the exterior architectural features of the subject property which  
24 are compatible with the character of the historic district. Notwithstanding the foregoing, for any  
25 exterior change where the subject property is not already compatible with the character of the

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1 historic district, reasonable efforts shall be made to produce compatibility, and in no event  
2 shall there be a greater deviation from compatibility. Where the required compatibility exists,  
3 the application for a Certificate of Appropriateness shall be approved.

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

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

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

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

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1 Section shall be construed to authorize the appeal of any decision under Section 1006.6 of  
2 this Article 10 to suspend action on an application.

3 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing written  
4 notice of appeal with the Board of Appeals or the Clerk of the Board of Supervisors, whichever  
5 entity is appropriate under the requirements of subsection 1006.8(a), within 30 days after the date of  
6 action by the ~~Planning Commission~~ HPC. If the Certificate of Appropriateness is appealed to the  
7 Board of Appeals, all procedures and practices of that Board shall apply. Either appeal may be filed  
8 by ~~In the case of a historic district, the notice of appeal shall be subscribed by the owners of at least 20~~  
9 ~~percent of the property affected by the proposed Certificate of Appropriateness; for the purposes of this~~  
10 ~~calculation, the property affected shall be deemed to be all property within the historic district. In the~~  
11 ~~case of a landmark not in a historic district, the notice of appeal shall be subscribed by the property~~  
12 owner(s), or by any governmental body or agency, or by an organization with a recognized  
13 interest in historical preservation.

14 (c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed, the Board of~~  
15 ~~Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, If the Certificate of~~  
16 ~~Appropriateness is appealed to the Board of Appeals, then procedures of that Board shall apply. If the~~  
17 ~~Certificate of Appropriateness is appealed to the Board of Supervisors, then the Clerk of the Board~~  
18 ~~shall set a time for such appeal,~~ which shall be not less than 10 nor more than 30 days after such  
19 filing. The Board of Supervisors must decide such appeal within 30 days of the time set for the  
20 hearing thereon; provided that, if the full membership of the Board is not present on the last  
21 day on which said appeal is set or continued for hearing within said period, the Board may  
22 postpone said hearing and decision thereon until, but not later than, the full membership of the  
23 Board is present; provided, further, that the latest date to which said hearing and decision may  
24 be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure  
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1 of the Board of Supervisors to act within such time limit shall be deemed to constitute  
2 approval by the Board of the ~~action decision~~ of the ~~Planning Commission HPC~~.

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

5 ~~(d e)~~ Decisions Affecting City Hall. The provisions of this Subsection shall govern  
6 decisions by the ~~City Planning Commission HPC~~ on a Certificate of Appropriateness for  
7 alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the  
8 approval or disapproval by the ~~City Planning Commission HPC~~ of a Certificate of  
9 Appropriateness for alteration of City Hall, the Secretary of the ~~City Planning Commission HPC~~  
10 shall transmit to the Clerk of the Board of Supervisors written notification of the ~~Commission~~  
11 ~~HPC's~~ decision. The Clerk shall set a time and place for hearing on the decision, which shall  
12 be not less than 10 nor more than 30 days after receipt of such notification. The Board of  
13 Supervisors may either approve, disapprove, or modify the Commission's decision by majority  
14 vote. The Board of Supervisors must take this action within 30 days of the time set for the  
15 hearing thereon, provided that, if the full membership of the Board is not present on the last  
16 day on which said hearing is set or continued within said period, the Board may postpone said  
17 hearing and decision thereon until, but not later than, the full membership of the Board is  
18 present; provided further, that the latest date to which said hearing and decision may be so  
19 postponed shall be not more than 90 days from the date of the receipt of written notification.  
20 Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute  
21 approval by the Board of the action of the City Planning Commission.

22 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

23 None of the provisions of this Article 10 shall be construed to prevent any measures of  
24 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition  
25 of any structure, other feature, or part thereof, where such condition has been declared

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1 unsafe or dangerous by the Director Superintendent of the ~~Bureau~~ Department of Building  
2 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the  
3 proposed measures have been declared necessary, by such official, to correct the said  
4 condition; provided, however, that only such work as is absolutely necessary to correct the  
5 unsafe or dangerous condition may be performed pursuant to this Section. In the event any  
6 structure or other feature shall be damaged by fire, or other calamity, or by Act of God or by  
7 the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot  
8 reasonably be repaired and restored, it may be removed in conformity with normal permit  
9 procedures and applicable laws.

10 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

19 SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

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

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1           SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

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

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

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

24           SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.  
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1           (a)    The ~~Advisory Board may recommend, and the Planning Commission~~HPC may  
2 approve, a list of structures of historical, architectural or aesthetic merit which have not been  
3 designated as landmarks and are not situated in designated historic districts. ~~The said~~This list  
4 may be added to from time to time. The purpose of this list shall be to recognize and  
5 encourage the protection, enhancement, perpetuation and use of such structures. The  
6 ~~Advisory Board and the Planning Commission~~HPC shall maintain a record of historic structures in  
7 the City which have been officially designated by agencies of the State or federal government,  
8 and shall cause such structures to be added to the aforesaid list.

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

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

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

23           SEC. 1013. ENFORCEMENT AND PENALTIES.

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



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1           SEC. 1014. APPLICABILITY.

2           (a)    No application for a permit to construct, alter or demolish any structure or other  
3 feature on a landmark site or in a historic district, filed subsequent to the day that ~~an~~  
4 ~~application has been filed or~~ a resolution adopted to initiate designation of the said landmark site  
5 or historic district, shall be approved by the Department while proceedings are pending on  
6 such designation; provided however, that after 180 days have elapsed from the date of  
7 initiation of said designation, if final action on such designation has not been completed, the  
8 permit application may be approved.

9           (b)    The provisions of this Article 10 shall be inapplicable to the construction,  
10 alteration or demolition of any structure or other feature on a landmark site or in a historic  
11 district, where a permit for the performance of such work was issued prior to the effective date  
12 of the designation of the said landmark site or historic district, and where such permit has not  
13 expired or been cancelled or revoked, provided that construction is started and diligently  
14 prosecuted to completion in accordance with the Building Code.

15           SEC. 1015. - SEVERABILITY.

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

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1 Note: July 8, 2010 Planning Department additions are single-underline italics Times New  
2 Roman;  
3 July 8, 2010 Planning Department deletions are ~~strikethrough italics Times New~~  
4 ~~Roman~~.  
5 July 28, 2010 Planning Department additions are **bold single-underline italics**  
6 **Times New Roman**.  
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16  
17 August 4, 2010 HPC additions double underlined  
18 August 4, 2010 HPC deletions are ~~strikethrough normal~~.

17 Section 70. The San Francisco Planning Code is hereby amended by amending Article  
18 11, to read as follows:

19 SEC. 1101. FINDINGS AND PURPOSES.

20 (a) It is hereby found that a substantial number of the buildings in the C-3 District  
21 have a special architectural, historical, and aesthetic value. These buildings contribute  
22 substantially to San Francisco's reputation throughout the United States as a City of  
23 outstanding beauty and physical harmony. A substantial number of these special buildings  
24 have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of  
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1 preserving and continuing their use, and without adequate consideration for the irreplaceable  
2 loss to the people of the City of their aesthetic, cultural, historic and economic value.

3 (b) It is further found that distinct and definable subareas within the C-3 District  
4 possess concentrations of buildings that together create a unique historic, architectural, and  
5 aesthetic character which contributes to the beauty and attractiveness of the City. The quality  
6 of these geographic areas has been and continues to be degraded by the unnecessary  
7 demolition of buildings of substantial architectural and aesthetic merit, by their replacement  
8 with buildings which conflict with the character and scale of the area, and by alteration of  
9 buildings in a manner which conflicts with the character and scale of the area.

10 (c) It is therefore declared that the protection, enhancement, and perpetuation of  
11 buildings and definable subareas of special architectural, historical, and aesthetic interest is  
12 necessary to promote the health, safety, prosperity and welfare of the people of the City.  
13 Accordingly, the purposes of this Article are:

14 (1) The protection, enhancement, and perpetuation of structures and subareas of  
15 special architectural, historical, and aesthetic character which contribute to the urban  
16 environment;

17 (2) The maintenance and improvement of a healthy economy for the City by  
18 enhancing both property values and the City's attractiveness as a place to do business;

19 (3) The protection and improvement of the City's attractiveness to tourists and other  
20 visitors, and the stimulus to business provided thereby;

21 (4) The enrichment of the educational, cultural, aesthetic and spiritual life of the  
22 inhabitants of the City by fostering knowledge of the heritage of the City's past and retaining  
23 the quality of the City's urban environment.

24 (d) It is further found that the use of Transferable Development Rights ("TDR") as  
25 provided herein is necessary to promote the urban planning and design goals of the Master

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1 Plan by (1) maintaining appropriate overall development capacities in each zoning district  
2 within the C-3 area, as defined by applicable floor area, height, bulk and other parameters; (2)  
3 encouraging and directing development into the Special Development District in order to  
4 maintain a compact downtown financial district; and (3) facilitating the retention of Significant  
5 Buildings, and encouraging the retention of Contributory Buildings, and the compatible  
6 replacement or alteration of Unrated buildings in Conservation Districts, as defined herein.

7 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

8 The buildings in the C-3 Districts are divided into five categories according to the  
9 Building Rating methodology as set forth and explained in the Preservation of the Past section  
10 of the Downtown Plan, a component of the Master Plan. Those categories are as follows:

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

12 (1) Are at least 40 years old; and

13 (2) Are judged to be Buildings of Individual Importance; and

14 (3) Are rated Excellent in Architectural Design or are rated Very Good in both  
15 Architectural Design and Relationship to the Environment.

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

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

18 (2) To which, because of their depth and relationship to other structures, it is  
19 feasible to add different and higher replacement structures or additions to height at the rear of  
20 the structure, even if visible when viewing the principal facades, without affecting their  
21 architectural quality or relationship to the environment and without affecting the appearance of  
22 the retained portions as separate structures when viewing the principal facades. The  
23 designation of Category II Buildings shall identify for each building the portion of the building  
24 beyond which such additions may be permitted.

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

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- 1 (1) Are located outside a designated Conservation District; and
- 2 (2) Are at least 40 years old; and
- 3 (3) Are judged to be Buildings of Individual Importance; and
- 4 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in
- 5 Relationship to the Environment.

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

- 7 (1) Are located in a designated Conservation District; and
- 8 (2) Are at least 40 years old; and
- 9 (3) Are judged to be Buildings of Individual Importance, and are rated either Very
- 10 Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.
- 11 (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in
- 12 Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

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

14 Contributory.

15 SEC. 1102.1. DESIGNATION OF BUILDINGS.

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

- 17 (a) Significant Buildings - Category I. The buildings listed in Appendix A to this
- 18 Article 11 are hereby designated as Significant Buildings - Category I.
- 19 (b) Significant Buildings - Category II. The buildings listed in Appendix B to this
- 20 Article 11 are hereby designated as Significant Buildings - Category II.
- 21 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to this
- 22 Article 11 are hereby designated as Contributory Buildings - Category III.
- 23 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to this
- 24 Article 11 are hereby designated as Contributory Buildings - Category IV.

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1 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise  
2 designated in this Section are hereby designated as Unrated - Category V.

3 SEC. 1103. STANDARDS FOR DESIGNATION OF CONSERVATION DISTRICTS.

4 Portions of the C-3 District may be designated as Conservation Districts if they contain  
5 substantial concentrations of buildings that together create subareas of special architectural  
6 and aesthetic importance. Such areas shall contain substantial concentrations of Significant  
7 and Contributory Buildings and possess substantial overall architectural, aesthetic or historic  
8 qualities justifying additional controls in order to protect and promote those qualities.

9 SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS.

10 The following Conservation Districts are hereby designated for the reasons indicated in  
11 the appropriate Appendix:

12 (a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as  
13 set forth in Appendix E.

14 (b) The New Montgomery-Second Street Conservation District is hereby designated  
15 as set forth in Appendix F.

16 (c) The Commercial-Leidesdorff Conservation District is hereby designated as set  
17 forth in Appendix G.

18 (d) The Front-California Conservation District is hereby designated as set forth in  
19 Appendix H.

20 (e) The Kearny-Belden Conservation District is hereby designated as set forth in  
21 Appendix I.

22 (f) The Pine-Sansome Conservation District is hereby designated as set forth in  
23 Appendix J.

24 SEC. 1104. INTENTIONALLY LEFT BLANK. --NOTICE OF DESIGNATION.

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1           ~~(a) — The Zoning Administrator shall notify by mail the owners of every building designated~~  
2 ~~by this ordinance as a Significant or Contributory Building and every building within a conservation~~  
3 ~~district as established by this ordinance.~~

4           ~~(b) — With respect to buildings designated Significant or Contributory by this ordinance,~~  
5 ~~notice shall also be given by posting each such building in a conspicuous place as well as by~~  
6 ~~publication pursuant to the provisions of California Government Code Section 6064. The notice shall~~  
7 ~~state that the owner of every building so designated has the right to request a change of designation~~  
8 ~~and the time permitted for making such a request.~~

9           ~~(c) — The Zoning Administrator shall cause a copy of this ordinance, or notice thereof, to be~~  
10 ~~recorded in the office of the County Recorder for properties designated as Significant or Contributory,~~  
11 ~~and for properties designated within a conservation district, by this ordinance.~~

12           ~~SEC. 1105. INTENTIONALLY LEFT BLANK—RECONSIDERATION OF DESIGNATION.~~

13           ~~(a) — Request for Reconsideration. Within 45 days of the effective date of this ordinance, a~~  
14 ~~request for reconsideration and change of a designation may be filed by any affected property owner,~~  
15 ~~by any organization or group which has historic preservation stated as one of its goals in its bylaws or~~  
16 ~~articles of incorporation, or the application of at least 50 registered voters of the City, based on the~~  
17 ~~grounds that under the standards contained in Section 1102 the designation set forth in this ordinance~~  
18 ~~is incorrect. Such a request shall be filed with the Department of City Planning on forms provided for~~  
19 ~~that purpose. The Department of City Planning shall not accept or act upon any application filed after~~  
20 ~~45 days have passed. Once a request for reconsideration has been made as to any building, no~~  
21 ~~additional requests shall be accepted as to that building; however, another applicant may seek a~~  
22 ~~change of designation different from that sought in the original reconsideration request. Any property~~  
23 ~~owner who contends that the designation applicable to its property deprives the owner of a~~  
24 ~~constitutionally protected property right, or that, by reason of such application, the property owner is~~  
25 ~~entitled to compensation, shall assert such argument in connection with and in aid of the application~~

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1 ~~filed under this Section and provide all evidence in the property owner's possession in support of such~~  
2 ~~contention.~~

3 ~~(b) — Referral to the Landmarks Preservation Advisory Board; Review by the Department of~~  
4 ~~City Planning. Upon determination by the Zoning Administrator that an application is complete, the~~  
5 ~~Zoning Administrator shall promptly refer the matter to the Landmarks Preservation Advisory Board~~  
6 ~~for review and recommendation, and the Department of City Planning shall undertake a study of the~~  
7 ~~reconsideration request and prepare a report and recommendation. The Landmarks board shall~~  
8 ~~recommend approval, disapproval, or approval with modifications of the application within 30 days of~~  
9 ~~receiving it; provided, however, that if more than 30 applications are received within any 15-day~~  
10 ~~period at the Department of City Planning, the Zoning Administrator may extend the time for Advisory~~  
11 ~~Board action with respect to those applications for an additional period of time not to exceed 45 days,~~  
12 ~~and if more than 50 applications are received within such time, for an additional period of time deemed~~  
13 ~~necessary to allow sufficient time for Board review. If the Landmarks Board fails to respond within the~~  
14 ~~allowed time the City Planning Commission shall proceed without a recommendation from the~~  
15 ~~Landmarks Board.~~

16 ~~(c) — Submittal to the Planning Commission. Upon completion of the study by the Department~~  
17 ~~of City Planning and recommendation by the Landmarks Advisory Board, the matter shall be scheduled~~  
18 ~~for public hearing before the Planning Commission; provided, however, that in no event shall it be~~  
19 ~~scheduled later than 30 days after the Advisory Board has made its recommendation unless the~~  
20 ~~applicant consents to an extension of this time limit. Notice of the hearing shall be given by mail to the~~  
21 ~~applicant and to any other persons requesting notice.~~

22 ~~(d) — City Planning Commission Decision. The Planning Commission may approve,~~  
23 ~~disapprove, or approve with modifications the reconsideration application. The building shall be~~  
24 ~~deemed to be designated according to the decision of the Planning Commission and the provisions of~~

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1 ~~this Article 11 applicable to that designation shall apply to the building notwithstanding another~~  
2 ~~designation of the building in Appendices A, B, C or D to this Article.~~

3 SEC. 1106. PROCEDURES FOR CHANGE OF DESIGNATION; AND DESIGNATION  
4 OF ADDITIONAL SIGNIFICANT AND CONTRIBUTORY BUILDINGS.

5 Buildings may be designated or their designation may be changed through amendment  
6 of Appendices A, B, C and D of this Article. Such designation or change of designation shall  
7 be governed by the following provisions in lieu of the provisions of Section 302:

8 (a) Initiation. The designation or change of designation of a Significant or  
9 Contributory building may be initiated by motion of the Board of Supervisors, by resolution of  
10 the ~~Planning Commission or the Landmarks Preservation Advisory Board HPC~~, by the verified  
11 application of the owner or authorized agent of the affected property, by the application of any  
12 organization or group which has historic preservation stated as one of its goals in its bylaws or  
13 articles of incorporation, or by the application of at least 50 registered voters of the City.  
14 Except in the case of initiation by governmental bodies, any such application shall be filed with  
15 the ~~Planning Department of City Planning~~ upon forms prescribed by the Department of City  
16 Planning, and shall be accompanied by all data required by the Department HPC.

17 (b) Notice; Referral to the ~~Landmarks Preservation Advisory Board HPC~~; Review by the  
18 ~~Planning Department of City Planning~~. Upon determination by the ~~Zoning Administrator Planning~~  
19 ~~Department~~ that a verified application is complete and contains all necessary information or  
20 upon receipt of the motion or resolution of one of the governmental bodies set forth in  
21 Subsection (a) above, the ~~Zoning Administrator Planning Department~~ shall (1) send notice of the  
22 proposed designation or change of designation by mail to the owner of the affected property,  
23 unless the application is that of the owner, and (2) promptly refer the matter to the ~~Landmarks~~  
24 ~~Preservation Advisory Board HPC~~ for review and the submittal of a recommendation. The

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1 ~~Planning~~ Department of City Planning shall also undertake a study of the proposed designation  
2 or change of designation.

3 (c) Action by the ~~Planning Commission~~ HPC. Upon completion of the review of the  
4 ~~proposed designation or change of designation by the Department of City Planning and the submittal of~~  
5 ~~the report by the Landmarks Board, the matter~~ **The application proposed designation or change of**  
6 **designation** shall be placed on the agenda of the ~~Planning Commission~~ HPC for public  
7 hearing(s). The ~~Planning Commission~~ HPC shall determine the appropriate designation or  
8 change in designation of the building. If the ~~Planning Commission~~ HPC approves or modifies  
9 the **proposed** designation or change of designation in whole or in part, it shall transmit **the**  
10 **proposal its recommendation**, together with a copy of the resolution **of approval**, to the Clerk of  
11 the Board of Supervisors **without referral or recommendation of the Planning Commission**.

12 ~~(Section is being relocated to 1107). (d) — Review by the Planning Commission. The HPC~~  
13 ~~shall refer recommendations regarding Conservation District designations to the Planning~~  
14 ~~Commission, which shall have 45 days to review and comment on the proposed designation, which~~  
15 ~~comments, if any, shall be forwarded to the Board of Supervisors together with the HPC's~~  
16 ~~recommendation. Notice of the hearing shall be given by mail to the applicant and to any other~~  
17 ~~persons requesting notice.~~

18 ~~(d 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  
20 Supervisors may approve, modify and approve, or disapprove the designation or change of  
21 designation by a majority vote of all its members.

22 ~~(e) (f)~~ Appeal to Board of Supervisors. If the ~~Planning Commission~~ HPC disapproves the  
23 proposed designation or change of designation, such action shall be final except upon the  
24 filing of a notice of appeal to the Board of Supervisors within 30 days by the applicant or any  
25 of the persons, organizations or groups listed in Section 1106(a); provided, however, that if

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1 the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be  
2 notified immediately of the disapproval without the necessity for an appeal.

3 ~~(f)~~ (g) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall  
4 hold a public hearing on any such proposal appealed to it or initiated by it. The Board of  
5 Supervisors may uphold the ~~Planning Commission~~ HPC, overrule the ~~Planning Commission~~ HPC  
6 and approve, or modify and approve, the designation or change of designation by a majority  
7 vote of all its members.

8 ~~(g)~~ (h) Notice of Proceedings. Notice of the hearing scheduled before the ~~Planning~~  
9 ~~Commission~~ HPC and Board of Supervisors, and of the availability of applicable reports, shall  
10 be given by mail to the initiators of the designation or change of designation, to the owners of  
11 any affected building, to appellants, and to any other interested person or organization  
12 requesting notice.

13 ~~(h)~~ (i) Grounds for Designation or Change of Designation. The designation of a  
14 building may be changed if (1) changes in the area in the vicinity of a building located outside  
15 a Conservation District warrant a change in the rating of the building with respect to its  
16 relationship to the environment and therefore place it in a different category, pursuant to  
17 Section 1102; or (2) changes in Conservation District boundaries make a building of  
18 Contextual Importance fall outside a Conservation District and therefore no longer eligible for  
19 designation as a Contributory building, or, conversely, make a building of Contextual  
20 Importance fall within a Conservation District and therefore eligible for designation as a  
21 Contributory Building; or (3) changes in the physical features of the building due to  
22 circumstances beyond the control of the owner, or otherwise permitted by this Article, warrant  
23 placing the building in a different category pursuant to the standards set forth in Section 1102;  
24 or (4) restoration of the building to its original quality and character warrants placing the  
25 building in a different category pursuant to the standards set forth in Section 1102; or (5) by

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1 the passage of time, the building has become at least 40 years old, making it eligible to be  
2 considered for designation as a Significant or Contributory building, pursuant to Section 1102;  
3 or (6) the discovery of new factual information (for example, information about the history of  
4 the building) makes the building eligible for rating as a Building of Individual or Contextual  
5 Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

6 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL  
7 CONSERVATION DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

8 A Conservation District may be designated or its boundary changed through  
9 amendment of Section 1103.1 of this Article 11. The HPC shall have the authority to recommend  
10 approval, disapproval, or modification of Conservation District designations or boundary changes to  
11 the Board of Supervisors. Such designation or boundary change shall be governed by the  
12 following provisions in lieu of the provisions of Section 302.

13 (a) Initiation of Designation or Boundary Change. The designation of an area of the  
14 C-3 District as a Conservation District or the change of District boundaries may be initiated by  
15 motion of the Board of Supervisors, by resolution of the ~~Planning Commissioner the Landmarks~~  
16 ~~Preservation Advisory Board~~ HPC, upon the verified application of the owners or other  
17 authorized agents of greater than 25 percent of the structures in the area proposed for  
18 designation (or, as to an alteration, 25 percent of the structures of the proposed new district  
19 unless it would be an area smaller than the existing district, in which case it shall be 25  
20 percent of the structures of the existing district), upon the verified application of any  
21 organization or group which has historic preservation stated as one of its goals in its bylaws or  
22 articles of incorporation, or upon the verified application of at least 150 registered voters of the  
23 City. Except in case of an initiation by governmental bodies, any such application shall be filed  
24 with the ~~Planning Department of City Planning~~ upon forms prescribed by the ~~Department of City~~  
25 ~~Planning,~~ and shall be accompanied by all data required by said Department the HPC.

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1 (b) Notice; ~~Referral to the Landmarks Preservation Advisory Board;~~ **Referral to the HPC;**  
2 Review by the Planning Department ~~of City Planning~~. Notice, ~~referral to the Landmarks Board~~  
3 **referral to the HPC** and review by the Planning Department ~~of City Planning~~ shall be as provided  
4 in Section 1106(b) of this Article.

5 (c) ~~Submittal to the Planning Commission~~ **Action by the HPC.** ~~Submittal to and action by~~  
6 ~~the Planning Commission~~ **Action by the HPC** shall be as set forth in Section 1106(c) of this  
7 Article, **except that the HPC's recommendation shall be subject to review by the Planning**  
8 **Commission as set forth below in Section 1107(d).**

9 (d) ~~Review by the Planning Commission.~~ **Submittal to and action by the Planning**  
10 **Commission shall be as set forth in Section 1106(d) of this Article** **The HPC shall refer**  
11 **recommendations regarding Conservation District designations to the Planning Commission, which**  
12 **shall have 45 days to review and comment on the proposed designation, which comments, if any,**  
13 **shall be forwarded to the Board of Supervisors together with the HPC's recommendation. Notice of**  
14 **the hearing shall be given by mail to the applicant and to any other persons requesting notice.**

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

19 (e) (f) Appeal to Board of Supervisors. If the Planning Commission HPC disapproves the  
20 proposed designation or boundary change, such action shall be final except upon the filing of  
21 a notice of appeal to the Board of Supervisors within 30 days by the applicant or any of the  
22 persons, organizations, or groups listed in Section 1107(a); provided, however, that if the  
23 proposal was initiated by the Board of Supervisors, the Clerk of the said board shall be  
24 notified immediately of the disapproval without the necessity for an appeal.

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1           ~~(f)~~ (g) Hearing and Decision. The Board of Supervisors, or a committee thereof, shall  
2 hold a public hearing on any such proposal appealed to it or initiated by it. The Board of  
3 Supervisors may uphold the ~~Planning Commission~~ HPC, overrule the ~~Planning Commission~~ HPC  
4 and approve, or modify and approve, the designation or boundary change by a majority vote  
5 of all its members.

6           ~~(g)~~ (h) Notice of Proceedings. Notice of the hearing~~(s)~~ scheduled before the ~~Planning~~  
7 ~~Commission~~ HPC shall be given by mail to the initiators of the designation or alteration, the  
8 owners of all lots within 300 feet of the proposed new district or of that portion of the district  
9 being altered, as well as to interested individuals or organizations who request such notice.

10           ~~(h)~~ (i) Standards Applicable to Designation or Boundary Change. The standards  
11 governing the designation and change of District boundaries are those set forth in Section  
12 1103. Areas may be removed from Conservation Districts if the character of the area has  
13 changed such that the area no longer qualifies under the standards set forth in Section 1103.

14           SEC. 1108. NOTICE OF DESIGNATION.

15           When a building has been designated Significant or Contributory or its designation is  
16 changed pursuant to Section 1106, or when a new Conservation District is established or the  
17 boundary of a Conservation District changed pursuant to Section 1107, the ~~Zoning~~  
18 ~~Administrator~~ Planning Department shall notify each affected property owner by mail and shall  
19 cause a copy of the ordinance, or notice thereof, to be recorded in the office of the County  
20 Recorder.

21           SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF  
22 DEVELOPMENT RIGHTS.

23           For the purpose of transfer of development rights (TDR) as provided in Section 128 of  
24 this Code, lots on which are located Significant or Contributory Buildings, or Category V  
25 Buildings in those certain Conservation Districts and portions thereof as indicated in Section 8

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1 of the Appendix relating to that District are eligible preservation lots as provided in this  
2 Section:

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

10 (b) Contributory Buildings. Lots on which are located buildings designated as  
11 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference  
12 between the allowable gross floor area permitted on the lot by Section 124 of the Code and  
13 the gross floor area of the development on the lot, if all the requirements for transfer set forth  
14 in Section 128 are met. Alteration or demolition of such a building in violation of Section 1110  
15 or Section 1112, or alterations made without a permit issued pursuant to Sections 1111  
16 through 1111.6, eliminates eligibility for the transfer of TDR; provided, however, that such  
17 eligibility may nonetheless be retained or acquired again if, pursuant to Section 1114(b), the  
18 property owner demonstrates as to any alteration that it was not major, or if the property  
19 owner restores the demolished or altered building. Once any TDR have been transferred from  
20 a Contributory Building, the building is subject to the same restrictions on demolition and  
21 alteration as a Significant Building. These restrictions may not be removed by the transfer of  
22 TDR back to the building.

23 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in  
24 Section 8 of the Appendix establishing a Conservation District, lots located in such a District  
25 on which are located Category V Buildings (designated as neither Significant nor Contributory)

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1 are eligible to transfer the difference between the allowable gross floor area permitted on the  
2 lot under Section 124 of the Code and the gross floor area of the development on the lot, if all  
3 the requirements for transfer set forth in Section 128 are met; provided, however, that a lot is  
4 eligible as a Preservation Lot pursuant to this Section only if (1) the exterior of the building is  
5 substantially altered so as to make it compatible with the scale and character of the Significant  
6 and Contributory Buildings in the district, including those features described in Sections 6 and  
7 7 of the Appendix to Article 11 describing the relevant district, and has thus been determined  
8 a Compatible Rehabilitation, and the building meets or has been reinforced to meet the  
9 standards for seismic loads and forces of the 1975 Building Code or (2) the building on the lot  
10 is new, having replaced a Category V Building, and has received approval as a Compatible  
11 Replacement Building, pursuant to Section 1113. The procedures governing these  
12 determinations are set forth in Section 309.

13 SEC. 1110. ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR  
14 BUILDINGS IN CONSERVATION DISTRICTS.

15 With respect to a designated Significant or Contributory Building or any Category V  
16 Building in a Conservation District, no person shall carry out or cause to be carried out any  
17 alteration to the exterior of a building for which a permit is required pursuant to the Building  
18 Code unless the permit is approved pursuant to the provisions of Sections 1111 through  
19 1111.6 of this Article. *The HPC shall have the authority to approve, disapprove, or modify all*  
20 *applications for permits to alter Significant or Contributory Buildings or buildings within*  
21 *Conservation Districts under this Article, subject to appeal as provided in this Article 11.; provided,*  
22 *however, that t*This approval is not required with respect to the owner of a Contributory Building  
23 of Category III who has not transferred any TDR and who elects to proceed with a major  
24 alteration without reference to Sections 1111 through 1111.6. Election to proceed without a  
25 permit pursuant to this Section may be made at the time that the *Zoning Administrator* *Planning*



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1 Department determines that the proposed alteration is major pursuant to Section 1111.1. If no  
2 election is made at the time of the ~~Zoning Administrator~~Department's determination that an  
3 alteration is major, the applicant may make such election at any time thereafter. Review under  
4 Sections 1111 through 1111.6 shall cease after such election has been made and the permit  
5 shall be processed without regard to the requirements of that Section. Election shall be made  
6 in writing on a form provided by the ~~Zoning Administrator~~Planning Department. Where an owner  
7 elects not to proceed pursuant to Sections 1111 through 1111.6, the proposed alteration for  
8 which the application is filed shall be deemed not to meet the requirements of Section 1111.6,  
9 and if the alteration permit is issued and work commenced thereunder, the Zoning  
10 Administrator shall not issue a Statement of Eligibility for the lot on which the building is  
11 located.

12 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER.

13 The ~~Zoning Administrator~~ HPC may define categories of alterations which are deemed to  
14 be minor alterations and individual permits falling within those categories shall be reviewed and  
15 acted upon without referral to the ~~Zoning Administrator~~ HPC for review pursuant to Sections 1111  
16 through 1111.6. All other applications for permits to undertake any alteration of a building  
17 subject to this Article designated Significant or Contributory or a building in any Conservation  
18 District shall be referred to the ~~Zoning Administrator~~ Planning Department by the Central Permit  
19 Bureau within five days of receipt.

20 An applicant for a major alteration permit for a Category V Building in any of the  
21 Conservation Districts which provides for such eligibility may request on the application a  
22 determination by the HPC that if the proposed alteration is completed as approved, the  
23 building will be deemed a Compatible Rehabilitation under Section 1109(c) so that the lot on  
24 which the building is located becomes eligible as a Preservation Lot for the transfer of TDR.

25 SEC. 1111.1. DETERMINATION OF MAJOR ALTERATION.

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1           Within 10 days after referral by the Central Permit Bureau, the ~~Zoning Administrator~~  
2     ~~Planning Department~~ shall determine in writing if the proposed alteration is a Major Alteration or  
3     a Minor Alteration.

4           (a)     An alteration is considered Major if any of the following apply:

5           (1)     The alteration will substantially change, obscure or destroy exterior character-  
6     defining spaces, materials, features or finishes; or

7           (2)     The alteration would affect all or any substantial part of a building's structural  
8     elements, exterior walls or exterior ornamentation; or

9           (3)     The alteration occurs by virtue of construction which results in a substantial  
10    addition of height above the height of the building.

11          (b)     An alteration is considered minor if:

12          (1)     The criteria set forth in Subsection (a) do not apply; or

13          (2)     It is an alteration of the ground-floor display areas within the architectural frame  
14    (piers and lintels) of the building to meet the needs of first-floor commercial uses; or

15          (3)     The sole purpose and effect of the alteration is to comply with the UMB Seismic  
16    Retrofit Ordinances and the ~~Zoning Administrator~~ ~~Planning Department~~ determines that the  
17    proposed work complies with the UMB Retrofit Architectural Design Guidelines, which  
18    guidelines shall be adopted by the ~~Planning Commission~~ HPC.

19          (c)     The ~~Zoning Administrator~~ ~~Planning Department~~ shall mail to the applicant and any  
20    individuals or organizations who so request the written determination as to the category of the  
21    proposed alteration. Decisions of the ~~Zoning Administrator~~ ~~Planning Department~~ may be  
22    appealed to the ~~Board of Permit Appeals~~ HPC within 10 days of the written determination ~~in the~~  
23    ~~manner provided in Section 308.2. The HPC may also review the determination of the Planning~~  
24    ~~Department by its own motion.~~

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1 (d) Permits determined to be for minor alterations shall be returned, with that  
2 determination noted, to the Central Permit Bureau for further processing; provided, however,  
3 that the ~~Zoning Administrator~~ Planning Department may take any action with respect to the  
4 application otherwise authorized.

5 SEC. 1111.2. ~~INTENTIONALLY LEFT BLANK -REFERRAL OF APPLICATIONS FOR~~  
6 ~~MAJOR ALTERATIONS TO LANDMARKS PRESERVATION ADVISORY BOARD: REVIEW BY THE~~  
7 ~~DEPARTMENT OF CITY PLANNING.~~

8 (a) ~~— Upon determination that the proposed alteration is a major alteration, the Director of~~  
9 ~~Planning shall refer applications for permits to alter Significant and Contributory Buildings to the~~  
10 ~~Landmarks Preservation Advisory Board for its report and recommendation, which shall be rendered~~  
11 ~~within 30 days. Said time limit for the Board to render its report may be extended by the Department of~~  
12 ~~City Planning for an additional 30 days to render its report in the case of complex alterations, multiple~~  
13 ~~hearings, or upon request of the applicant. If the Board fails to submit a report and recommendation~~  
14 ~~within the time allowed, the matter may be considered without reference to such report and~~  
15 ~~recommendation.~~

16 (b) ~~— Simultaneously with the proceedings before the Landmarks Board, the application shall~~  
17 ~~be reviewed by the Department of City Planning.~~

18 (c) ~~— Applications for permits to alter any Category V building in a Conservation District~~  
19 ~~which alteration is determined to be major shall be governed by the standards of Section 1111.6(c) and~~  
20 ~~the procedures set forth in Section 309.~~

21 SEC. 1111.3. RECOMMENDATION BY THE DIRECTOR OF PLANNING.

22 ~~Upon a determination that a proposed alteration is a major alteration~~ After considering any  
23 ~~report and recommendation submitted by the Landmarks Preservation Advisory Board,~~ the Director of  
24 Planning shall make a determination on the application and shall submit a written  
25 recommendation containing findings to the ~~Planning Commission~~ HPC. The recommendation

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1 may be to approve, to approve with conditions, or disapprove the application for alteration,  
2 and, where applicable, the application for a determination that the building is a Compatible  
3 Rehabilitation. The ~~Commission~~HPC, the applicant and any other person who so requests  
4 shall be supplied with a copy of reports and recommendations ~~of the Landmarks Preservation~~  
5 ~~Advisory Board and the findings and recommendations~~ of the Director of Planning.

6 SEC. 1111.4. CONSIDERATION AND DECISION BY THE ~~CITY PLANNING~~  
7 ~~COMMISSION~~ HPC.

8 (a) The recommendation of the Director of Planning shall be placed on the consent  
9 calendar of the ~~City Planning Commission~~ HPC; provided, however, that upon the request of the  
10 applicant or of any person prior to the ~~City Planning Commission~~ HPC meeting or by a member  
11 of the Commission at the meeting, the matter may be removed from the consent calendar and  
12 calendared for a public hearing before the ~~Planning Commission~~ HPC at a later meeting, which  
13 shall be the next regular meeting of the Commission unless the applicant otherwise consents.

14 (b) Notice of the time, place and purpose of the hearing before the ~~City Planning~~  
15 ~~Commission~~ HPC shall begin given as follows:

16 (1) By mail to the applicant;

17 (2) When the application is for alteration of a building located in a Conservation  
18 District, by mail not less than 10 days prior to the date of the hearing to the owners of all real  
19 property within 300 feet of property that is the subject of the application.

20 SEC. 1111.5. DECISION BY THE ~~CITY PLANNING COMMISSION~~ HPC.

21 The ~~Planning Commission~~ HPC may approve, disapprove or approve with conditions an  
22 application for an alteration permit and, where applicable, for a determination that the building  
23 is a Compatible Rehabilitation, and shall make findings in support of its decision. If the  
24 ~~Planning Commission~~ HPC approves the recommendation of the Director of Planning, it may  
25 adopt or modify the findings of the Director of Planning as appropriate. Where the ~~Planning~~

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1 ~~Commission~~ HPC disapproves the recommendations of the Director of Planning, it shall make  
2 findings supporting its decision. If the Commission disapproves the application for a permit to  
3 alter, it shall recommend disapproval to the Central Permit Bureau which shall deny the  
4 application. The ~~Planning Commission~~ HPC's determination that a building qualifies or fails to  
5 qualify as a Compatible Rehabilitation is a final administrative decision. Any decision of the  
6 ~~Planning Commission~~ HPC rendered pursuant to this Section shall be rendered within 30 days  
7 from the date of conclusion of the hearing.

8 ~~(This section is being relocated to new Sec. 1112.6B) SEC. 1111.5A. APPEAL OF A~~  
9 ~~PERMIT TO ALTER~~

10 ~~(a) — Right of Appeal. The HPC's or the Planning Commission's decision on a Permit to~~  
11 ~~Alter shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5~~  
12 ~~vote; provided however, that if the project requires Board of Supervisors approval or is appealed to~~  
13 ~~the Board of Supervisors as a conditional use authorization, the decision shall not be appealed to the~~  
14 ~~Board of Appeals but rather to the Board of Supervisors, which may modify the decision by a~~  
15 ~~majority vote. Any appeal must be made within 30 days after the date of the final action by the HPC.~~  
16 ~~An action on a Permit to Alter so appealed from shall not become effective unless and until approved~~  
17 ~~by the Board of Appeals or the Board of Supervisors in accordance with this Section.~~

18 SEC. 1111.6. STANDARDS AND REQUIREMENTS FOR REVIEW OF  
19 APPLICATIONS FOR ALTERATIONS.

20 The Board of Permit Appeals, the Board of Supervisors, the ~~City~~ Planning Commission  
21 HPC, and the Director of Planning ~~Planning Director~~, ~~and the Landmarks Board~~ shall be governed  
22 by the following standards in the review of applications for major alteration permits.

23 (a) The proposed alteration shall be consistent with and appropriate for the  
24 effectuation of the purposes of this Article 11.

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1           (b) For Significant Buildings - Categories I and II, and for Contributory Buildings -  
2 Categories III and IV, proposed alterations of structural elements and exterior features shall  
3 be consistent with the architectural character of the building, and shall comply with the  
4 following specific requirements:

5           (1) The distinguishing original qualities or character of the building may not be  
6 damaged or destroyed. Any distinctive architectural feature which affects the overall  
7 appearance of the building shall not be removed or altered unless it is the only feasible means  
8 to protect the public safety.

9           (2) The integrity of distinctive stylistic features or examples of skilled craftsmanship  
10 that characterize a building shall be preserved.

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

20           (4) Contemporary design of alterations is permitted, provided that such alterations  
21 do not destroy significant exterior architectural material and that such design is compatible  
22 with the size, scale, color, material and character of the building and its surroundings.

23           (5) The degree to which distinctive features need be retained may be less when the  
24 alteration is to exterior elements not constituting a part of a principal facade or when it is an  
25 alteration of the ground-floor frontage in order to adapt the space for ground-floor uses.

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1           (6)     In the case of Significant Buildings - Category I, any additions to height of the  
2 building (including addition of mechanical equipment) shall be limited to one story above the  
3 height of the existing roof, shall be compatible with the scale and character of the building,  
4 and shall in no event cover more than 75 percent of the roof area.

5           (7)     In the case of Significant Buildings - Category II, a new structure or addition,  
6 including one of greater height than the existing building, may be permitted on that portion of  
7 the lot not restricted in Appendix B even if such structure or addition will be visible when  
8 viewing the principal facades at ground level, provided that the structure or addition does not  
9 affect the appearance of the retained portion as a separate structure when so viewing the  
10 principal facades and is compatible in form and design with the retained portion. Alteration of  
11 the retained portion of the building is permitted as provided in Paragraphs (1) through (6) of  
12 this Subsection (b).

13           (c)     Within Conservation Districts, all major exterior alterations, of Category V  
14 Buildings, shall be compatible in scale and design with the District as set forth in Sections 6  
15 and 7 of the Appendix which describes the District.

16           SEC. 1111.7.PERMITS FOR SIGNS.

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

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

22           (c)     Apart from and in addition to any grounds for approval or disapproval of the  
23 application under Article 6, an application involving a permit for a business sign, or general  
24 advertising sign, identifying sign, or nameplate to be located on a Significant or Contributory  
25 Building or any building in a Conservation District is subject to review by the HPC which may be

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1 disapproved, or approved subject to conditions if the proposed location, materials, means of  
2 illumination or method or replacement of attachment would adversely affect the special  
3 architectural, historical or aesthetic significance of the building or the Conservation District. No  
4 application shall be denied on the basis of the content of the sign.

5 (d) The Director of Planning Planning Department shall make the determination  
6 required pursuant to Subsection (b). Any permit applicant may appeal the determination of the  
7 Director of Planning Planning Department to the ~~City Planning Commission~~ HPC by filing a notice  
8 of appeal with the Secretary of the Commission within 10 days of the determination. The ~~City~~  
9 ~~Planning Commission~~ HPC shall hear the appeal and make its determination within 30 days of  
10 the filing of the notice of appeal.

11 SEC. 1112. DEMOLITION OF SIGNIFICANT AND CONTRIBUTORY BUILDINGS  
12 AND BUILDINGS IN CONSERVATION DISTRICTS.

13 No person shall demolish or cause to be demolished all or any part of a Significant or  
14 Contributory Building or any building in a Conservation District without obtaining a demolition  
15 or alteration permit pursuant to the provisions of this Article. The Historic Preservation  
16 Commission shall have the authority to approve, disapprove, or modify all applications for permits to  
17 demolish Significant or Contributory Buildings or buildings within Conservation Districts under this  
18 Article, subject to appeal as provided in this Article 11. Applications for permits to demolish  
19 Category V Buildings located outside a Conservation District may be processed without  
20 reference to this Article.

21 SEC. 1112.1. APPLICATIONS FOR A PERMIT TO DEMOLISH.

22 Applications for a permit to demolish any Significant or Contributory Building or any  
23 building in a Conservation District shall comply with the provisions of Section 1006.1 of Article  
24 10 of this Code.

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1           In addition to the contents specified for applications in Section 1006.1 of Article 10, any  
2 application for a permit to demolish a Significant Building, or a Contributory Building from  
3 which TDR have been transferred, on the grounds stated in Section 1112.7(a)(1), shall  
4 contain the following information:

5           (a) For all property:

6           (1) The amount paid for the property;

7           (2) The date of purchase, the party from whom purchased, and a description of the  
8 business or family relationship, if any, between the owner and the person from whom the  
9 property was purchased;

10          (3) The cost of any improvements since purchase by the applicant and date  
11 incurred;

12          (4) The assessed value of the land, and improvements thereon, according to the  
13 most recent assessments;

14          (5) Real estate taxes for the previous two years;

15          (6) Annual debt service, if any, for the previous two years;

16          (7) All appraisals obtained within the previous five years by the owner or applicant  
17 in connection with his or her purchase, financing or ownership of the property;

18          (8) Any listing of the property for sale or rent, price asked and offers received, if  
19 any;

20          (9) Any consideration by the owner for profitable and adaptive uses for the property,  
21 including renovation studies, plans, and bids, if any; and

22          (b) For income-producing property:

23          (1) Annual gross income from the property for the previous four years;

24          (2) Itemized operating and maintenance expenses for the previous four years;

25          (3) Annual cash flow for the previous four years.

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1 Applications for the demolition of any Significant or Contributory Building shall also  
2 contain a description of any Transferable Development Rights or the right to such rights which  
3 have been transferred from the property, a statement of the quantity of such rights and  
4 untransferred rights remaining, the amount received for rights transferred, the transferee, and  
5 a copy of each document effecting a transfer of such rights.

6 SEC. 1112.2.DISPOSITION OF APPLICATIONS TO DEMOLISH CONTRIBUTORY  
7 BUILDINGS AND UNRATED BUILDINGS IN CONSERVATION DISTRICTS.

8 (a) The ~~Zoning Administrator~~ Planning Department shall determine, within five days of  
9 acceptance of a complete application, the designation of the building and, with respect to  
10 Contributory Buildings, whether any TDR have been transferred from the lots of such  
11 buildings.

12 (b) If the ~~Zoning Administrator~~ Planning Department determines that TDR have been  
13 transferred from the lot of a Contributory Building, the application for demolition of that  
14 building shall be reviewed and acted upon as if it applied to a Significant Building.

15 (c) The ~~Zoning Administrator~~ Planning Department shall approve any application for  
16 demolition of a Contributory Building in a Conservation District from which no TDR have been  
17 transferred, or an Unrated Building located in a Conservation District **if the HPC has approved,**  
18 **if a building or site permit has been lawfully issued for** a replacement structure on the site, in  
19 compliance with Section 1113. The ~~Zoning Administrator~~ Planning Department shall approve an  
20 application for demolition of a Significant Building - Category II **if the HPC has approved** if a  
21 building or site permit has been lawfully issued for an alteration or replacement structure on  
22 the portion of the site which would be affected by the demolition, in compliance with Section  
23 1111.6(b)(7).

24 The ~~Zoning Administrator~~ Planning Department shall disapprove any application for a  
25 demolition permit where the foregoing requirement has not been met; provided, however, that

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1 the ~~Zoning Administrator~~ Planning Department shall approve any otherwise satisfactory  
2 application for such a permit notwithstanding the fact that no permit has been obtained for a  
3 replacement structure if the HPC has determined that the standards of Section 1112.7 for  
4 allowing demolition of a Significant Building are met.

5 (d) The ~~Zoning Administrator~~ Planning Department shall approve applications to permit  
6 demolition of a Contributory Building - Category III from which no TDR have been transferred  
7 only if a building or site permit for a replacement building on the same site has been  
8 approved, and it has been found, pursuant to review under the procedural provisions of  
9 Section 309, that the proposed replacement will not adversely affect the character, scale or  
10 design qualities of the general area in which it is located, either by reason of the quality of the  
11 proposed design or by virtue of the relation of the replacement structure or structures to their  
12 setting. Notwithstanding the preceding sentence, the ~~Zoning Administrator~~ Planning Department  
13 shall approve any such demolition permit application if the if the HPC has determined that the  
14 standards of Section 1112.7 for allowing demolition of a Significant Building are met.

15 SEC. 1112.3. APPLICATIONS TO DEMOLISH SIGNIFICANT BUILDINGS OR  
16 CONTRIBUTORY BUILDINGS FROM WHICH TDR HAVE BEEN TRANSFERRED;  
17 ACCEPTANCE AND NOTICE.

18 Upon acceptance as complete of applications for a permit to demolish any Significant  
19 Building or to demolish any Contributory Building from which TDR have been transferred, the  
20 application shall be placed on the agenda of the ~~Planning Commission~~ HPC for hearing.

21 SEC. 1112.4. INTENTIONALLY LEFT BLANK. ~~REFERRAL TO THE LANDMARKS~~  
22 ~~PRESERVATION ADVISORY BOARD PRIOR TO HEARING; REVIEW BY THE DIRECTOR OF~~  
23 ~~PLANNING.~~

24 ~~The application for a permit to demolish a building covered by Section 1112.3 shall be referred~~  
25 ~~to the Landmarks Preservation Advisory Board and considered by said Board pursuant to the~~

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1 ~~provisions of Section 1006.4 of this Code. The Director of Planning shall prepare a report and~~  
2 ~~recommendation for the Planning Commission. If the Landmarks Board does not act within 30 days of~~  
3 ~~referral to it, the Planning Commission may proceed without a report and recommendation from the~~  
4 ~~Landmarks Board.~~

5 SEC. 1112.5. ~~PLANNING COMMISSION~~ HPC HEARING AND DECISION.

6 The application shall be heard by the ~~Planning Commission~~ HPC. Notice of the hearing  
7 shall be given in the manner set forth in Section 309(c). In such proceedings, the applicant  
8 has the burden of establishing that the criteria governing the approval of applications set forth  
9 in Section 1112.7 have been met.

10 ~~(Section is being relocated to Sec. 1112.6 below) SEC. 1112.5A. Multiple Planning~~  
11 ~~Approvals. For projects that require multiple planning approvals, the HPC must review and act on~~  
12 ~~any permit to demolish before any other planning approval action. For projects that (1) require a~~  
13 ~~conditional use authorization or permit review under Section 309, et. seq. of the Code, and (2) do not~~  
14 ~~concern an individually landmarked property, the Planning Commission may modify any decision on~~  
15 ~~a permit to demolish by a two-thirds vote, provided that the Planning Commission shall apply all~~  
16 ~~applicable historic resources provisions of the Code. For properties located on vacant lots, the~~  
17 ~~Planning Commission may modify any decision on a permit to demolish by a two-thirds vote,~~  
18 ~~provided that the Planning Commission shall apply all applicable historic resources provisions of the~~  
19 ~~Planning Code. For projects that are located on vacant lots, the Planning Commission may modify~~  
20 ~~any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall~~  
21 ~~apply all applicable historic resources provisions of the Planning Code.~~

22 SEC. 1112.6. DECISION OF THE ~~PLANNING COMMISSION~~ HPC.

23 The ~~Planning Commission~~ HPC may approve, disapprove or approve with conditions, the  
24 application, and shall make findings relating its decision to the standards set forth in Section

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1 1112.7. The decision of the ~~Planning Commission~~ HPC shall be rendered within 30 days from  
2 the date of conclusion of the hearing.

3 (a) Multiple Planning Approvals. For projects that require multiple planning approvals,  
4 the HPC must review and act on any permit to demolish before any other planning approval action.  
5 For projects that (1) require a conditional use authorization or permit review under Section 309, et.  
6 seq. of the Code, and (2) do not concern an individually landmarked property, the Planning  
7 Commission may modify any decision on a permit to demolish by a two-thirds vote, provided that the  
8 Planning Commission shall apply all applicable historic resources provisions of the Code. For  
9 properties located on vacant lots, the Planning Commission may modify any decision on a permit to  
10 demolish by a two-thirds vote, provided that the Planning Commission shall apply all applicable  
11 historic resources provisions of the Planning Code. For projects that are located on vacant lots, the  
12 Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided  
13 that the Planning Commission shall apply all applicable historic resources provisions of the  
14 Planning Code.

15 (b) Right of Appeal of a Permit to Alter. The HPC's or the Planning Commission's  
16 decision on a Permit to Alter shall be final unless appealed to the Board of Appeals, which may  
17 modify the decision by a 4/5 vote; provided however, that if the project requires Board of Supervisors  
18 approval or is appealed to the Board of Supervisors as a conditional use authorization, the decision  
19 shall not be appealed to the Board of Appeals but rather to the Board of Supervisors, which may  
20 modify the decision by a majority vote. Any appeal must be made within 30 days after the date of the  
21 final action by the HPC. An action on a Permit to Alter so appealed from shall not become effective  
22 unless and until approved by the Board of Appeals or the Board of Supervisors in accordance with  
23 this Section.

24 SEC. 1112.7.STANDARDS AND REVIEW OF APPLICATIONS TO DEMOLISH.  
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1           The Board of Permit Appeals, ~~the Board of Supervisors,~~ the ~~City~~ Planning Commission  
2 HPC, and the ~~Director of~~ Planning Director, ~~and the Landmarks Board~~ shall follow the standards  
3 in this Section in their review of applications for a permit to demolish any Significant or  
4 Contributory Building from which TDR have been transferred.

5           No demolition permit may be approved unless: (1) it is determined that under the  
6 designation, taking into account the value of Transferable Development Rights and costs of  
7 rehabilitation to meet the requirements of the Building Code or other City, State or federal  
8 laws, the property retains no substantial remaining market value or reasonable use; or (2) the  
9 Director Superintendent of the ~~Bureau~~ Department of Building Inspection or the Chief of the  
10 Bureau of Fire Prevention and Public Safety determines, after consultation, to the extent  
11 feasible, with the Planning ~~Department of City Planning,~~ that an imminent safety hazard exists  
12 and that demolition of the structure is the only feasible means to secure the public safety.  
13 Costs of rehabilitation necessitated by alterations made in violation of Section 1110, by  
14 demolition in violation of Section 1112, or by failure to maintain the property in violation of  
15 Section 1117, may not be included in the calculation of rehabilitation costs under Subsection  
16 (1).

17           SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION  
18 DISTRICTS.

19           No person shall construct or cause to be constructed any new or replacement structure  
20 or add to any existing structure in a Conservation District unless it is found that such  
21 construction is compatible in scale and design with the District as set forth in Sections 6 and 7  
22 of the Appendix which describes the District. Applications for a building or site permit to  
23 construct or add to a structure in any Conservation District shall be reviewed pursuant to the  
24 procedures set forth in Section 309 and shall only be approved pursuant to Section 309 if they  
25 meet the standards set forth herein, if a building or site permit application for construction of a

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1 building is approved pursuant to this Section and if the building is constructed in accordance  
2 with such approval, and if the buildings located in a Conservation District for which, pursuant  
3 to Section 8 of the Appendix establishing that district, such a transfer is permitted, the building  
4 shall be deemed a Compatible Replacement Building, and the lot on which such building is  
5 located shall be eligible as a Preservation Lot for the transfer of TDR.

6 SEC. 1114. UNLAWFUL ALTERATION OR DEMOLITION.

7 (a) In addition to any other penalties provided in Section 1119 or elsewhere,  
8 alteration or demolition of a Significant or Contributory Building or any building within a  
9 Conservation District in violation of the provisions of this Article shall eliminate the eligibility of  
10 the building's lot as a Preservation Lot, and such lot, if it is the site of an unlawfully  
11 demolished Significant Building, or Contributory Building from which TDR have been  
12 transferred, may not be developed in excess of the floor area ratio of the demolished building  
13 for a period of 20 years from the unlawful demolition. No department shall approve or issue a  
14 permit that would authorize construction of a structure contrary to the provisions of this  
15 Section.

16 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:  
17 (1) as to an unlawful alteration or demolition, the owner can demonstrate to the *Zoning*  
18 ~~Administrator~~ Planning Department that the violation did not constitute a major alteration as  
19 defined in Section 1111.1; or (2) as to an unlawful alteration, the owner restores the original  
20 distinguishing qualities and character of the building destroyed or altered, including exterior  
21 character-defining spaces, materials, features, finishes, exterior walls and exterior  
22 ornamentation. A property owner who wishes to effect a restoration pursuant to Subsection  
23 (b)(2) shall, in connection with the filing of a building or site permit application, seek approval  
24 of the proposed restoration by reference to the provisions of this Section. If the application is  
25 approved and it is determined that the proposed work will effect adequate restoration, the *City*

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1 ~~Planning Commission~~ HPC shall so find. Upon such approval, and the completion of such work,  
2 the lot shall again become an eligible Preservation Lot and the limitation on floor area ratio set  
3 forth in Subsection (a) shall not thereafter apply. The ~~City Planning Commission~~ HPC 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  
6 decision.

7 SEC. 1115. CONFORMITY WITH OTHER CITY PERMIT PROCESSES.

8 Except where explicitly so stated, nothing in this Article shall be construed as relieving  
9 any person from other applicable permit requirements. The following requirements are  
10 intended to insure conformity between existing City permit processes and the provisions of  
11 this Article:

12 (a) Upon the designation of a building as a Significant or Contributory Building, or  
13 upon the designation of the Conservation District, the ~~Zoning Administrator~~ Planning Department  
14 shall inform the Central Permit Bureau of said designation or, in the case of a Conservation  
15 District, of the boundaries of said District and a complete list of all the buildings within said  
16 District and their designations. The Central Permit Bureau shall maintain a current record of  
17 such Buildings and Conservation Districts.

18 (b) Upon receipt of any application for a building permit, demolition permit, site  
19 permit, alteration permit, or any other permit relating to a Significant or Contributory Building  
20 or a building within a designated Conservation District, the Central Permit Bureau shall  
21 forward such application to the Planning Department ~~of City Planning~~, except as provided in  
22 Section 1111. If the ~~Zoning Administrator~~ Planning Department determines that the application is  
23 subject to provisions of this Article, processing shall proceed under the provisions of this  
24 Article. The Central Permit Bureau shall not issue any permit for construction, alteration,  
25 removal or demolition of any structure, or for any work involving a Significant or Contributory



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1 Building or a building within a Conservation District unless either the ~~Zoning Administrator~~  
2 Planning Department has determined that such application is exempt from the provisions of this  
3 Article, or processing under this Article is complete and necessary approvals under this Article  
4 have been obtained. The issuance of any permit by a City department or agency that is  
5 inconsistent with any provision of this Article may be revoked by the ~~Director Superintendent~~ of  
6 the ~~Bureau~~ Department of Building Inspection pursuant to Section ~~303(e)~~ 106A.4.5 of the ~~San~~  
7 ~~Francisco~~ Building Code.

8 (c) No abatement proceedings or enforcement proceedings shall be undertaken by  
9 any department of the City for a Significant or Contributory building or a building within a  
10 Conservation District without, to the extent feasible, prior notification of the Planning  
11 ~~Department of City Planning~~. Such proceedings shall comply with the provisions of this Article  
12 where feasible.

13 SEC. 1116. UNSAFE OR DANGEROUS CONDITIONS.

14 Where the ~~Director Superintendent~~ of the Department ~~Bureau~~ of Building Inspection or the  
15 Chief of the Bureau of Fire Prevention and Public Safety determines that a condition on or  
16 within a Significant or Contributory Building is unsafe or dangerous and determines further  
17 that repair or other work rather than demolition will not threaten the public safety, said official  
18 shall, after consulting with the Planning ~~Department of City Planning~~, to the extent feasible,  
19 determine the measures of repair or other work necessary to correct the condition in a manner  
20 which, insofar as it does not conflict with State or local requirements, is consistent with the  
21 purposes and standards set forth in this Article.

22 SEC. 1117. MAINTENANCE REQUIREMENTS AND ENFORCEMENT THEREOF.

23 (a) Maintenance. The owner, lessee, or other person in actual charge of a  
24 Significant or Contributory Building shall comply with all applicable codes, laws and  
25 regulations governing the maintenance of property. It is the intent of this Section to preserve

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1 from deliberate or inadvertent neglect the exterior features of buildings designated Significant  
2 or Contributory, and the interior portions thereof when such maintenance is necessary to  
3 prevent deterioration and decay of the exterior. All such buildings shall be preserved against  
4 such decay and deterioration and free from structural defects through prompt corrections of  
5 any of the following defects:

- 6 (1) Facades which may fall and injure members of the public or property;
- 7 (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor  
8 supports, deteriorated walls or other vertical structural supports;
- 9 (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal  
10 members which sag, split or buckle due to defective material or deterioration;
- 11 (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or  
12 floors, including broken windows or doors;
- 13 (5) Defective or insufficient weather protection for exterior wall covering, including  
14 lack of paint or weathering due to lack of paint or other protective covering;
- 15 (6) Any fault or defect in the building which renders it not properly watertight or  
16 structurally unsafe.

17 (b) Enforcement Procedures. The procedures set forth in Building Code Section 203  
18 governing unsafe buildings or property shall be applicable to any violations of this Section.

19 SEC. 1119. ENFORCEMENT AND PENALTIES.

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

22 SEC. 1120. RELATIONSHIP TO ARTICLE 10.

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

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1 Notwithstanding the rating of a building in a C-3 District pursuant to the provisions of  
2 Article 11, buildings may be designated as landmarks according to the provisions of Article 10.

3 ~~Where an appeal is taken from a decision regarding alteration of a building which is both a~~  
4 ~~landmark under Article 10 and a Significant or Contributory Building under Article 11, the appeal~~  
5 ~~shall be taken to the Board of Supervisors pursuant to the provisions of Article 10.~~

6 SEC. 1121. NOTICE OF AMENDMENT.

7 Notice of any hearing before the ~~City Planning Commission~~ HPC, or, if no hearing, notice  
8 of the first hearing before the Board of Supervisors, of a proposed amendment to this Article  
9 which materially alters the limitations and requirements applicable to any building or class of  
10 buildings shall be given to the owners of such buildings by mail.

11 SEC. 1122. NOTICE PROCEDURE.

12 When any provision of this Article requires notice by mail to a property owner, the  
13 officer or body providing the notice shall use for this purpose the names and addresses as  
14 shown on the latest citywide Assessment Roll in the Assessor's Office.

15 SEC. 1123. TIME PROVISIONS.

16 Unless otherwise indicated, all time provisions governing the taking of action by City  
17 officials are directory and not mandatory.

18 SEC. 1124. SEVERABILITY.

19 If any part of this Article 11 is held to be unconstitutional or invalid, such decision shall  
20 not affect the validity of the remaining portions of this Article 11 or any part thereof. The Board  
21 of Supervisors hereby declares that it would have passed all portions of this Article  
22 irrespective of the fact that any one or more portions be declared unconstitutional or invalid.

23

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25 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

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By: JUDITH A. BOYAJIAN  
Deputy City Attorney

## Attachment D

NOTE: Additions are single-underline italics Times New Roman;  
deletions are ~~strike-through italics Times New Roman~~.

### Sec. 309 – Permit Review in C-3 Districts

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for 1) the construction or substantial alteration of structures in C-3 Districts, 2) the granting of exceptions to certain requirements of this Code where the provisions of this Section are invoked, and 3) ~~the approval of open space provided in compliance with Section 138, and the approval of open space and streetscape requirements of the Planning Code streetscape improvements in compliance with Section 138.1. The categories of alterations deemed to be substantial shall be established by the City Planning Commission after a public hearing.~~ When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered. This Section shall not require additional review in connection with a site or building permit application if review hereunder was completed with respect to the same proposed structure or alteration in connection with a project authorization application pursuant to Section 322.

(a) **Exceptions.** Exceptions to the following provisions of this Code may be granted as provided in the code sections referred to below:

- (1) Exceptions to the setback and rear yard requirements as permitted in Sections 132.1 and 134(d);
- (2) Exceptions to the ground-level wind current requirements as permitted in Section 148;
- (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146;
- (4) Exceptions to the limitation on residential accessory parking as permitted in Section 151.1(e);
- (5) Exceptions to the requirement of independently accessible parking spaces as permitted in Section 155(c);
- (6) Exceptions to the limitation on curb cuts for parking access as permitted in Section 155(r);
- (7) Exceptions to the limitations on above-grade residential accessory parking as permitted in Section 155(s);
- (8) Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(h);
- (9) Exceptions to the off-street tour bus loading space requirements as permitted in Section 162;
- (10) Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;

(11) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as permitted in Section 263.8;

(12) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

~~A project applicant seeking an exception shall file an application on a form provided by the Zoning Administrator.~~

(b) **Design Review. Additional Requirements.** In addition to the requirements set forth in this Code, additional *design* requirements and limitations (hereafter referred to as modifications) may be imposed on the following aspects of a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the Master Plan or the purposes of this Code:

(1) Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops;

(2) Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and maintenance of predominant streetwalls in the immediate vicinity;

(3) Aspects of the project affecting parking, traffic circulation and transit operation and loading points;

(4) Aspects of the project affecting its energy consumption;

(5) Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features;

(6) Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture as required by Section 138.1;

(7) Aspects of the project relating to quality of the living environment of residential units, including housing unit size and the provisions of open space for residents;

(8) Aspects of the design of the project which have significant adverse environmental consequences;

(9) Aspects of the project that affect its compliance with the provisions of Sections 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in conservation districts;

(10) Other aspects of the project for which modifications are justified because of its unique or unusual location, environment, topography or other circumstances.

(c) **Application Process for 309 Review.** ~~Notice of Application for Building or Site Permit. Review subject to this Section will be triggered by submittal of a Section 309 Application or submittal of a building or site permit. After receipt of an application — a project authorization or building or site permit, for new construction or substantial alteration of a structure in a C-3 District, the Zoning Administrator shall mail~~

~~*notice of the application to all owners of property immediately adjacent to the property that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least once in an official newspaper of general circulation.*~~

(d) **Notice of Proposed Approval.** If, after a review of the Application or building or site permit, ~~a project authorization or permit application, and 1) the Zoning Administrator determines that an application complies with the provisions of this Code and that no exception is sought as provided in Subsection (a), and 2) the Director of Planning determines that no additional modifications are warranted as provided in Subsection (b), and 3) the project meets the open space and streetscape requirements of the Planning Code or 4) the project sponsor agrees to the modifications as requested by the Director, that the open space requirements of Section 138 and the streetscape requirements of Section 138.1 have been complied with,~~ the Zoning Administrator shall provide notice of the proposed approval of the application by mail to all owners of the property immediately adjacent to the property that is subject of the Application no less than 10 days before final approval. in the manner set forth in Subsection (e) and, in addition, to any person who has requested such notice in writing. If no request for ~~City~~ Planning Commission review pursuant to Subsection (g) is made within 10 days of such notice, the Zoning Administrator shall approve the application.

**(e) Hearing and Determination of Applications for Exceptions.**

(1) **Hearing.** The ~~City~~ Planning Commission shall hold a public hearing on an application for an exception as provided in Subsection (a).

(2) **Notice of Hearing.** Notice of such hearing shall be **mailed** not less than **10 days** prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the written recommendation of the Director of Planning regarding the request for an exception will be ~~is~~ available for public review at the office of the Planning Department ~~of City Planning~~.

(3) **Decision and Appeal.** The Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions, the application for an exception. The decision of the ~~City~~ Planning Commission may be appealed to the Board of ~~Permit~~ Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the ~~City~~ Planning Commission.

(4) **Decision on Appeal.** Upon the hearing of an appeal, the Board of ~~Permit~~ Appeals may, subject to the same limitations as are placed on the ~~City~~ Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

**(f) Administrative Approval of Design Review Director's Recommendations.**

(1) **Recommendations.** If the Director of Planning determines that modifications through the imposition of conditions are warranted as provided in Subsection (b), or that the open space requirements ~~of Section 138~~ or the streetscape requirements of the Planning Code of Section 138.1

have not been complied with, the matter shall be scheduled for hearing before the ~~City~~ Planning Commission. ~~;~~ ~~provided, however, that i~~ If the Director determines that the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1 have been complied with and the applicant does not oppose the imposition of conditions which the Director has determined are warranted, the applicant may waive the right to a hearing before the Commission in writing and agree to the conditions. ~~, in which case t~~ The Zoning Administrator shall provide notice of the proposed approval of the application such fact according to the notice given for applications governed by Subsection (d), so that any person seeking additional modifications or objecting to the open space or streetscape requirements Section 138 or Section 138.1 determination may make such a request for Planning Commission review as provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning Administrator shall approve the application subject to the conditions.

(2) **Notice.** ~~If the proposed application will be heard by the Planning Commission, notice of such hearing~~ ~~, Notice of any meeting of the City Planning Commission pursuant to this subsection~~ shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the Director's written recommendation will be is available for public review at the Planning Department of City Planning.

(3) **Commission Action.** The ~~City~~ Planning Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions applications considered pursuant to Subsection (b) or for compliance with the open space and streetscape requirements of the Planning Code Section 138 or Section 138.1.

(g) ~~City~~ **Planning Commission Review Upon Request.**

(1) **Requests.** Within 10 days after notice of the proposed approval has been given, as provided in Subsection (d), any person may request in writing that the ~~City~~ Planning Commission impose additional modifications on the project as provided in Subsection (b) or consider the application for compliance with the open space and streetscape requirements of the Planning Code Section 138 or Section 138.1. ~~Said~~ ~~The~~ written request shall state why additional modifications should be imposed notwithstanding its compliance with the requirements of this Code and shall identify the policies or objectives that would be promoted by the imposition of conditions, or shall state why the open space and streetscape requirements Section 138 has have not been complied with.

(2) **Commission Consideration.** The ~~City~~ Planning Commission shall consider at a public hearing meeting each written request for additional modifications and for consideration of the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1 compliance and may, by majority vote, direct that a hearing be conducted to consider such modifications or compliance, which hearing may be conducted at the same meeting that the written request is considered and decided. Notice of such hearing meeting shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the Citywide Assessment Roll in the Assessor's Office, to any person who has requested such notice, and to any person who has submitted a request for additional requirements. In determining whether to conduct such a hearing, the Commission shall determine whether, based upon a review of the project, reasonable grounds exist justifying a public hearing in order to consider the proposed additional modifications and the open space and streetscape requirements of the Planning Code Section 138 and Section 138.1 compliance.



(3) **Commission Action.** If the Commission determines to conduct a hearing to consider the imposition of additional modifications or *the open space and streetscape requirements Section 138 and Section 138.1* compliance, it may, after such hearing and after making appropriate findings, approve, disapprove, or approve subject to conditions the building or site permit or project authorization application. If the Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application subject to any conditions imposed by the Director of Planning to which the applicant has consented.

(h) **Mandatory Planning Commission Hearing for Hearings on Projects Over 50,000 Square Feet of Gross Floor Area or Over 75 Feet in Height.** The ~~City~~ Planning Commission shall hold a public hearing not otherwise required by this Section on all building and site permit *and Section 309 project authorization* applications for projects which will result in a net addition of more than 50,000 square feet of gross floor area of space or which will result in a building that is greater than 75 feet in height. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice.

(i) **Imposition of Conditions, General.** If, pursuant to the provisions of this Section, the City Planning Commission determines that conditions should be imposed on the approval of a building or site permit application, *or Section 309 project authorization application or an application for exceptions* and the applicant agrees to comply, the Commission may approve the application subject to those conditions, and if the applicant refuses to so agree, the Commission may disapprove the application.

(j) **Change of Conditions.** Authorization of a change in any condition previously imposed pursuant to this Section shall require an application for a change in conditions, which application shall be subject to the procedures set forth in this Section.