



SAN FRANCISCO PLANNING DEPARTMENT

Memorandum Planning Code Text Changes September 29, 2010

Project Name: 2010 Planning Code 'Clean Up'
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257
Reviewed by: Tina Tam, Preservation Coordinator
tina.tame@sfgov.org, 415-558-6325

Recommendation: **Approval with Modifications**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Historic Preservation Commissioners,

Included in your packets for the September 29th hearing is a revised version of Article 10 based on your comments from the September 15th hearing.

Article 11 has not been amended from what was in the August 18th hearing packets. That Article has been modified to incorporate the Department's recommendations for the August 4th hearing. The page numbers for Article 11 correspond with the original proposed legislation, dated July 8th (starting on pg. 364) and included in your original packets for the July 21st 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 21st, 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 of an individual landmark or historic district shall be
12 made by one of the following methods:

13 1) Individual Landmarks:

14 a) ~~by~~ a resolution to initiate designation by the Board of Supervisors; ~~or~~

15 b) ~~by~~ a resolution of intention to initiate designation by the HPC;

16 c) a resolution to initiate designation by the HPC; or

17 d) upon the submittal of a complete nomination application to the Department pursuant to
18 Section 1004.1(a).

19 2. Historic Districts:

20 a) a resolution to initiate designation by the Board of Supervisors;

21 b) a resolution of intention to initiate designation by the HPC; or

22 c) a resolution to initiate designation by the HPC.

23 Any resolution by the Board of Supervisors or the HPC shall make findings to support the
24 initiation of designation of the individual landmark and/or historic district. The Board of Supervisors
25 shall promptly refer any initiation of designation to the HPC for its review and recommendation.

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1 ~~by the Planning Commission, the Art Commission or the Advisory Board, or on the verified~~
2 ~~application of owners of the property to be designated or their authorized agents.—Any such~~
3 ~~application shall be filed with the Department upon forms prescribed by the Planning Commission and~~
4 ~~shall be accompanied by all data required by the Planning Commission. Where such an application is~~
5 ~~submitted for designation of a historic district, the application must be subscribed by or on behalf of at~~
6 ~~least 66 percent of the property owners in the proposed district.~~

7 SEC. 1004.2. ~~INTENTIONALLY LEFT BLANK.—REFERRAL TO LANDMARKS~~
8 ~~PRESERVATION ADVISORY BOARD.~~

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

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

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

22 (a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall
23 be given by at least one publication in a newspaper of general circulation in the City not less
24 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days
25 prior to the date of hearing to the owners of all property included in the proposed designation,

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1 using for this purpose the names and addresses of the last known owners as shown on the
2 records of the Assessor, as well as the applicant of the nomination for initiation. Failure to send
3 notice by mail to any such property owner where the address of such owner is not a matter of
4 public record shall not invalidate any proceedings in connection with the proposed
5 designation. The Department may also give such other notice as it may deem desirable and
6 practicable.

7 (b) Time Limitation. The ~~Planning Commission~~HPC shall ~~consider the report and~~
8 ~~recommendation of the Advisory Board, if any, and shall~~ consider the conformance or lack of
9 conformance of the proposed designation with the purposes and standards of this Article 10.
10 Where the Board of Supervisors has referred an initiation of designation to the HPC, The Planning
11 Commission~~the HPC~~ shall hold a public hearing and shall approve, disapprove or modify the
12 proposal within 90 days from the date of referral of the proposed designation to the ~~Advisory~~
13 ~~Board~~HPC. Failure to act within said time shall constitute approval. The Board of Supervisors
14 may, by resolution, extend the time within which the ~~Planning Commission~~HPC is to render its
15 decision.

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

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

7 SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.

8 The Board of Supervisors shall hold a public hearing on any proposal so transmitted to
9 it, after due notice to the owners of the property included in the proposal, and such other
10 notice as the said Board may deem necessary. The Board of Supervisors may approve, or
11 modify and approve, the designation by a majority vote of all its members.

12 SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

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

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

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

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

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

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

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

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

16 SEC. 1005. CONFORMITY AND PERMITS.

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

23 (b)

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

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

7 (c)

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

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

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

21 (d) The Department shall maintain with the Central Permit Bureau a current record
22 of designated landmarks and historic districts. Upon receipt of any application for a permit to
23 carry out any construction, alteration, removal or demolition of a structure or any work
24 involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or
25 in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned

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1 has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly
2 forward such permit application to the Department.

3 (e) After receiving a permit application from the Central Permit Bureau in
4 accordance with the preceding subsection, the Department shall ascertain whether ~~Section~~
5 ~~1006 requires~~ a Certificate of Appropriateness is required or has been approved for the work
6 proposed in such permit application. If ~~such a~~ Certificate of Appropriateness is required and has
7 been issued, and if the permit application conforms to ~~such Certificate the work approved in the~~
8 Certificate of Appropriateness, the permit application shall be processed without further
9 reference to this Article 10. If ~~such a~~ Certificate of Appropriateness is required and has not been
10 issued, or if ~~in the sole judgment of the Department~~ the permit application does not ~~so~~ conform to
11 what was approved, the permit application shall be disapproved or held by the Department until
12 such time as conformity does exist; ~~the decision and action of the Department shall be final.~~
13 Notwithstanding the foregoing, in the following cases the Department shall process the permit
14 application without further reference to this Article 10:

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

17 (2) When the application is for a permit to make interior alterations only on a
18 privately-owned structure or on a publicly-owned structure, unless the Department has
19 determined that any proposed interior alterations will result in any visual or material impact to the
20 subject building or the designating ordinance requires review of such interior alterations to the
21 privately- or publicly-owned structure pursuant to Section 1004(c) hereof.

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

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

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

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

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

11 (3) Removal of more than 25 percent of external walls from function as either
12 external or internal walls; or

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

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

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

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

7 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

8 In the case of:

9 (1) Any construction, alteration, removal or demolition of a structure or any work
10 involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section
11 1005(g)), or other appendage, for which a City permit is required, on a landmark site or in a
12 historic district;

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

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

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

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

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1 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness;
2 provided, however, that the designating ordinance for a historic district, or for a City-owned
3 park, square, plaza or garden on a landmark site, may modify or add to these procedures,
4 requirements, controls and standards.

5 SEC. 1006.1.APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

9 (b) Where to File. Applications shall be filed in the office of the Planning Department
10 ~~of City Planning~~.

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

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

24 (e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires~~
25 ~~a conditional use authorization in addition to a Certificate of Appropriateness, the Department may~~

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1 ~~combine the required applications, notices and hearings for administrative convenience and in the~~
2 ~~interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~
3 Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC must
4 review and act on any Certificate of Appropriateness before any other planning approval action. For
5 projects that (1) require a Conditional Use Authorization or permit review under Section 309, et. seq.
6 of the Code, and (2) do not concern an individually landmarked property, the Planning Commission
7 may modify any decision on a Certificate of Appropriateness 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 Certificate
10 of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all
11 applicable historic resources provisions of the Planning Code.

12 SEC. 1006.2. REVIEW BY PLANNING DEPARTMENT OF CITY PLANNING AND CITY
13 PLANNING COMMISSIONHPC.

14 An application for a Certificate of Appropriateness shall be reviewed by the Department which
15 shall determine within 30 days after the application is filed whether or not the application is complete.

16 (a) The HPC shall have the authority to define categories of alterations to be deemed Minor
17 Alterations and may delegate approval of an Administrative Certificate of Appropriateness for such
18 work to Department staff, whose decisions may be appealed to the HPC pursuant to subsection
19 1006.2(b) of this Article 10. If delegated to the Department, the categories of Minor Alterations shall
20 include but are not limited to the following:

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

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

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

5 (b) If the application has been determined to be a Minor Alteration and delegated to the
6 Department for approval, then the application may be approved by the Department without a hearing
7 before the HPC. The Department shall mail to the applicant and any individuals or organizations who
8 so request the Department's written decision approving an Administrative Certificate of
9 Appropriateness. Such decisions of the Department may be appealed to the HPC within 15 days of the
10 date of the written decision. The HPC may also review the decisions of the Department by its own
11 motion.

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

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

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

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

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

8 SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

9 When an application for a Certificate of Appropriateness has been filed and ~~Section~~
10 ~~1006.2 provides that the Planning Commission has been determined to be complete by the Department~~
11 ~~and Section 1006.2 provides that, the HPC shall hold a public hearing thereon.~~ ~~†~~The Department,
12 shall set a time and place for said hearing within a reasonable period. Notice of the time,
13 place and purpose of the hearing shall be given by the Department as follows:

14 (a) By mail to the applicant;

15 (b) For both individual landmarks and buildings located in historic districts: By mail not
16 less than ~~20~~ 10 days prior to the date of the hearing to the owners and occupants of the subject
17 building and the owners and occupants of all properties within 300 feet of the subject property, ~~of all~~
18 ~~real property that is the subject of the application and, if said property is in a historic district, to the~~
19 ~~owners of all real property within the historic district~~ using for this purpose the names and
20 addresses of the owners as shown on the latest citywide assessment roll in the office of the
21 Tax Collector, as well as any other interested parties who make a request in writing to the
22 Department. Failure to send notice by mail to any such property owner where the address of
23 such owner is not shown on such assessment roll shall not invalidate any proceedings in
24 connection with such action;

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

3 (d) By posting notice on the site not less than 20 days prior to the date of the hearing; and

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

5 SEC. 1006.4. INTENTIONALLY LEFT BLANK. ~~REFERRAL TO ADVISORY BOARD PRIOR~~
6 ~~TO HEARING.~~

7 ~~Where a public hearing before the Planning Commission has been scheduled thereon, the~~
8 ~~application for a Certificate of Appropriateness shall be promptly referred to the Advisory Board and~~
9 ~~shall be considered by the Advisory Board at its next regular meeting, or at a special meeting called for~~
10 ~~that specific purpose. The Advisory Board shall render a report to the Planning Commission at or prior~~
11 ~~to the scheduled public hearing; failure of the Advisory Board to consider the application or to render~~
12 ~~a report shall not constitute grounds for continuation of the public hearing.~~

13 SEC. 1006.5. CONDUCT OF HEARING; DECISION.

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

15 (a) Report and Recommendation. The Department shall make necessary
16 investigations and studies prior to the hearing of the ~~Planning Commission~~ HPC. ~~The report and~~
17 ~~recommendation of the Director of Planning shall be submitted at the hearing.~~ The Department shall
18 provide its report and recommendation to the HPC.

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

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

3 (d) Decision. The HPC shall approve, disapprove, or modify Certificates of
4 Appropriateness for work to designated landmarks or within historic districts. The decision of the
5 ~~Planning Commission~~ HPC shall be rendered within 30 days from the date of conclusion of the
6 hearing; failure of the ~~Commission~~ HPC to act within the prescribed time shall be deemed to
7 constitute disapproval of the application. The decision of the ~~Planning Commission~~ HPC, in
8 ~~either approving, or disapproving, or modifying~~ the application pursuant to Section 1006.6, shall
9 be final except upon the filing of a valid appeal to the Board of Appeals or Board of Supervisors
10 as provided in Section 1006.8. ~~The decision of the Planning Commission, in suspending action on~~
11 ~~an application pursuant to Section 1006.6, shall be final.~~ If the ~~Planning Commission or the~~ Board of
12 Appeals or Board of Supervisors on appeal, approves the application, ~~or after the expiration of~~
13 ~~any suspension period imposed by the Commission,~~ the Department shall issue a Certificate of
14 Appropriateness to the applicant.

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

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

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

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

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

9 (a) If the application for a Certificate of Appropriateness proposes construction or
10 alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other
11 appendage, or exterior changes in a historic district visible from a public street or other public
12 place, the ~~Planning Commission-HPC~~ shall approve, ~~or~~ disapprove, or modify the application in
13 whole or in part.

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

20 (c) If the application proposes removal or demolition of a structure in a designated
21 historic district, other than on a designated landmark site, the ~~Planning Commission-HPC~~ may
22 disapprove or approve the application, or may suspend action on it for a period not to exceed
23 90 days, subject to extension by the Board of Supervisors as provided in the preceding
24 subsection; provided, however, that the designating ordinance for the historic district may
25 authorize the suspension of action for an alternate period which shall in no event exceed 90

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1 days, without extension, and in such event the provision of the designating ordinance shall
2 govern.

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

11 SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

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

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

22 (b) For applications pertaining to landmark sites, the proposed work shall preserve,
23 enhance or restore, and shall not damage or destroy, the exterior architectural features of the
24 landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its
25 major interior architectural features. The proposed work shall not adversely affect the special

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1 character or special historical, architectural or aesthetic interest or value of the landmark and
2 its site, as viewed both in themselves and in their setting, nor of the historic district in
3 applicable cases.

4 (c) For applications pertaining to property in historic districts, other than on a
5 designated landmark site, any new construction, addition or exterior change shall be
6 compatible with the character of the historic district as described in the designating ordinance;
7 and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore,
8 and not to damage or destroy, the exterior architectural features of the subject property which
9 are compatible with the character of the historic district. Notwithstanding the foregoing, for any
10 exterior change where the subject property is not already compatible with the character of the
11 historic district, reasonable efforts shall be made to produce compatibility, and in no event
12 shall there be a greater deviation from compatibility. Where the required compatibility exists,
13 the application for a Certificate of Appropriateness shall be approved.

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

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

23 SEC. 1006.8. APPEALS ~~FROM PLANNING COMMISSION DECISION OF A~~
24 CERTIFICATE OF APPROPRIATENESS.

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1 (a) Right of Appeal. The decision of the HPC or the Planning Commission on a Certificate
2 of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the
3 decision by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or
4 is appealed to the Board of Supervisors as a Conditional Use Authorization, the decision shall not be
5 appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the
6 decision by a majority vote. The action of the Planning Commission in approving or disapproving in
7 whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the
8 Board of Supervisors in accordance with this Section. An action of the Commission on a Certificate of
9 Appropriateness so appealed ~~from~~ shall not become effective unless and until approved by the
10 Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this
11 Section shall be construed to authorize the appeal of any decision under Section 1006.6 of
12 this Article 10 to suspend action on an application.

13 (b) Notice of Appeal. Any appeal under this Section shall be taken by filing written
14 notice of appeal with the Board of Appeals or the Clerk of the Board of Supervisors, whichever
15 entity is appropriate under the requirements of subsection 1006.8(a), within 30 days after the date of
16 action by the ~~Planning Commission~~ HPC. ~~In the case of a historic district, the notice of appeal shall~~
17 ~~be subscribed by the owners of at least 20 percent of the property affected by the proposed Certificate~~
18 ~~of Appropriateness; for the purposes of this calculation, the property affected shall be deemed to be all~~
19 ~~property within the historic district. In the case of a landmark not in a historic district, the notice of~~
20 ~~appeal shall be subscribed by the property owner, or by any governmental body or agency, or by an~~
21 ~~organization with a recognized interest in historical preservation.~~

22 (c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed, t~~The Board of
23 Supervisors, or the Board of Appeals or the Clerk(s) thereof shall set a time and place for
24 hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing.
25 The Board of Supervisors must decide such appeal within 30 days of the time set for the

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1 hearing thereon; provided that, if the full membership of the Board is not present on the last
2 day on which said appeal is set or continued for hearing within said period, the Board may
3 postpone said hearing and decision thereon until, but not later than, the full membership of the
4 Board is present; provided, further, that the latest date to which said hearing and decision may
5 be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure
6 of the Board of Supervisors to act within such time limit shall be deemed to constitute
7 approval by the Board of the ~~action~~ decision of the ~~Planning Commission~~ HPC.

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

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

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1 Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute
2 approval by the Board of the action of the HPC City Planning Commission.

3 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

4 None of the provisions of this Article 10 shall be construed to prevent any measures of
5 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition
6 of any structure, other feature, or part thereof, where such condition has been declared
7 unsafe or dangerous by the Director Superintendent of the Bureau Department of Building
8 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the
9 proposed measures have been declared necessary, by such official, to correct the said
10 condition; provided, however, that only such work as is absolutely necessary to correct the
11 unsafe or dangerous condition may be performed pursuant to this Section. In the event any
12 structure or other feature shall be damaged by fire, or other calamity, or by Act of God or by
13 the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot
14 reasonably be repaired and restored, it may be removed in conformity with normal permit
15 procedures and applicable laws.

16 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

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

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

7 SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

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

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

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

7 SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

8 (a) The ~~Advisory Board may recommend, and the Planning Commission~~ HPC may
9 approve, a list of structures of historical, architectural or aesthetic merit which have not been
10 designated as landmarks and are not situated in designated historic districts. ~~The said~~ This list
11 may be added to from time to time. The purpose of this list shall be to recognize and
12 encourage the protection, enhancement, perpetuation and use of such structures. The
13 ~~Advisory Board and the Planning Commission~~ HPC shall maintain a record of historic structures in
14 the City which have been officially designated by agencies of the State or federal government,
15 and shall cause such structures to be added to the aforesaid list.

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

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

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

5 SEC. 1013. ENFORCEMENT AND PENALTIES.

6 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
7 Code.

8 SEC. 1014. APPLICABILITY.

9 (a) No application for a permit to construct, alter or demolish any structure or other
10 feature on a proposed individual landmark site or in a or in a proposed historic district that would
11 require a Certificate of Appropriateness pursuant to Section 1006 of this Code, shall not be approved
12 by the Department that has been filed subsequent to the day that a 1) a resolution to initiate
13 designation by the Board of Supervisors has been adopted; 2) a resolution of intention to initiate
14 designation by the HPC has been adopted; 3) a resolution to initiate designation by the HPC has been
15 adopted; or 4) in the case of a proposed individual landmark, the submittal of a complete nomination
16 application to the Department pursuant to Section 1004.1(a), ~~an application has been filed or a~~
17 resolution adopted to initiate designation of the said landmark site or historic district, shall be
18 approved by the Department while proceedings are pending on such designation for a 180 day period.
19 However, the HPC may implement Interim Controls to allow for the review and permitting of
20 applications to buildings proposed for designation that would require a Certificate of Appropriateness
21 pursuant to Section 1006, ~~provided however, that a~~ After the 180 days period has ~~have~~ elapsed from
22 the date of initiation of said designation, or if final action on such designation has not been
23 completed, the permit application may be approved.

24 (b) The provisions of this Article 10 shall be inapplicable to the construction,
25 alteration or demolition of any structure or other feature on a landmark site or in a historic

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1 district, where a permit for the performance of such work was issued prior to the effective date
2 of the designation of the said landmark site or historic district, and where such permit has not
3 expired or been cancelled or revoked, provided that construction is started and diligently
4 prosecuted to completion in accordance with the Building Code.

5 SEC. 1015. - SEVERABILITY.

6 If any Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase of this
7 Article 10 or any part thereof, is for any reason held to be unconstitutional or invalid, such
8 decision shall not affect the validity of the remaining portions of this Article 10 or any part
9 thereof. The Board of Supervisors hereby declares that it would have passed each Section,
10 Subsection, Subdivision, Paragraph, sentence, clause or phrase thereof, irrespective of the
11 fact that any one or more Sections, Subsections, Subdivisions, Paragraphs, sentences,
12 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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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

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:

- 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.~~

25

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~~

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

25

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

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

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.

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

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)

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*

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.

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.

25

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(e) 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

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~~

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.

25

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.

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

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.

25

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.

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

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~~

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
25

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.
25

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

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*

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

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

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.

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
24
25 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

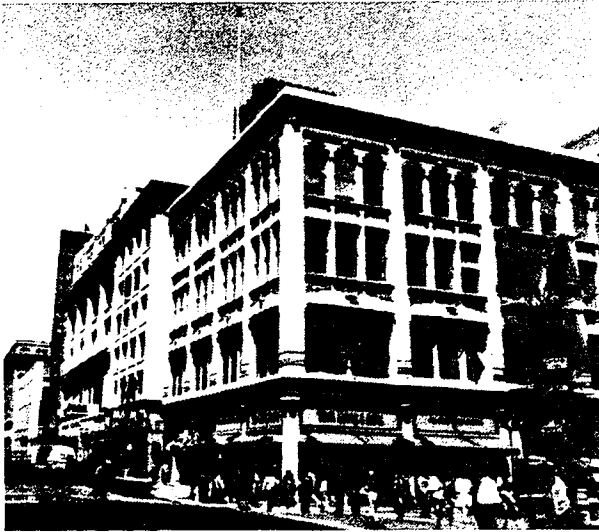
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By: JUDITH A. BOYAJIAN
Deputy City Attorney

PRESERVING THE PAST

Background

Buildings in San Francisco's downtown were, until recently, the product of a short period lasting from 1906 until about 1930. After the earthquake and fire there was a rush to rebuild. By 1910, the area now considered the retail and financial districts was largely rebuilt with little evidence of the disaster remaining. Many of the new buildings were designed by architects trained in the same tradition (at the Ecole de Beaux Arts in Paris or under instructors trained there) and responding to a new building technology. As a result, the downtown had a coherent, unified appearance.



Downtown was characterized by light-colored, masonry-clad structures from six to twelve stories in height with rich, distinctive, and eclectic designs.

Conscious efforts were made to relate buildings to both the street and adjacent buildings by use of similar cornice and belt course lines, and sympathetic materials, scale and color. Large areas of glass, made possible by steel frame construction, were often used to allow light to penetrate into interiors. Buildings were constructed to the street and property lines, defining the street edge and producing a sense of enclosure. The relatively low structures incorporated a considerable amount of ornamentation and articulation, creating a pedestrian scale. Later development, up until the mid-1920s, continued this style and character.

During the late 1920s, though, many skyscrapers (for example, the Russ, Shell, and Pacific Telephone buildings) were of a more monumental size. But by use of a

similar scale, style, materials, color, solid to glass ratio, detailing, and belt courses, they blended with buildings built right after the earthquake and fire.

From the Depression until the 1950s, no major buildings were constructed downtown. When construction resumed, buildings were of a much different character. Increasingly, they were much larger in scale than earlier buildings, often dark in color or with reflective glass, with few details to relate the building to pedestrians or to adjacent buildings. The new 'International Style' architecture made an office building a rectangular box with sheer, unornamented walls without setbacks or cornices. Continuity of the building form along the street was lost as buildings were set back and placed in plazas, each creating a "tower in a park."

In recent years, there has been increasing concern over the loss of older buildings and the failure of their replacements to blend into the established character of their surroundings.

OBJECTIVES AND POLICIES

OBJECTIVE 12

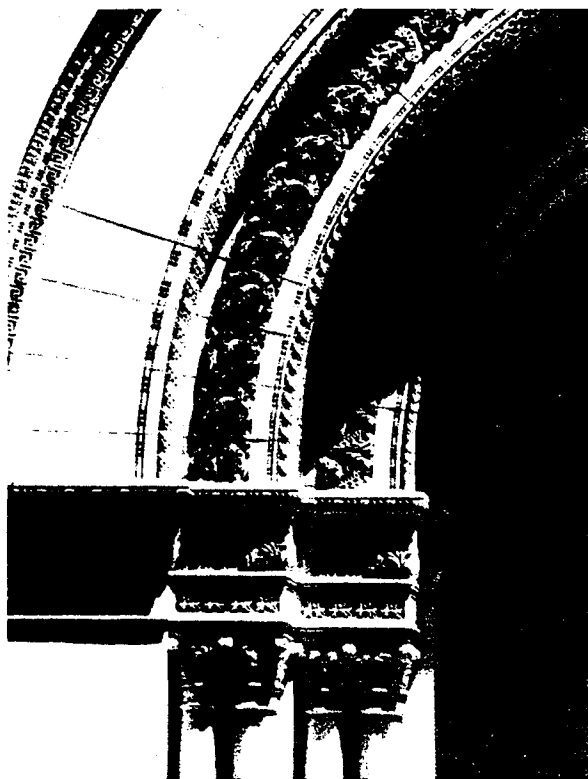
CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

For San Francisco to retain its charm and human proportions, irreplaceable resources must not be lost or diminished. Past development, as represented by both significant buildings and by areas of established character, must be preserved. The value of these buildings and areas becomes increasingly apparent as more and more older buildings are lost.

POLICY 1

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Older buildings that have significant historical associations, distinctive design, or characteristics exemplifying past styles of development should be permanently preserved. A continuing search should be made for new means to make landmarks preservation practical — physically and financially.



Criteria for judgment of historic value and design excellence should be more fully developed with attention to individual buildings, and to areas or districts. Efforts to preserve the character of individual landmarks should extend to their surroundings as well.

To some degree many other older structures are worthy of retention and public attention. Therefore, various kinds and levels of recognition are required, keeping in mind that the success of the preservation program depends upon the broad interest and involvement of property owners, improvement associations, and the public at large.

POLICY 2

Use care in remodeling significant older buildings to enhance rather than weaken their original character.

The character and style of older buildings of all types and degrees of merit can be needlessly hidden and thus diminished by misguided improvements. Architectural advice and, where necessary and feasible, the assistance of public programs should be readily available to property owners to assist them in retaining fidelity to the original design.

Along commercial streets, signs on building facades should be in keeping with the style and scale of the buildings and street, and should not obscure architectural lines and details.

POLICY 3

Design new buildings to respect the character of older development nearby.

Care should also be exercised in the design of new buildings proposed near landmarks or in older areas of distinctive character. New and old can stand next to one another with pleasing effects, but only if a similarity or successful transition is achieved in scale, building form, and proportion. The detail, texture, color, and material of the old should be repeated or complemented by the new.

Existing downtown buildings often provide strong facades that enclose the street space or public plazas. The character of these facades should also be respected. Building controls should assure that prevailing heights or building lines will not be interrupted by new construction.

Key Implementing Action

- Require retention of the highest quality buildings and preservation of their significant features. Provide incentives for retention of other highly rated buildings, and encourage retention of their significant features.

Significant Buildings. Those buildings of the highest architectural and environmental importance—buildings whose demolition would constitute an irreplaceable loss to the quality and character of downtown—would be required to be retained. There are 251 of these buildings. They include all buildings classified as Buildings of Individual Importance and rated as excellent in architectural design, or very good in both architectural design and relationship to the environment.

These buildings—referred to in the Plan as Significant Buildings—are divided into Category I and Category II, the difference being in the extent of alteration allowed. There are 209 significant buildings in Category I and 42 significant buildings in Category II.

Significant buildings in Category II can accommodate, because of their depth, more substantial alteration of the back of the building without affecting the building's architectural qualities or appearance or their ability to function as separate structures. Most of these buildings are on deep interior lots with non-architecturally treated side and rear walls. The alteration could be a rear addition to the building visible from the street, a new, taller building cantilevered over the back of the building, or replacement of the rear of the building with a separate, taller structure. The addition or new building would be required to meet the guidelines for new construction in conservation districts.

Demolition of a Significant Building would be permitted only if public safety requires it or, in taking into account the value of TDR, the Building retains no substantial remaining market value.

Changes in the facade, or significant exterior features or interior features designated as landmarks would be reviewed for their consistency with the architectural character of the building by applying criteria, based in part on the Secretary of Interior's Standards for Rehabilitation.



Owners of significant buildings would be required to comply with all applicable codes, laws and regulations governing the maintenance of property in order to preserve the buildings from deliberate or inadvertent neglect.

Contributory Buildings. The Downtown Plan proposes to encourage, but not require, retention of other buildings contributing to the quality and character of downtown. These buildings, called contributory buildings, consist of two groups:

Category III

- Buildings classified as Buildings of Individual Importance and rated very good in architectural quality, but lower than very good in relationship to the environment, or rated excellent or very good in relationship to the environment, and located outside conservation districts. There are 16 of these buildings.

Category IV

- Buildings classified as Buildings of Individual Importance and rated excellent or very good in architectural quality, but lower than very good in relationship to the environment or rated very good in architectural quality and which are located in a conservation district. There are 15 of them.
- Buildings within a conservation district which are classified as Buildings of Contextual Importance. These contextual buildings are buildings that themselves are not as highly rated in architectural design and relationship to the environment as Buildings of Individual Importance, but do make a substantial contribution to the "quality" of an area that contains a number of highly-rated buildings and that is proposed to be given special protection as a conservation district.

While preservation of contributory buildings is desirable and would be encouraged by allowing their owners to transfer unused development rights, their importance is not so great as to justify a requirement that they be retained. Therefore, demolition and replacement or substantial alteration of such buildings would be allowed.

However, if the contributory building is in a conservation district, the design and scale of the modification or the replacement building would be reviewed to assure that the building approximately maintains the character of the district (see discussion of Conservation Districts below.)

Alteration of a contributory building that adversely affects the qualities for which it was given transferable development rights should make it no longer eligible for TDR. Therefore, alterations would have to meet the guidelines for significant buildings in order for the building to retain its transferable development rights.

Once development rights are transferred from a contributory building, alteration or demolition of the building would be regulated by the rules applicable to significant buildings.

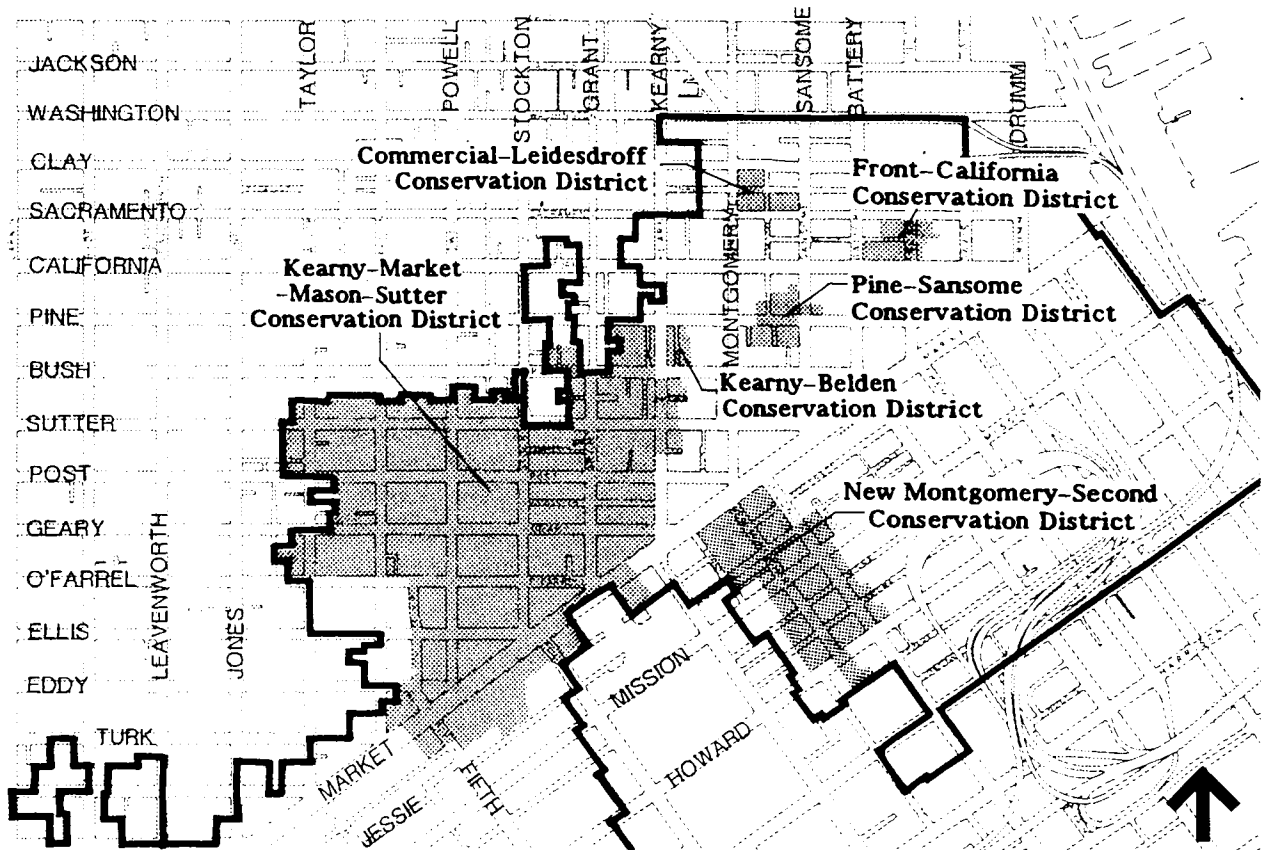
Owners of contributory buildings would be required to comply with all applicable codes and regulations governing the maintenance of the property in order to protect the building from deliberate or inadvertent neglect.

Key Implementing Action

- Create conservation districts in areas with special characteristics and qualities.

Certain sections of downtown have concentrations of buildings that together create geographic areas of unique quality. In these areas, buildings of a somewhat lesser quality than those required to be retained take on an increased importance. These buildings help create a setting that reinforces and complements the qualities of the more significant structures in the area and their own attributes are more apparent and appreciated.

Areas containing these concentrations of significant and contributory buildings would be designated as conservation districts to facilitate preservation of the quality and character of the area as a whole.



DOWNTOWN CONSERVATION DISTRICTS

Map 4

In these districts, demolition and alteration of significant buildings would be subject to the restrictions applicable to those buildings described above. Contributory buildings as well as unrated buildings could be altered or replaced by new development. However, alterations or new development would be reviewed to assure maintenance of the character of the district. Both significant and contributory buildings would have transferable development rights.

Key Implementing Action

- Allow transfer of the unused development rights from Significant and Contributory Buildings.

Both significant and contributory buildings should be entitled to sell for use on another site “transferable development rights”, that is, the difference between the actual square footage of the building to be retained and the square footage of a new building that could be built on the lot as determined by the applicable floor area ratio. These “transferable development rights” (TDR) could be transferred to any parcel or parcels within the same zoning district if the height, bulk, and other rules of this Plan would permit the increased square footage. TDRs from the retail and office districts and to a more limited extent from the general commercial and support districts could also be used in a special development district immediately south of the existing C-3-O district where increased densities are appropriate. Since the square footage is simply transferred from one lot for use on another, the total allowable density downtown would not be increased.

TDRs are proposed as a planning tool to insure the maintenance of sufficient development potential in the C-3 District to accommodate orderly growth and preserve a compact downtown, and to balance the public and private interests affected by the preservation policies. TDRs are not legally necessary to compensate property owners for restricting development of sites of landmarks and significant building sites. Similar restrictions on demolition of landmarks, without TDR, have been sustained by courts in many parts of the country.

URBAN FORM

Background

The urban form chapter includes objectives, policies and actions governing downtown building height and bulk, separation of buildings, sunlight access, wind protection, building appearance, and the relationship of buildings to the street.

HEIGHT AND BULK

OBJECTIVES AND POLICIES

OBJECTIVE 13

CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

The visual appeal of San Francisco is based on its topography — its hills and ridges and their relationship to the ocean and bay — and on the scale of existing development. This scale is by and large a light-toned texture of separate shapes blended and articulated over the city's topography.

Fitting new development into this environment is, in a broad sense, a matter of scale. It requires a careful assessment of each building site, relating a potential new structure to the size and texture of its surroundings. It means making a very conscious effort to achieve balance and compatibility in the design for the new building. Good scale depends upon a height that is consistent with the total pattern of the land and of the skyline, a bulk that is not overwhelming, and an overall appearance that is complementary to the building forms and other elements of the city. Since the height, bulk and appearance of past development differs within the city, scale is relative.