



SAN FRANCISCO PLANNING DEPARTMENT

Memorandum Planning Code Text Changes

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: Tim Frye, Acting Preservation Coordinator
tim.frye@sfgov.org, 415-575-6822

Recommendation: **Approval with Modifications**

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Dear Historic Preservation Commissioners,

The proposed Ordinance ("2010 Clean-Up") to amend the Planning Code is **396 pages** in length.

This Commission received a hard copy of the legislation and accompanying materials for the July 21st hearing. In order to conserve resources, the Department is not providing additional hard copies of these materials for the August 18th hearing packets.

What is included herein is a pulled-out version of Articles 10 & 11. Article 10 has been modified to incorporate the changes that the Department recommended for the August 4th hearing as well as those changes that the HPC requested at the August 4th hearing.

Article 11 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 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.



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Draft Resolution No.

Planning Code Text Changes

HEARING DATE: AUGUST 18, 2010

CONTINUED FROM: JULY 21ST & AUGUST 4TH, 2010

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Recommendation: **Approve Planning Code Amendments with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE TO CORRECT CLERICAL ERRORS, MAKE NONSUBSTANTIVE LANGUAGE REVISIONS AND UPDATE VARIOUS SECTIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 121.2, 136.1, 145.2, 151.1, 185, 186, 201, 204.1, 204.2, 207.2(15)(C), 209.3, 209.8, 217, 243, 263.9, 303, 309, 311, 607.1, 608.8, 803.3, 890.44, 890.133, 890.140; AND VARIOUS AMENDMENTS TO ARTICLE 7 – NEIGHBORHOOD COMMERCIAL DISTRICTS, ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS, AND ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND PLANNING CODE SECTION 101.1 FINDINGS.

PREAMBLE

Whereas, on February 3, 2010, the Planning Director requested that amendments be made to the Planning Code under Case Number 2010.0080T; and

Whereas, the proposed Planning Code text changes would amend several sections of the Code as outlined in Attachment B and incorporated herein, as well as amendments to Articles 7, 10, and 11; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the initiation of the proposed Ordinance on July 8, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18133 initiating amendments to the Planning Code on July 8, 2010; and

WHEREAS, pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission ("HPC") for review and recommendation to the Board of Supervisors; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the HPC has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the HPC has reviewed the proposed Ordinance; and

MOVED, that the HPC hereby recommends that the Board of Supervisors *approve with modifications* the proposed ordinance. Specifically, the proposed modifications are:

1. Amendments to Articles 10 and 11 that incorporate additional Charter Section 4.135 language, as detailed in Attachment G & I;
2. Clarification to Section 311(c) of the Code that outlines the notice process, as detailed in Attachment H;
3. Clarification and deletion to Section 309 of the Code, as detailed in Attachment H; and
4. Additional minor amendments to Code Sections 134, 201, 209, and Article 7 as detailed in Attachment H.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Planning Code has been amended dozens of times over the past three years. In addition to the Eastern Neighborhoods, Balboa Park, and Ocean Avenue plans being created (among others), the Board of Supervisors has regularly amended Code sections.
2. Many factors contribute to the errors that need fixing by this legislation. First, there is a delay between the effective date of a Ordinance and when the online Planning Code is updated to reflect the change.

3. In addition, amendments from the Planning Code are proposed by many sources including the Planning Department, the Board of Supervisors, the Mayor and private parties. Legislation does not march in an orderly manner through the approvals process. An Ordinance proposing Code changes can be considered by the Planning Commission in the spring and may sit at the Board for months before it is called to hearing before a Committee. In the meantime, other pieces of legislation may move ahead that were not considered in the original ordinance. The most recent Code changes not yet visible online may not be used as a basis for new Code amendments.
4. As a result, many code amendments were inadvertently removed and controls were amended or omitted. The majority of this legislation addresses these issues. (Attachment B details the Code sections that are being amended and the specific changes being made).
5. With regard to the proposed changes to Articles 10 and 11, HPC was created in the fall of 2008. Articles 10 and 11 are the Planning Code chapters that outline the designation and permit review processes for historic buildings and have not been updated and do not conform to Charter Section 4.135. The proposed revisions will simply make them consistent with Charter Section 4.135. There will not be any substantive changes to the Planning Code; the amendments will only remove references to the former Landmarks Preservation Advisory Board and where appropriate, the Planning Commission, to reflect the Charter.
6. With regard to the remainder of the proposed changes to the Planning Code the proposed changes are minor in scope - typographical errors, updating and consolidating definitions, and correcting errors that were inadvertently made by subsequent code changes and/or by the publisher. This proposal contains non-substantive changes not changes in policy.
7. Therefore, the HPC recommends *approval with modifications of the proposed Ordinance*.
8. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE & INDUSTRY ELEMENT SETS FORTH OBJECTIVES AND POLICES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE. THE PLAN SERVES AS A COMPREHENSIVE GUIDE FOR BOTH THE PUBLIC AND PRIVATE SECTORS WHEN MAKING DECISIONS RELATED TO ECONOMIC GROWTH AND CHANGE.

GOALS

The objectives and policies are based on the premise that economic development activities in San Francisco must be designed to achieve three overall goals: 1) Economic Vitality - the first goal is to maintain and expand a healthy, vital and diverse economy which will provide jobs essential to personal well-being and revenues to pay for the services essential to the quality of life in the city; 2) Social Equity - the second goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically

unemployed and those excluded from full participation by race, language or lack of formal occupational training; and 3) Environmental Quality - the third goal is to maintain and enhance the environment. San Francisco's unique and attractive environment is one of the principal reasons San Francisco is a desirable place for residents to live, businesses to locate, and tourists to visit. The pursuit of employment opportunities and economic expansion must not be at the expense of the environment appreciated by all.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

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.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

III. DOWNTOWN ELEMENT

THE DOWNTOWN PLAN GROWS OUT OF AN AWARENESS OF THE PUBLIC CONCERN IN RECENT YEARS OVER THE DEGREE OF CHANGE OCCURRING DOWNTOWN — AND OF THE OFTEN CONFLICTING CIVIC OBJECTIVES BETWEEN FOSTERING A VITAL ECONOMY AND RETAINING THE URBAN PATTERNS AND STRUCTURES WHICH COLLECTIVELY FOR THE PHYSICAL ESSENCE OF SAN FRANCISCO.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12

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

Policy 12.1

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.

The goal of the proposed Ordinance is to make typographical and clerical errors to the Planning Code, as well as to update Articles 10 and 11 to make it conform to Charter Section 4.135.

9. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will not impact existing housing and neighborhood character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will not impact the supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance will update the Planning Code to reflect Charter Section 4.135 to incorporate the Historic Preservation Commission.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on August 18, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 18, 2010

- Exhibit A: Draft Ordinance
- Exhibit B: 2010 Planning Code 'Clean Up' Amendments List
- Exhibit C: Proposed revisions to the Formula Retail Controls
- Exhibit D: Proposed revisions to Section 309
- Exhibit E: Proposed revisions to MCD Controls
- Exhibit F: Charter Section 4.135 (Historic Preservation Commission)
- Exhibit G: Proposed additional modifications to Articles 10 & 11, July 23, 2010
- Exhibit H: Proposed additional modifications to Code Sections 134, 201, 311 & 309, 209, Article 7, July 23, 2010.
- Exhibit I: Proposed additional modifications to Articles 10 & 11, August 25, 2010

- 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**.
7
8 August 4, 2010 HPC additions double underlined
9 August 4, 2010 HPC deletions are ~~strikethrough normal~~.

10 Section 69. The San Francisco Planning Code is hereby amended by amending Article
11 10, to read as follows:

12 SEC. 1001. PURPOSES.

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

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

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

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

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

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

10 SEC. 1002. POWERS AND DUTIES OF THE PLANNING DEPARTMENT AND THE
11 HISTORIC PRESERVATION COMMISSION OF CITY PLANNING AND CITY PLANNING
12 COMMISSION.

13 The Planning Department of City Planning (~~hereinafter referred to as the~~ "Department")
14 and the ~~Planning Commission~~ Historic Preservation Commission ("HPC") shall have and exercise
15 the powers and shall perform the duties set forth in this Section and elsewhere in this Article
16 10 with respect to historical preservation. ~~The Department and the Planning Commission shall be~~
17 ~~advised in the exercise and performance of their powers and duties by the Landmarks Preservation~~
18 ~~Advisory Board hereinafter created.~~

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

20 (1) Shall recommend to the Board of Supervisors, after public hearing, on the
21 designation of landmarks and historic districts, as more fully set forth in Section 1004.3 below;

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

25

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

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

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

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

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

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

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

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

25

1 (11) Shall recommend to the Planning Commission a Preservation Element of the General
2 Plan and shall periodically recommend to the Planning Commission proposed amendments to such
3 Preservation Element of the General Plan; and shall comment and provide recommendations to the
4 Planning Commission and Board of Supervisors on other objectives, policies and provisions of the
5 General Plan and special area, neighborhood, and other plans designed to carry out the General
6 Plan, and proposed amendments thereto, that are not contained within such Preservation Element
7 but concern historic preservation.

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

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

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

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

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

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

22 (6) May establish such policies, rules and regulations as they deem necessary to
23 administer and enforce this Article 10 and Charter Section 4.135 establishing the Historic
24 Preservation Commission.

25

1 SEC. 1003. ~~INTENTIONALLY LEFT BLANK~~LANDMARKS PRESERVATION ADVISORY
2 ~~BOARD.~~HISTORIC PRESERVATION COMMISSION

3 ~~There is hereby created a Landmarks Preservation Advisory Board (hereinafter referred to as~~
4 ~~the "Advisory Board"), which shall advise the Department and the Planning Commission on historical~~
5 ~~preservation matters. The Advisory Board shall consist of nine voting members appointed by the Mayor~~
6 ~~and serving at his pleasure, without salary. Of the original appointments, five shall be for a four-year~~
7 ~~term and four for a two-year term; after the expiration of the said original terms, all appointments shall~~
8 ~~be for four-year terms. In addition, the Art Commission shall choose one of its members to be an ex~~
9 ~~officio member of the Advisory Board, without vote.~~

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

15 Charter Section 4.135 created a Historic Preservation Commission ("HPC"), which shall
16 advise the City on historic preservation matters, participate in processes that involve historic
17 or cultural resources, and take such other actions concerning historic preservation as may be
18 prescribed by ordinance. The HPC shall consist of seven members nominated by the Mayor
19 and subject to approval by a majority of the Board of Supervisors. Of the original
20 appointments to the HPC, four shall be for a four-year term and three for a two-year term as
21 follows: the odd-numbered seats shall be for four-year terms and the even-numbered seats
22 shall be for two-year terms. After the expiration of the original terms, all appointments shall be
23 for four-year terms, provided however, that a member may holdover until a successor has
24 been nominated by the Mayor and approved by the Board of Supervisors. There shall be no
25

1 limit on the number of terms a member may serve. Members may be removed by the
2 appointing officer only pursuant to Charter Section 15.105.

3 Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a
4 qualified person to fill the vacant seat for the term, or the remainder of the term, subject to
5 approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on
6 the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the
7 Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the
8 nomination may be made by the President of the Board of Supervisors, subject to the
9 approval of a majority of the Board of Supervisors. The appointment shall become effective
10 on the date the Board of Supervisors adopts a motion approving the nomination or after 60
11 days from the date the Mayor transmits the nomination to the Clerk of the Board of
12 Supervisors if the Board of Supervisors fails to act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (b) Each such designating ordinance shall include, or shall incorporate by reference
12 to the pertinent resolution of the ~~Planning Commission~~HPC then on file with the Clerk of the
13 Board of Supervisors, as though fully set forth in such designating ordinance, the location and
14 boundaries of the landmark site or historic district, a description of the characteristics of the
15 landmark or historic district that justify its designation, and a description of the particular
16 features that should be preserved. Any such designation shall be in furtherance of and in
17 conformance with the purposes of this Article 10 and the standards set forth herein.

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

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

24 (2) For a privately-owned landmark, review of proposed changes requiring a permit
25 to significant interior architectural features in those areas of the landmark that are or

1 historically have been accessible to members of the public. The designating ordinance must
2 clearly describe each significant interior architectural feature subject to this restriction.

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

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

8 (d) The Board of Supervisors may amend or rescind a designation at any time,
9 subject to all of the procedures set forth in this Article 10 for an original designation; provided,
10 however, that in the event that a landmark is accidentally destroyed or is demolished or
11 removed in conformity with the provisions of Section 1007, or is legally demolished or
12 relocated after compliance has been had with the provisions of Section 1006.2, the Director of
13 Planning may request the ~~Planning Commission~~HPC to recommend to the Board of Supervisors
14 that the designation be amended or rescinded, and in such case the procedures for an
15 original designation set forth in Sections 1004.1, 1004.2 and 1004.3 hereof shall not apply.

16 SEC. 1004.1. INITIATION OF DESIGNATION.

17 Initiation of designation shall be made by one of the following three methods: 1) by a
18 resolution initiating designation by the Board of Supervisors; 2) or by a resolution *of intention*
19 to initiate by the HPC; or by the ~~Planning Commission, the Art Commission or the Advisory Board,~~
20 HPC or 3) on the verified application of owners(s) of the property to be designated or their
21 authorized agents. *The Board of Supervisors shall promptly refer any initiation of designation to the*
22 *HPC for its review and recommendation.* Any such application to initiate ~~shall be~~ filed with the
23 Department *by the owner(s) shall be* upon forms prescribed by the ~~Planning Commission~~HPC,
24 and shall be accompanied by all data required by the ~~Planning Commission~~HPC. Where such
25 an application is submitted *by the owner(s)* for designation of a historic district, the application

1 must be subscribed by or on behalf of at least 66 percent of the property owners in the
2 proposed district.

3 SEC. 1004.2. INTENTIONALLY LEFT BLANK. ~~—REFERRAL TO LANDMARKS~~
4 ~~PRESERVATION ADVISORY BOARD.~~

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

12 SEC. 1004.3. HEARING BY CITY PLANNING COMMISSION~~HPC.~~

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

18 (a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall
19 be given by at least one publication in a newspaper of general circulation in the City not less
20 than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days
21 prior to the date of hearing to the owners of all property included in the proposed designation,
22 using for this purpose the names and addresses of the last known owners as shown on the
23 records of the Assessor. Failure to send notice by mail to any such property owner where the
24 address of such owner is not a matter of public record shall not invalidate any proceedings in
25

1 connection with the proposed designation. The Department may also give such other notice
2 as it may deem desirable and practicable.

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

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

23 (d) — In the event that a proposed designation has been initiated prior to July 18,
24 2006, and the ~~Planning Commission~~HPC has failed to act upon such proposed designation as
25 of the effective date of this ordinance, the Board of Supervisors may act on the proposed

1 designation notwithstanding the ~~Planning Commission~~HPC's failure to act on the proposed
2 designation.

3 SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.

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

8 SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

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

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

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

22 (c) Resubmission, Reconsideration. If a proposal initiated by application has been
23 disapproved by the ~~Planning Commission~~HPC or by the Board of Supervisors ~~on appeal~~, no
24 subsequent application that is the same or substantially the same may be submitted or
25

1 reconsidered for at least one year from the effective date of final action of the original
2 proposal.

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

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

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

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

13 SEC. 1005. CONFORMITY AND PERMITS.

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

20 (b)

21 (1) Installation of a new general advertising sign is prohibited in any Historic District or
22 on any historic property regulated by this Article 10.

23 (2) The Central Permit Bureau shall not issue, and no other City department or
24 agency shall issue, any permit for construction, alteration, removal or demolition of a structure
25 or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage

1 on a landmark site or in an Historic District, except in conformity with the provisions of this
2 Article 10. In addition, no such permit shall be issued unless all other applicable laws and
3 regulations have been complied with.

4 (c)

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

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

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

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

25

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

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

14 (2) When the application is for a permit to make interior alterations only on a
15 privately-owned structure or on a publicly-owned structure, unless the designating ordinance
16 requires review of such alterations to the privately- or publicly-owned structure pursuant to
17 Section 1004(c) hereof;

18 (3) When the application is for a permit to do ordinary maintenance and repairs
19 only, provided that the HPC has delegated this function to Department staff. For the purpose
20 of this Article 10, "ordinary maintenance and repairs" shall mean any work, the sole purpose
21 and effect of which is to correct deterioration, decay or damage, including repair of damage
22 caused by fire or other disaster;

23 (4) When the application is for a permit to comply with the UMB Seismic Retrofit
24 Ordinances and the ~~Zoning Administrator~~ Department determines that the proposed work
25

1 complies with the UMB Retrofit Architectural Design Guidelines, ~~which guidelines shall be~~
2 adopted by the ~~Planning Commission~~ HPC.

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

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

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

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

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

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

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

24 (2) Where the mural is proposed to be added to a landmark or contributory structure
25 in a historic district, located on property that is not owned by the City, a Certificate of

1 Appropriateness shall be required. The ~~Advisory Board~~HPC shall not act on the Certificate of
2 Appropriateness until the Art Commission has provided advice to the ~~Advisory Board~~HPC on
3 the mural. The Art Commission shall provide advice to the ~~Advisory Board~~HPC within 50 days
4 of receipt of a written request for advice and information regarding the proposed mural.

5 SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

6 In the case of:

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

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

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

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

21 A Certificate of Appropriateness shall be required and shall govern review of permit
22 applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set
23 forth in Section 1005(e). The procedures, requirements, controls and standards in Sections
24 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness;
25 provided, however, that the designating ordinance for a historic district, or for a City-owned

1 park, square, plaza or garden on a landmark site, may modify or add to these procedures,
2 requirements, controls and standards.

3 SEC. 1006.1.APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

7 (b) Where to File. Applications shall be filed in the office of the Planning Department
8 *of City Planning*.

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

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

22 (e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires~~
23 ~~a conditional use authorization in addition to a Certificate of Appropriateness, the Department may~~
24 ~~combine the required applications, notices and hearings for administrative convenience and in the~~
25 ~~interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~

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

10 SEC. 1006.2. REVIEW BY PLANNING DEPARTMENT OF CITY PLANNING AND CITY
11 PLANNING COMMISSION~~HPC~~.

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

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

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~~HPC ~~shall hold a~~
5 ~~public hearing on the application for a Certificate of Appropriateness for any construction,~~
6 ~~removal or demolition of a structure, except as may be otherwise provided in the designating~~
7 ~~ordinance for a historic district or for City-owned park, square, plaza or garden on a landmark~~
8 ~~site.~~

9 SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

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

15 (a) By mail to the applicant;

16 (b) By mail not less than 10 days prior to the date of the hearing to the owners of all
17 real property that is the subject of the application and, if said property is in a historic district, to
18 the owners of all real property within the historic district 300 feet of the subject property, using for
19 this purpose the names and addresses of the owners as shown on the latest citywide
20 assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such
21 property owner where the address of such owner is not shown on such assessment roll shall
22 not invalidate any proceedings in connection with such action;

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

25 (d) Such other notice as the Department shall deem appropriate.

1 SEC. 1006.4. INTENTIONALLY LEFT BLANK. ~~REFERRAL TO ADVISORY BOARD PRIOR~~
2 ~~TO HEARING.~~

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

9 SEC. 1006.5. CONDUCT OF HEARING; DECISION.

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

11 (a) Report and Recommendation. The Department shall make necessary
12 investigations and studies prior to the hearing of the ~~Planning Commission~~HPC. The report and
13 recommendation of the Director of Planning Department shall be submitted at the hearing.

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

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

22 (d) Decision. The HPC shall approve, disapprove, or modify Certificates of
23 Appropriateness for work to designated landmarks or within historic districts. The decision of the
24 ~~Planning Commission~~HPC shall be rendered within 30 days from the date of conclusion of the
25 hearing; failure of the ~~Commission~~ HPC to act within the prescribed time shall be deemed to

1 constitute disapproval of the application. The decision of the ~~Planning Commission~~HPC, in
2 either approving, ~~or~~ disapproving, or modifying the application pursuant to Section 1006.6,
3 shall be final except upon the filing of a valid appeal to the Board of Appeals or Board of
4 Supervisors as provided in Section 1006.8. The decision of the ~~Planning Commission~~HPC; in
5 suspending action on an application pursuant to Section 1006.6; shall be final. If the ~~Planning~~
6 ~~Commission~~HPC, or the Board of Appeals or Board of Supervisors on appeal, approves the
7 application, or after the expiration of any suspension period imposed by the ~~Commission~~HPC,
8 the Department shall issue a Certificate of Appropriateness to the applicant.

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

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

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

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

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

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

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

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

22 (d) In the event action on an application to remove or demolish a structure is
23 suspended as provided in this Section, the ~~Planning Commission~~HPC, ~~with the advice and~~
24 ~~assistance of the Advisory Board~~, may take such steps as it determines are necessary to
25 preserve the structure concerned, in accordance with the purposes of this Article 10. Such

1 steps may include, but shall not be limited to, consultations with civic groups, public agencies,
2 and interested citizens, recommendations for acquisition of property by public or private
3 bodies or agencies, and exploration of the possibility of moving one or more structures or
4 other features.

5 SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

6 The ~~Planning Commission, HPC and~~ the Department, ~~and the Advisory Board~~ shall be
7 guided by the standards in this Section in their review of applications for Certificates of
8 Appropriateness for proposed work on a landmark site or in a historic district. In appraising the
9 effects and relationships mentioned herein, the ~~Planning Commission, HPC and~~ the Department
10 ~~and the Advisory Board~~ shall in all cases consider the factors of architectural style, design,
11 arrangement, texture, materials, color, and any other pertinent factors.

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

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

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

1 are compatible with the character of the historic district. Notwithstanding the foregoing, for any
2 exterior change where the subject property is not already compatible with the character of the
3 historic district, reasonable efforts shall be made to produce compatibility, and in no event
4 shall there be a greater deviation from compatibility. Where the required compatibility exists,
5 the application for a Certificate of Appropriateness shall be approved.

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

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

15 SEC. 1006.8. APPEALS ~~FROM PLANNING COMMISSION DECISION~~OF A
16 CERTIFICATE OF APPROPRIATENESS.

17 (a) Right of Appeal. The HPC's or the Planning Commission's decision on a Certificate of
18 Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision
19 by a 4/5 vote; provided however, that if the project requires Board of Supervisors approval or is
20 appealed to the Board of Supervisors as a conditional use authorization, the decision shall not be
21 appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify the
22 decision by a majority vote. The action of the Planning Commission in approving or disapproving in
23 whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the
24 Board of Supervisors in accordance with this Section. An action ~~of the Commission~~ on a Certificate of
25 Appropriateness so appealed ~~from~~ shall not become effective unless and until approved by the

1 Board of Appeals or Board of Supervisors in accordance with this Section. Nothing in this
2 Section shall be construed to authorize the appeal of any decision under Section 1006.6 of
3 this Article 10 to suspend action on an application.

4 (b) **(NOTE: this section still needs to be discussed. There did not appear to**
5 **be consensus at the 8/4/10 HPC hearing as to what the final recommendation will be).**

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

16 (c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed, the~~
17 ~~Board of Appeals or the~~ Board of Supervisors ~~or the Clerk thereof shall set a time and place for~~
18 ~~hearing such appeal, If the Certificate of Appropriateness is appealed to the Board of Appeals,~~
19 ~~then procedures of that Board shall apply. If the Certificate of Appropriateness is appealed to~~
20 ~~the Board of Supervisors, then the Clerk of the Board shall set a time for such appeal,~~ which
21 shall be not less than 10 nor more than 30 days after such filing. The Board of Appeals or the
22 Board of Supervisors must decide such appeal within 30 days of the time set for the hearing
23 thereon; provided that, if the full membership of the Board is not present on the last day on
24 which said appeal is set or continued for hearing within said period, the Board may postpone
25 said hearing and decision thereon until, but not later than, the full membership of the Board is

1 present; provided, further, that the latest date to which said hearing and decision may be so
2 postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the
3 Board of Appeals or the Board of Supervisors to act within such time limit shall be deemed to
4 constitute approval by the Board of the ~~action~~decision of the ~~Planning Commission~~HPC.

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

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

24 SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.
25

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

13 SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

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

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

1 in this Article 10. This Section shall not be construed to impose any regulations or controls
2 upon any property.

3 SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

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

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

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

1 SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

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

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

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

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

24 SEC. 1013. ENFORCEMENT AND PENALTIES.
25

1 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
2 Code.

3 SEC. 1014. APPLICABILITY.

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

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

17 SEC. 1015. - SEVERABILITY.

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

25

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

SEC. 1101. FINDINGS AND PURPOSES.

(a) It is hereby found that a substantial number of the buildings in the C-3 District have a special architectural, historical, and aesthetic value. These buildings contribute substantially to San Francisco's reputation throughout the United States as a City of outstanding beauty and physical harmony. A substantial number of these special buildings have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of

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.

25

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.

25

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.

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

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By: JUDITH A. BOYAJIAN
Deputy City Attorney