



SAN FRANCISCO PLANNING DEPARTMENT

Memorandum

Articles 10 & 11

October 15, 2010

Project Name: **Articles 10 & 11**
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

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Dear Historic Preservation Commissioners,

Included in your packets for the October 15th hearing are:

- HPC Resolution No. 657, recommending approval to the Board of Supervisors with modifications to Article 10; and
- Outline of Revised Article 10; and
- Final Article 10 based on comments from the October 6th hearing; and
- Outline of Revised Article 11;
- Revised Article 11 based on comments from the October 6th hearing and the October 13th meeting with Commissioners Damkroger and Wolfram; and
- Draft Resolution, recommending approval to the Board of Supervisors with modifications to Article 11; and
- List of Categories I – IV Buildings in C-3 Districts; and
- Proposed revisions to Section 309; and
- Draft Resolution, recommending approval to the Board of Supervisors of amendments to Section 309.

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 Resolution No. 657

Planning Code Text Changes: Article 10

HEARING DATE: OCTOBER 6, 2010

Project Name: 2010 Planning Code Amendments
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Initiated: July 8, 2010
Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257
Reviewed by: Tim Frye, Acting Preservation Coordinator
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Recommendation: **Approve Article 10 Amendments with Modifications**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE ARTICLE 10 – PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS PER HPC DRAFT DATED OCTOBER 6, 2010; 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 and in particular, to Articles 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, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance on August 5, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18157 recommending approval with modifications of the proposed ordinance to the Board of Supervisors on August 5, 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 Historic Preservation Commission conducted a duly noticed public hearings to consider the proposed amendments to Articles 10 & 11 on July 21st, August 4th, 18th, September 1st, 15th, 29th, and October 6th, 2010; 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 for Article 10 as detailed in the draft dated October 6, 2010.

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. This Historic Preservation Commission was created in the fall of 2008 when the voters passed amendments to the San Francisco Charter establishing Section 4.135.
2. Article 10 (Preservation of Historical and Architectural and Aesthetic Landmarks) and Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) are the Planning Code chapters that outline the designation and permit review processes for historic buildings.
3. These Articles have not been updated and do not conform to Charter Section 4.135. The proposed revisions will make them consistent with Charter Section 4.135.
4. The additional changes proposed to Articles 10 and 11 will update preservation practices and policies and help streamline the designation and permit review processes.

5. Therefore, the HPC recommends *approval of Article 10 with modifications in the draft dated October 6, 2010 of the proposed Ordinance.*
6. **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.

7. 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 October 6, 2010.

Linda D. Avery
Commission Secretary

AYES: Chase, Damkroger, Hasz, Martinez, Wolfram

NOES:

ABSENT: Buckley, Matsuda

ADOPTED: October 6, 2010

Exhibit A: Draft Ordinance with October 21, 2010 amendments to Article 10

Note: Additions are *single-underline italics Times New Roman*;
Deletions are ~~*striketrough italics Times New Roman*~~.
Board amendment additions are double underlined
Board amendment deletions are ~~striketrough normal~~.

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

SEC. 1001. PURPOSES.

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

- (a) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, State or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;
- (b) The development and maintenance of appropriate settings and environment for such structures, and in such sites and areas;
- (c) The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest;

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

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

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

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

(a) The Planning Commission HPC:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

a) Nomination. The Department, a property owner(s), or a member of the public may request that the HPC initiate designation of a landmark site or a historic district. Any such nomination for initiation of designation shall contain historic, architectural, and/or cultural documentation to support the initiation as well as any additional information which may be required by the application procedures and policies established by the HPC. For nominations submitted for landmark sites, the Department shall schedule a hearing before the HPC no later than 30 days from date of submittal.

b) Initiation. Initiation of designation of a landmark site or historic district shall be made by one of the following methods:

1) Landmark Site(s):

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

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

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

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

(i) A hearing on the proposed landmark nomination application shall be scheduled before the HPC no more than 30 days after date of submittal to decide whether to uphold the initiation of the landmark site. If a quorum of the HPC is not present for a hearing within this time period, the HPC may postpone said hearing and decision thereon until, but not later than, a quorum is present; provided further, that the latest date to which said hearing and decision may be so postponed shall be not more

than 90 days from the date of filing of the nomination application. Failure of the HPC to act within such time limit shall be deemed to constitute disapproval by the HPC and the initiation shall be null and void.

2. Historic Districts:

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

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

c) a resolution to initiate designation by the HPC.

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

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

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

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

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

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

(a) Notice of Hearing. Notice of the time, place and purpose of such hearing shall be ~~given by at least one publication in a newspaper of general circulation in the City not less than 20 days prior to the date of hearing. Notice shall also be~~ mailed not less than ~~120~~ 20 days prior to the date of hearing to the owners and occupants of all property included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the records of the Assessor, the applicant of the nomination for initiation, and any interested parties who make a request in writing to the Department. Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Department may also give such other notice as it may deem desirable and practicable.

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

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

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

SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.

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

SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

If the ~~Planning Commission~~ HPC disapproves the proposed designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days by a protest subscribed by the owners of at least 20 percent of the property proposed to be designated, or by any governmental body or agency, or by an organization with a

recognized interest in historical preservation; provided, however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be notified immediately of the disapproval without the necessity for an appeal.

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

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

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

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

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

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

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

SEC. 1005. CONFORMITY AND PERMITS.

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

(b)

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

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

(c)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

In the case of:

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

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

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

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

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

SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

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

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

(c) Content of Applications. The content of applications shall be in accordance with the policies, rules and regulations of the Department and the ~~City Planning Commission~~ HPC. All applications shall be upon forms prescribed therefore, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. In general, the application

shall be accompanied by plans and specifications showing the proposed exterior appearance, including but not limited to color, texture of materials, and architectural design and detail; drawings or photographs showing the property in the context of its surroundings may also be required. The applicant may be required to file with ~~his~~ the application ~~the~~ additional information needed for the preparation and mailing of notices as specified in Section 1006.3.

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

(e) ~~Conditional Uses. In the case of any proposal for which the City Planning Code requires a conditional use authorization in addition to a Certificate of Appropriateness, the Department may combine the required applications, notices and hearings for administrative convenience and in the interests of the applicant and the public, to the extent deemed feasible and desirable by the Department.~~
Multiple Planning Approvals. For projects that require multiple planning approvals, the HPC must review and act on the Certificate of Appropriateness before any other planning approval action. For projects that (1) require a Conditional Use Authorization or permit review under Section 309, et. seq. of the Code, and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Code. For properties located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

~~SEC. 1006.2. DETERMINATION OF MAJOR OR MINOR ALTERATIONS REVIEW BY DEPARTMENT OF CITY PLANNING AND CITY PLANNING COMMISSION.~~

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

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

(1) Work to perform “ordinary maintenance and repairs,” which for the purpose of this Article 10 shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage; and

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

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

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

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

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

~~(1) In the case of any alteration of a structure or any work involving a sign, awning, marquee, canopy or other appendage, or exterior changes in a historic district visible from a public~~

~~street or other public place, or alterations to a City-owned park, square, plaza or garden on a landmark site, where a Certificate of Appropriateness is required, the application for said Certificate shall be reviewed by the Department with the advice of the Advisory Board. The Department, with the advice of the Advisory Board, shall determine within 20 days after the application is accepted for filing, whether or not the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district; and the Department shall notify the applicant of the determination made. If it is determined that there would be no such significant impact or potential detriment, the Department shall issue a Certificate of Appropriateness to the applicant.~~

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

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

SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

~~When a public hearing before the HPC on a Certificate of Appropriateness is required, then an application for a Certificate of Appropriateness has been filed and Section 1006.2 provides that the Planning Commission shall hold a public hearing thereon,~~ the Department; shall set a time and place for said hearing within a reasonable period. Notice of the time, place and purpose of the hearing shall be given by the Department as follows:

(a) By mail to the applicant not less than 20 days prior to the date of the hearing; and

(b) By mail not less than 20 days to any interested parties who make a request in writing to the Department; and

(c) For landmark sites: by mail not less than 20 days prior to the date of the hearing to the owners and occupants of the subject property and to owners and occupants within 150 feet of the subject property;

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

(1) For the purposes of the mailed notice, the latest citywide assessment roll for names and addresses of owners shall be used, and all efforts shall be made to the extent practical, to mail notice to occupants of properties in the notification area.

(2) Failure to send notice by mail to any such property owner or occupant where the address is not shown on the citywide assessment roll shall not invalidate any proceedings in connection with such action.

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

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

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

(g) Notice for HPC Review of Administrative Certificate(s) of Appropriateness. For all requests of the HPC to exercise its review powers over an Administrative Certificate of Appropriateness as outlined in Section 1006.2, the following notification procedures shall be used:

(1) By mailed notice not less than 10 days prior to the date of the hearing to all owners and occupants of the subject property and to all owners and occupants within 150 feet of the subject property, as well as to any other interested parties who make a request in writing to the Department; and

(2) By posted notice on the site not less than 10 days prior to the date of the hearing.

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

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

SEC. 1006.5. CONDUCT OF HEARING; DECISION.

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

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

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

(c) Continuations. The ~~Planning Commission~~HPC shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such

cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.

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

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

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

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

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

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

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

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

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

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

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

SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

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

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

(b) The proposed work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(c) For applications pertaining to landmark sites, the proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the

landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its major interior architectural features. The proposed work shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the historic district in applicable cases.

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

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

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

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

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

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

(c) Hearing. ~~Upon the filing of such written notice of appeal so subscribed,~~ The Board of Supervisors, ~~or the Board of Appeals or the Clerk(s)~~ thereof shall set a time and place for

hearing such appeal, which shall be not less than 10 nor more than 30 days after such filing. The Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon; provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the ~~action~~ decision of the ~~Planning Commission~~ HPC.

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

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

postponed shall be not more than 90 days from the date of the receipt of written notification. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the HPC City Planning Commission.

SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

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

SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

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

SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

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

SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

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

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

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

SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

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

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

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

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

SEC. 1013. ENFORCEMENT AND PENALTIES.

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

SEC. 1014. APPLICABILITY.

(a) No application for a permit to construct, alter, or demolish any structure or other feature on a proposed landmark site or in a proposed historic district, filed subsequent to the day that ~~initiation an application has been filed or a resolution adopted to initiate designation~~ of the said landmark site or historic district was made pursuant to Section 1004.1(b), shall be approved by the Department except under circumstances in (c) below, while proceedings are pending on such designation for the following time periods:

(1) For landmark sites: 180 days after the date of initiation;

(2) For historic districts: 1 year after the date of initiation.

The HPC or the Board of Supervisors may approve by resolution a one-time extension of up to 180 days for both a landmark site and historic district. ~~provided however, that after 180 days have elapsed from the date of initiation of said designation, if~~ If final action on such designation has not been completed before the time period lapses, then the permit application may be approved.

(b) The provisions of this Article 10 shall be inapplicable to the construction, alteration or demolition of any structure or other feature on a landmark site or in a historic district, where a permit for the performance of such work was issued prior to the effective date of the designation of the said landmark site or historic district, and where such permit has not

expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

(c) The provisions of subsection (a) notwithstanding, any property owner or their authorized agent may proceed through the review and permitting process while proceedings are pending on a proposed designation by applying to the HPC for a Certificate of Appropriateness pursuant to Section 1006, in which case the provisions of this Article 10 shall apply as if the proposed landmark site or historic district had been designated.

SEC. 1015. - SEVERABILITY.

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

Outline of Revised Article 10

- 1001 Purposes
- 1002 Powers and duties of the planning department and the HPC
- 1003 HPC
- 1004 Designation of landmarks and historic districts
 - 1004.1 Nomination and initiation of landmark and historic district designation
 - (a) nomination
 - (b) initiation
 - 1004.2 blank
 - 1004.3 Decision by the HPC
 - (a) notice of hearing
 - (b) time limitation
 - (c) referral of proposed designation
 - 1004.4 Designation by BOS
 - 1004.5 Appeal to BOS
 - 1004.6 Notice of hearing by BOS
 - 1004.7 Notice of amendment or rescission
- 1005 Conformity and permits
- 1006 Certificate of appropriateness required
 - 1006.1 Applications for CofA
 - (a) who may apply
 - (b) where to file
 - (c) content of applications
 - (d) verification
 - 1006.2 Determination of major and minor alterations
 - 1006.3 Scheduling and notice of hearing
 - 1006.4 blank
 - 1006.5 Conduct of hearing; decision
 - 1006.6 Nature of HPC's decision
 - 1006.7 Standards for review of applications
 - 1006.8 Appeals of a CofA
 - (a) right of appeal
 - (b) notice of appeal
 - (c) hearing
 - (d) decisions affecting city hall
- 1007 Unsafe or dangerous conditions
- 1008 Compliance with maintenance requirements
- 1009 Advice and guidance to property owners
- 1010 Property owned by public agencies
- 1011 Recognition of structures of merit
- 1012 Does not exist!
- 1013 Enforcement and penalties
- 1010 Applicability
- 1015 Severability

Outline of Revised Article 11

- 1101 Findings and purposes
- 1102 Standards for designation of buildings
 - 1102.1 Designation of buildings
- 1103 Standards for designation of conservation districts
- 1104 blank
- 1105 blank
- 1106 Procedures for change of designation and designation of new blds
 - (a) initiation
 - (b) notice and review by dept
 - (c) action by HPC
 - (d) designation by BOS
 - (e) appeal to BOS
 - (f) BOS hearing and decision of an appeal of designation
 - (g) notice of BOS hearing
 - (h) standards for designation of change of designation
- 1107 Procedures for designation of conservation districts and modifying boundaries of CD
 - (a) initiation
 - (b) notice and review by Dept
 - (c) action by HPC
 - (d) review by PC
 - (e) designation by BOS
 - (f) appeal to BOS
 - (g) BOS hearing and decision of an appeal of designation
 - (h) notice of BOS hearing
 - (i) standards for designation of change of boundary designation
- 1108 Notice of designation
- 1109 Preservation lots: TDR
- 1110 Alteration & demolition of significant, contributory blds or blds in conservation D's
- 1111 Applications for permits to alter or permits to demolish
 - (a) who may apply
 - (b) where to file
 - (c) verification
 - (d) content of applications
 - (i) Permits to alter
 - (ii) permits to demo
 - (e) Compatible Rehabilitation and Replacement Blds
 - 1111.1 Determination of major and minor alterations
 - 1111.2 Permits for signs
 - 1111.3 blank
 - 1111.4 Scheduling & notice of HPC hearings
 - 1111.5 Decision by HPC
 - 1111.6 Standards and requirements for review of applications for permits to alter
 - 1111.7 Standards and requirements for review of applications for permits to demo
 - 1111.8 blank
- 1112 blank
 - 1112.1 blank
 - 1112.2 blank
 - 1112.3 blank
 - 1112.4 blank
 - 1112.5 blank
 - 1112.6 blank
 - 1112.7 blank
- 1113 New & replacement construction in conservation districts
- 1114 Right to modify a decision with multiple planning approvals
- 1115 Right to appeal
- 1116 Unlawful alteration or demolition

- 1117 Conformity with other city permit processes
- 1118 Unsafe or dangerous conditions
- 1119 Maintenance requirements and enforcement thereof
- 1120 Enforcement and penalties
- 1121 Relationship to A10
- 1122 Notice of amendment
- 1123 Notice procedures
- 1124 Severability

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Note: Additions are single-underline italics Times New Roman;
Deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined
Board amendment deletions are ~~strikethrough normal~~.

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 preserving and continuing their use, and without adequate consideration for the irreplaceable loss to the people of the City of their aesthetic, cultural, historic and economic value.

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

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

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

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

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

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

15 (d) It is further found that the use of Transferable Development Rights ("TDR") as
16 provided herein is necessary to promote the urban planning and design goals of the *Master*
17 *General* Plan by (1) maintaining appropriate overall development capacities in each zoning
18 district within the C-3 area, as defined by applicable floor area, height, bulk and other
19 parameters; (2) encouraging and directing development into the Special Development District
20 in order to maintain a compact downtown financial district; and (3) facilitating the retention of
21 Significant Buildings, ~~and encouraging the retention of~~ Contributory Buildings, and the
22 compatible replacement or alteration of Unrated buildings in Conservation Districts, as defined
23 herein.

24 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.
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1 The buildings in the C-3 Districts are divided into five categories according to the
2 Building Rating methodology as set forth and explained in the Preservation of the Past section
3 of the Downtown Plan, a component of the ~~Master~~ General Plan. Those categories are as
4 follows:

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

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

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

8 (3) Are rated Excellent in Architectural Design or are rated Very Good in both

9 Architectural Design and Relationship to the Environment.

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

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

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

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

20 (1) Are located outside a designated Conservation District; and

21 (2) Are at least 40 years old; and

22 (3) Are judged to be Buildings of Individual Importance; and

23 (4) Are rated either Very Good in Architectural Design or Excellent or Very Good in
24 Relationship to the Environment.

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

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- 1 (1) Are located in 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 are rated either Very
4 Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.
5 (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in
6 Architectural Design and/or Excellent or Very Good in Relationship to the Environment.
7 (e)___Unrated Buildings - Category V. Buildings which are not designated as
8 Significant or Contributory.

9 SEC. 1102.1.DESIGNATION OF BUILDINGS.

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

- 11 (a) Significant Buildings - Category I. The buildings listed in Appendix A to this
12 Article 11 are hereby designated as Significant Buildings - Category I.
13 (b) Significant Buildings - Category II. The buildings listed in Appendix B to this
14 Article 11 are hereby designated as Significant Buildings - Category II.
15 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to this
16 Article 11 are hereby designated as Contributory Buildings - Category III.
17 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to this
18 Article 11 are hereby designated as Contributory Buildings - Category IV.
19 (e) Unrated Buildings - Category V. All buildings in the C-3 District not otherwise
20 designated in this Section are hereby designated as Unrated - Category V.

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

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

3 SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS.

4 The following Conservation Districts are hereby designated for the reasons indicated in
5 the appropriate Appendix:

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

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

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

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

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

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

18 SEC. 1104. INTENTIONALLY LEFT BLANK.—~~NOTICE OF DESIGNATION.~~

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

22 ~~(b) — With respect to buildings designated Significant or Contributory by this ordinance,~~
23 ~~notice shall also be given by posting each such building in a conspicuous place as well as by~~
24 ~~publication pursuant to the provisions of California Government Code Section 6064. The notice shall~~

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1 *state that the owner of every building so designated has the right to request a change of designation*
2 *and the time permitted for making such a request.*

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

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

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

22 *(b) — Referral to the Landmarks Preservation Advisory Board; Review by the Department of*
23 *City Planning. Upon determination by the Zoning Administrator that an application is complete, the*
24 *Zoning Administrator shall promptly refer the matter to the Landmarks Preservation Advisory Board*
25 *for review and recommendation, and the Department of City Planning shall undertake a study of the*

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1 ~~reconsideration request and prepare a report and recommendation. The Landmarks board shall~~
2 ~~recommend approval, disapproval, or approval with modifications of the application within 30 days of~~
3 ~~receiving it; provided, however, that if more than 30 applications are received within any 15-day~~
4 ~~period at the Department of City Planning, the Zoning Administrator may extend the time for Advisory~~
5 ~~Board action with respect to those applications for an additional period of time not to exceed 45 days,~~
6 ~~and if more than 50 applications are received within such time, for an additional period of time deemed~~
7 ~~necessary to allow sufficient time for Board review. If the Landmarks Board fails to respond within the~~
8 ~~allowed time the City Planning Commission shall proceed without a recommendation from the~~
9 ~~Landmarks Board.~~

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

16 (d) ~~— City Planning Commission Decision. The Planning Commission may approve,~~
17 ~~disapprove, or approve with modifications the reconsideration application. The building shall be~~
18 ~~deemed to be designated according to the decision of the Planning Commission and the provisions of~~
19 ~~this Article 11 applicable to that designation shall apply to the building notwithstanding another~~
20 ~~designation of the building in Appendices A, B, C or D to this Article.~~

21 SEC. 1106. PROCEDURES FOR CHANGE OF DESIGNATION; AND DESIGNATION
22 OF ADDITIONAL SIGNIFICANT AND CONTRIBUTORY BUILDINGS.

23 Buildings may be designated as Significant or Contributory Structures or their designation
24 may be changed through amendment of Appendices A, B, C and D of this Article. Such
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1 designation or change of designation shall be governed by the following provisions in lieu of
2 the provisions of Section 302:

3 (a) Initiation. The designation or change of designation of a Significant or
4 Contributory building may be initiated by motion of the Board of Supervisors, by resolution of
5 the ~~Planning Commission or the Landmarks Preservation Advisory Board~~ HPC, by the verified
6 application of the owner or authorized agent of the affected property, by the application of any
7 organization or group which has historic preservation stated as one of its goals in its bylaws or
8 articles of incorporation, or by the application of at least 50 registered voters of the City.
9 Except in the case of initiation by governmental bodies, any such application shall contain
10 historic, architectural, and/or cultural documentation to support the initiation or change of designation
11 as well as any additional information which may be required by the application procedures and
12 policies established by the HPC. ~~be filed with the Department of City Planning upon forms prescribed~~
13 ~~by the Department of City Planning, and shall be accompanied by all data required by the Department.~~

14 (b) Notice ~~;~~ ~~Referral to the Landmarks Preservation Advisory Board;~~ and Review by the
15 Planning Department of City Planning. Upon determination by the ~~Zoning Administrator~~ Planning
16 Department that a verified application is complete and contains all necessary information or
17 upon receipt of the motion or resolution of one of the governmental bodies set forth in
18 Subsection (a) above, the ~~Zoning Administrator~~ Department shall (1) promptly schedule the
19 application before the HPC; ~~Landmarks Preservation Advisory Board send notice of the proposed~~
20 ~~designation or change of designation by mail to the owner of the affected property, unless the~~
21 ~~application is that of the owner,~~ and (2) send notice of the proposed designation or change of
22 designation HPC hearing by mail no less than 20 days from the date of the hearing to the owner(s) of
23 the affected property, unless the application is that of the owner, and to any interested parties who
24 make a request in writing to the Department. ~~promptly refer the matter to the Landmarks Preservation~~

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1 ~~Advisory Board for review and the submittal of a recommendation. The Department of City Planning~~
2 ~~shall also undertake a study of the proposed designation 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 hearing.
7 The ~~Planning Commission~~ HPC shall determine the appropriate designation or change in
8 designation of the building. If the ~~Planning Commission~~ HPC approves or modifies the proposed
9 designation or change of designation in whole or in part, it shall transmit ~~the proposal its~~
10 recommendation, together with a copy of the resolution of approval, to the Clerk of the Board of
11 Supervisors without referral or recommendation of the Planning Commission.

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

16 (e) (f) Appeal to Board of Supervisors. If the ~~Planning Commission~~ HPC disapproves the
17 proposed designation or change of designation, such action shall be final except upon the
18 filing of a notice of appeal to the Board of Supervisors within 30 days by the applicant or any
19 of the persons, organizations or groups listed in Section 1106(a); provided, however, that if
20 the proposal was initiated by the Board of Supervisors, the Clerk of the said Board shall be
21 notified immediately of the disapproval without the necessity for an appeal.

22 (f) (g) Board of Supervisors Hearing and Decision of an Appeal of Designation or Change of
23 Designation. The Board of Supervisors, or a committee thereof, shall hold a public hearing on
24 any such proposal to designate or change of designation appealed to it ~~or initiated by it~~. The
25 Board of Supervisors may uphold the ~~Planning Commission~~ HPC, overrule the ~~Planning~~

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1 ~~Commission~~ HPC and approve, or modify and approve, the designation or change of
2 designation by a majority vote of all its members.

3 ~~(g) (h)~~ Notice of Board of Supervisors Proceedings. Notice of the hearing(s) scheduled
4 before the ~~Planning Commission and~~ Board of Supervisors pursuant to this Section 1106, and of
5 the availability of applicable reports on the proposed designation or change of designation, shall be
6 given by mail no less than 20 days from the date of the hearing to the initiators of the designation
7 or change of designation, to the owners of any affected building, to appellants, and to any
8 other interested person or organization who request such notice in writing to the Department
9 requesting notice.

10 ~~(h) (i)~~ Grounds Standards for Designation or Change of Designation. The designation of
11 a building may be changed if (1) changes in the area in the vicinity of a building located
12 outside a Conservation District warrant a change in the rating of the building with respect to its
13 relationship to the environment and therefore place it in a different category, pursuant to
14 Section 1102; or (2) changes in Conservation District boundaries make a building of
15 Contextual Importance fall outside a Conservation District and therefore no longer eligible for
16 designation as a Contributory building, or, conversely, make a building of Contextual
17 Importance fall within a Conservation District and therefore eligible for designation as a
18 Contributory Building; or (3) changes in the physical features of the building due to
19 circumstances beyond the control of the owner, or otherwise permitted by this Article, warrant
20 placing the building in a different category pursuant to the standards set forth in Section 1102;
21 or (4) restoration of the building to its original quality and character warrants placing the
22 building in a different category pursuant to the standards set forth in Section 1102; or (5) by
23 the passage of time, the building has become at least 40 years old, making it eligible to be
24 considered for designation as a Significant or Contributory building, pursuant to Section 1102;
25 or (6) the discovery of new factual information (for example, information about the history of

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1 the building) makes the building eligible for rating as a Building of Individual or Contextual
2 Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

3 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL
4 CONSERVATION DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

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

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

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1 (b) Notice and Review by the Planning Department. Upon determination by the Planning
2 Department that a verified application is complete and contains all necessary information or upon
3 receipt of a motion or resolution of one of the governmental agencies set forth in Subsection (a), the
4 Department shall (1) promptly schedule the a hearing on the proposed district or boundary change
5 before the HPC and Planning Commission for review and submittal of a recommendation to the Board
6 of Supervisors; and (2) send notice of the proposed designation or change boundaries by mail no less
7 than 20 days from the date of the hearing to the owners of the affected properties and to any interested
8 parties who make a request in writing to the Department. ~~Notice; Referral to the Landmarks~~
9 ~~Preservation Advisory Board; Review by the Department of City Planning. Notice, referral to the~~
10 ~~Landmarks Board and review by the Department of City Planning shall be as provided in Section~~
11 ~~1106(b) of this Article.~~

12 (c) Action by the HPC. Submittal to the Planning Commission. The proposed designation
13 of change of boundary designation shall be placed on the agenda of the HPC for public hearing. The
14 HPC shall determine the appropriate designation or change in boundary designation of the
15 Conservation District. If the HPC approves or modifies the proposed designation or boundary
16 designation in whole or in part, it shall transmit its recommendation together with a copy of the
17 resolution, to the Clerk of the Board of Supervisors. ~~Submittal to and action by the Planning~~
18 ~~Commission HPC shall be as set forth in Section 1106(e) of this Article.~~

19 (d) Review by the Planning Commission. ~~Submittal to and action by the Planning~~
20 ~~Commission shall be as set forth in Section 1106(d) of this Article~~ The Department shall promptly refer
21 proposed Conservation District designations or boundary changes to the Planning Commission, along
22 with the HPC's recommendation, which shall have 45 days to review and comment on the proposed
23 designation and boundary changes. The Planning Commission's recommendation, if any, shall be
24 forwarded to the Board of Supervisors together with the HPC's recommendation. Notice of the
25 Planning Commission hearing shall be given as provided in Section 1107(g) of this Article.

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

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

11 (g f) Board of Supervisors Hearing and Decision of an Appeal of a Conservation District
12 Designation or District Boundary Change. The Board of Supervisors, or a committee thereof,
13 shall hold a public hearing on any such proposal appealed to it or initiated by it. The Board of
14 Supervisors may uphold the ~~Planning Commission~~ HPC, overrule the ~~Planning Commission~~ HPC
15 and approve, or modify and approve, the designation or boundary change by a majority vote
16 of all its members.

17 (h g) Notice of Board of Supervisors Proceedings. Notice of the public hearing(s)
18 scheduled pursuant to this Section 1107, and of the availability of applicable reports on the proposed
19 designation or change of designation before the ~~Planning Commission~~ shall be given by mail no less
20 than 20 days prior to the date of the hearing to the initiators of the designation or alteration, the
21 owners of all lots within ~~300 feet of~~ the proposed new district or of that portion of the district
22 being ~~altered~~ modified, as well as to interested individuals or organizations who request such
23 notice in writing to the Department.

24 (i h) Standards Applicable to Designation or Boundary Change. The standards
25 governing the designation and change of District boundaries are those set forth in Section

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1 1103. Areas may be removed from Conservation Districts if the character of the area has
2 changed such that the area no longer qualifies under the standards set forth in Section 1103.

3 SEC. 1108. NOTICE OF DESIGNATION.

4 When a building has been designated Significant or Contributory or its designation is
5 changed pursuant to Section 1106, or when a new Conservation District is established or the
6 boundary of a Conservation District changed pursuant to Section 1107, the ~~Zoning~~
7 ~~Administrator~~ Planning Department shall notify each affected property owner by mail and shall
8 cause a copy of the ordinance, or notice thereof, to be recorded in the office of the County
9 Recorder. The Department shall also ensure that any new designation or change of designation of a
10 Significant or Contributory Building or a new Conservation District or change of a Conservation
11 District boundary in the Departments' permanent records.

12 SEC. 1109. PRESERVATION LOTS: ELIGIBILITY FOR TRANSFER OF
13 DEVELOPMENT RIGHTS.

14 For the purpose of ~~T~~ransfer of ~~D~~evelopment Rights ("TDR") as provided in Section
15 128 of this Code, lots on which are located Significant or Contributory Buildings, or Category
16 V Buildings in those certain Conservation Districts and portions thereof as indicated in Section
17 8 of the Appendix relating to that District are eligible ~~P~~reservation ~~L~~ots as provided in this
18 Section:

19 (a) Significant Buildings. Lots on which are located buildings designated as
20 Significant Buildings - Category I or Category II - are eligible to transfer the difference between
21 the allowable gross floor area permitted on the lot by Section 124 of this Code and the gross
22 floor area of the development on the lot, if all the requirements for transfer set forth in Section
23 128 are met. Lots on which are located Significant Buildings which have been altered in
24 conformance with the provisions of this Article retain eligibility for the transfer of TDR.

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

14 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in
15 Section 8 of the Appendix establishing a Conservation District, lots located in such a District
16 on which are located Category V Buildings (designated as neither Significant nor Contributory)
17 are eligible to transfer the difference between the allowable gross floor area permitted on the
18 lot under Section 124 of the Code and the gross floor area of the development on the lot, if all
19 the requirements for transfer set forth in Section 128 are met; provided, however, that a lot is
20 eligible as a Preservation Lot pursuant to this Section only if (1) the exterior of the building is
21 substantially altered so as to make it compatible with the scale and character of the Significant
22 and Contributory Buildings in the district, including those features described in Sections 6 and
23 7 of the Appendix to Article 11 describing the relevant district, and has thus been determined
24 a Compatible Rehabilitation, and the building meets or has been reinforced to meet the
25 standards for seismic loads and forces of the ~~1975~~ Building Code or (2) the building on the lot

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1 is new, having replaced a Category V Building, and has received approval as a Compatible
2 Replacement Building, pursuant to Section 1113. The procedures governing these
3 determinations are set forth in Section 309.

4 SEC. 1110. ALTERATION AND DEMOLITION OF SIGNIFICANT OR
5 CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS.

6 With respect to a designated Significant or Contributory Building or any ~~Category V B~~
7 building in a Conservation District, no person shall carry out or cause to be carried out any
8 alteration of a structure or any work involving a sign, awning, marquee, canopy, mural, or other
9 appendage, or the demolition of any or part of a building ~~to the exterior of a building~~ for which a
10 permit is required pursuant to the Building Code unless ~~the~~ a permit for the alteration (“Permit
11 to Alter”) or for the demolition (“Permit to Demolish”) is approved pursuant to the provisions of
12 Sections 1111 through 1111.86 of this Article. For the purposes of this Article, demolition shall be
13 defined in Section 1005(f) of this Code. The HPC shall have the authority to approve, disapprove, or
14 modify all applications for Permits to Alter and Permits to Demolish all Significant or Contributory
15 Buildings or buildings within Conservation Districts, subject to appeal as provided in Section 1115 of
16 this Article 11. The HPC must review and act on a Permit to Alter and/or a Permit to Demolish prior
17 to any other planning approval action. Buildings that are designated landmark sites pursuant to
18 Article 10 of this Code shall be governed by the provisions of that Article in lieu of the provisions in
19 Article 11. Any Contributory Building proposed for demolition that has transferred TDR shall be
20 reviewed and acted by the HPC upon as if it is a Significant Building.

21 Notwithstanding the foregoing, in the following cases the Department shall process the permit
22 application without further reference to this Article 11:

23 (a) When the application is for a permit to construct on a site where the Significant or
24 Contributory Building has been lawfully demolished and the site is not within a designated
25 Conservation District; and

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1 **(b) When the application is for a permit to make interior alterations only on a privately-**
2 **owned structure or on a publically-owned structure, unless the Department has determined that any**
3 **proposed interior alterations may result in any visual or material impact to the exterior of the building**
4 **or the designating Appendix in this Article requires review of such interior alterations to the privately-**
5 **or publically-owned structure.**

6 ~~; provided, however, that this approval is not required with respect to the owner of a~~
7 ~~Contributory Building of Category III who has not transferred any TDR and who elects to proceed with~~
8 ~~a major alteration without reference to Sections 1111 through 1111.6. Election to proceed without a~~
9 ~~permit pursuant to this Section may be made at the time that the Zoning Administrator determines that~~
10 ~~the proposed alteration is major pursuant to Section 1111.1. If no election is made at the time of the~~
11 ~~Zoning Administrator's determination that an alteration is major, the applicant may make such election~~
12 ~~at any time thereafter. Review under Sections 1111 through 1111.6 shall cease after such election has~~
13 ~~been made and the permit shall be processed without regard to the requirements of that Section.~~
14 ~~Election shall be made in writing on a form provided by the Zoning Administrator. Where an owner~~
15 ~~elects not to proceed pursuant to Sections 1111 through 1111.6, the proposed alteration for which the~~
16 ~~application is filed shall be deemed not to meet the requirements of Section 1111.6, and if the alteration~~
17 ~~permit is issued and work commenced thereunder, the Zoning Administrator shall not issue a Statement~~
18 ~~of Eligibility for the lot on which the building is located.~~

19 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER OR PERMITS TO DEMOLISH.

20 **(a) Who May Apply. An application for a Permit to Alter or Permit to Demolish may be filed**
21 **by the owner, or authorized agent for the owner of the property for which the permit is sought.**

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

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

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1 (d) Content of Applications. The content of applications shall be in accordance with the
2 policies, rules and regulations of the Department and the HPC. All applications shall be upon forms
3 prescribed therefore, and shall contain or be accompanied by all information required to assure the
4 presentation of pertinent facts for proper consideration of the case and for the permanent record.

5 (i) For Permits to Alter, the application shall contain the following information:

6 (1) Plans and specifications showing the existing and proposed exterior appearance,
7 including but not limited to color, texture of materials, and architectural design and detail;

8 (2) Drawings or photographs showing the property in the context of its surroundings; and

9 (3) Any other additional information needed for the preparation and mailing of notices as
10 specified in Section 1111.4.

11 (ii) For Permits to Demolish, the application shall contain the information:

12 (1) The amount paid for the property;

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

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

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

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

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

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

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

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

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1 (10) If it is a Preservation Lot eligible to transfer TDR, the amount and value of such TDR;

2 and

3 (11) Annual gross income from the property for the previous four years;

4 (12) Itemized operating and maintenance expenses for the previous four years;

5 (13) Annual cash flow for the previous four years.

6 (14) For buildings that have transferred TDR the additional information listed below is
7 required:

8 (A) The Statement of Eligibility;

9 (B) An itemized list of the amount of TDR which has been transferred from the property;

10 (C) A list of the amount of TDR rights remaining on the property;

11 (D) The amount received for rights transferred;

12 (E) The transferee(s); and

13 (F) A copy of each document effecting a transfer of such rights.

14 (e) Compatible Rehabilitation and Replacement Buildings. An applicant for a Permit to
15 Alter and/or Permit to Demolish ~~major alteration permit for~~ a Category V Building in any of the
16 Conservation Districts which provides for such eligibility may request on the application a
17 determination by the HPC that if the proposed alteration or replacement structure is completed as
18 approved, the building will be deemed a Compatible Rehabilitation or a Compatible Replacement
19 Building under Section 1109(c) so that the lot on which the building is located becomes
20 eligible as a Preservation Lot for the transfer of TDR. If the proposed work would demolish a
21 Significant or Contributory Building or any building in a Conservation District, as defined in Section
22 1005, such proposed demolition shall be subject to the provisions of this Section.

23 ~~The Zoning Administrator may define categories of alterations which are deemed to be minor~~
24 ~~alterations and individual permits falling within those categories shall be reviewed and acted upon~~
25 ~~without referral to the Zoning Administrator HPC for review pursuant to Sections 1111 through 1111.6~~

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1 ~~All other applications for permits to undertake any alteration of a building designated Significant or~~
2 ~~Contributory or a building in any Conservation District shall be referred to the Zoning Administrator~~
3 ~~by the Central Permit Bureau within five days of receipt.~~

4 SEC. 1111.1. DETERMINATION OF MAJOR AND MINOR ALTERATIONS.

5 ~~Within 10 days after referral by the Central Permit Bureau, the Zoning Administrator shall~~
6 ~~determine in writing if the proposed alteration is a Major Alteration or a Minor Alteration. An~~
7 ~~application for a Permit to Alter shall be reviewed by the Department which shall determine within 30~~
8 ~~days after the application is filed whether or not the application is complete. The HPC shall have the~~
9 ~~authority to define categories of alterations to be deemed Minor Alterations and may delegate approval~~
10 ~~of applications for such Permits for Minor Alterations to Department staff, whose decisions may be~~
11 ~~appealed to the HPC pursuant to subsection 1111.1(c) of this Article. If delegated to the Department,~~
12 ~~the categories of Minor Alterations shall include but are not limited to the following:~~

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

14 (1) ~~The alteration will substantially change, obscure or destroy exterior character defining~~
15 ~~spaces, materials, features or finishes; or~~

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

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

20 (b) ~~An alteration is considered minor if:~~

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

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

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1 (1) Work to perform “ordinary maintenance and repairs” which for the purpose of this
2 Article 11 shall mean any work, the sole purpose and effect of which is to correct deterioration, decay,
3 or damage; and

4 (2 ~~3~~) The sole purpose and effect of the alteration is to comply with the UMB Seismic
5 Retrofit Ordinances and the ~~Zoning Administrator determines that the~~ proposed work complies
6 with the UMB Retrofit Architectural Design Guidelines, ~~which guidelines shall be~~ adopted by the
7 ~~Planning Commission~~ HPC; and

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

9 (a) If the application is been determined to be a Minor Alteration which has been delegated
10 to the Department staff for approval, then the application may be approved as a Permit for Minor
11 Alteration by the Department without a hearing before the HPC. The Department shall mail to the
12 applicant and any individuals or organizations who so request the Department’s written decision
13 approving the Permit for Minor Alteration. Such decisions of the Department may be appealed to the
14 HPC within 15 days of the date of the written decision. The HPC may also review the decisions of the
15 Department by its own motion.

16 (b) If the application for a Permit to Alter is not for a Minor Alteration that has been
17 delegated to Department staff, then it shall be scheduled for a hearing by the HPC pursuant to the
18 procedures in Section 1111.4 below.

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

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

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1 SEC. 1111.2. PERMITS FOR SIGNS -REFERRAL OF APPLICATIONS FOR MAJOR
2 ALTERATIONS TO LANDMARKS PRESERVATION ADVISORY BOARD: REVIEW BY THE
3 DEPARTMENT OF CITY PLANNING.

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

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

9 (c) Apart from and in addition to any grounds for approval or disapproval of the
10 application under Article 6, an application involving a permit for a business sign, or general
11 advertising sign, identifying sign, or nameplate to be located on a Significant or Contributory Building
12 or any building in a Conservation District shall be subject to review by the HPC pursuant to the
13 provisions of this Article, and the HPC may disapprove; the application or approve it subject to
14 conditions if the proposed location, materials, means of illumination or method or replacement of
15 attachment would adversely affect the special architectural, historical or aesthetic significance of the
16 building or the Conservation District. No application shall be denied on the basis of the content of the
17 sign.

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

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

3 ~~(c) — Applications for permits to alter any Category V building in a Conservation District~~
4 ~~which alteration is determined to be major shall be governed by the standards of Section 111.6(e) and~~
5 ~~the procedures set forth in Section 309.~~

6 SEC. 1111.3. INTENTIONALLY LEFT BLANK. ~~RECOMMENDATION BY THE DIRECTOR~~
7 ~~OF PLANNING.~~

8 ~~After considering any report and recommendation submitted by the Landmarks Preservation~~
9 ~~Advisory Board, the Director of Planning shall make a determination on the application and shall~~
10 ~~submit a written recommendation containing findings to the Planning Commission. The~~
11 ~~recommendation may be to approve, to approve with conditions, or disapprove the application for~~
12 ~~alteration, and, where applicable, the application for a determination that the building is a Compatible~~
13 ~~Rehabilitation. The Commission, the applicant and any other person who so requests shall be supplied~~
14 ~~with a copy of reports and recommendations of the Landmarks Preservation Advisory Board and the~~
15 ~~findings and recommendations of the Director of Planning.~~

16 SEC. 1111.4. SCHEDULING AND NOTICE OF HPC HEARINGS ~~CONSIDERATION AND~~
17 ~~DECISION BY THE CITY PLANNING COMMISSION.~~

18 Upon determination by the Department that a proposed alteration is not a Minor Alteration that
19 has been delegated to staff, or if the proposed application is a Permit to Demolish, then the application
20 shall be scheduled for a hearing by the HPC. The Department shall set a time and place for said
21 hearing within a reasonable period. Notice of the time, place, and purpose of the hearing shall be
22 given by the Department as follows:

23 (a) By mail to the owner of the subject property not less than 20 days prior to the date of the
24 hearing; and

25 (b) By mail to the applicant not less than 20 days prior to the date of the hearing; and

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1 (c) By mail to any interested parties not less than 20 days who make a request in writing to
2 the Department; and

3 (d) For applications for a building located in a Conservation District, by mail not less than
4 20 days prior to the date of the hearing to the owners of all real property within 300 feet of the subject
5 property; and

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

7 (f) Any other notice as the Department shall deem appropriate.

8 (g) Notice for HPC review of Minor Permits to Alter. For all requests of the HPC to
9 exercise its review powers over a Minor Permit to Alter as outlined in Section 1111.1, the following
10 notification procedures shall be used:

11 (1) Mailed notice not less than 10 days prior to the date of the hearing to the applicant, all
12 owners within 150 feet of the subject property, as well as to any other interested parties who make a
13 request in writing; and

14 (2) Posted notice on the site not less than 10 days prior to the date of the hearing.

15 (h) For the purposes of the mailed notice, the latest citywide assessment roll for names and
16 addresses of owners shall be used. Failure to send notice by mail to any such property owner where
17 the address is not shown on the citywide assessment roll shall not invalidate any procedures in
18 connection with such action.

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

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1 ~~(b) — Notice of the time, place and purpose of the hearing before the City Planning~~
2 ~~Commission shall begin given as follows:~~

3 ~~(1) — By mail to the applicant;~~

4 ~~(2) — When the application is for alteration of a building located in a Conservation District,~~
5 ~~by mail not less than 10 days prior to the date of the hearing to the owners of all real property within~~
6 ~~300 feet of property that is the subject of the application.~~

7 SEC. 1111.5.DECISION BY THE HPC-CITY PLANNING COMMISSION.

8 The ~~Planning Commission~~ HPC may approve, disapprove or approve with conditions an
9 application for a Permit to Alter or a Permit to Demolish ~~an alteration permit~~ and, where
10 applicable, for a determination that the building is a Compatible Rehabilitation or a Compatible
11 Building, and shall make findings in support of its decision. For applications for a Permit to
12 Demolish, the applicant has the burden of establishing that the criteria governing the approval of
13 applications set forth in Section 1111.7 have been met. All decisions of the HPC shall be final except
14 upon the valid modification of the HPC's decision by the Planning Commission as provided in 1114 of
15 this Article or upon the filing of a valid appeal to the Board of Appeals or Board of Supervisors as
16 provided in Section 1115 of this Article. If the Planning Commission approves the recommendation of
17 the Director of Planning, it may adopt or modify the findings of the Director of Planning as
18 appropriate. Where the Planning Commission disapproves the recommendations of the Director of
19 Planning, it shall make findings supporting its decision. If the Commission disapproves the application
20 for a permit to alter, it shall recommend disapproval to the Central Permit Bureau which shall deny the
21 application. The Planning Commission's determination that a building qualifies or fails to qualify as a
22 Compatible Rehabilitation is a final administrative decision. Any decision of the Planning Commission
23 HPC rendered pursuant to this Section shall be rendered within 30 days from the date of conclusion of
24 the hearing.

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1 SEC. 1111.6.STANDARDS AND REQUIREMENTS FOR REVIEW OF
2 APPLICATIONS FOR ALTERATIONS.

3 The HPC, the Board of Permit Appeals, the Board of Supervisors, the City Planning
4 Commission and the Planning Department ~~the Director of Planning, and the Landmarks Board~~ shall
5 be governed by the following standards in the review of applications for Permits to Alter major
6 ~~alteration permits.~~

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

9 (b) The proposed work shall comply with the Secretary of the Interior's Standards for the
10 Treatment of Historic Properties.

11 (c) For Significant Buildings - Categories I and II, and for Contributory Buildings -
12 Categories III and IV, proposed alterations of structural elements and exterior features shall
13 be consistent with the architectural character of the building, and shall comply with the
14 following specific requirements:

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

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

21 (3) Distinctive architectural features which are to be retained pursuant to Paragraph
22 (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In
23 the event replacement is necessary, the new material shall match the material being replaced
24 in composition, design, color, texture and other visual qualities. Repair or replacement of
25 missing architectural features shall be based on accurate duplication of features,

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1 substantiated by historic, physical or pictorial evidence, if available, rather than on conjectural
2 designs or the availability of different architectural elements from other buildings or structures.
3 Replacement of nonvisible structural elements need not match or duplicate the material being
4 replaced.

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

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

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

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

23 (d e) Within Conservation Districts, all major exterior alterations, of Category V
24 Buildings, shall be compatible in scale and design with the District as set forth in Sections 6
25 and 7 of the Appendix which describes the District.

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1 (e) If TDR has been transferred from any Contributory Building, the building is subject to
2 the same restrictions on alterations as a Significant Building. These restrictions may not be removed
3 by the transfer of TDR back to the building.

4 SEC. 1111.7. STANDARDS AND REQUIREMENTS FOR REVIEW OF APPLICATIONS FOR
5 DEMOLITION.

6 The HPC, Planning Commission, Board of Appeals, and the Board of Supervisors shall follow
7 the standards in this Section in their review of applications for a Permit to Demolish any Significant or
8 Contributory Building or building within a Conservation District.

9 (a) For Significant and Contributory Buildings that have transferred TDR, no demolition
10 permit may be approved unless:

11 (1) it is determined that under the designation, taking into account the value of any
12 Transferable Development Rights that have been transferred or which may be available for transfer
13 from the property, if any, and costs of rehabilitation to meet the requirements of the Building Code or
14 other City, State or federal laws, the property retains no substantial remaining market value or
15 reasonable use; or

16 (b) For Significant and Contributory Buildings that have not transferred TDR, no
17 demolition permit may be approved unless:

18 (1) the Director of the Department of Building Inspection or the Chief of the Bureau of Fire
19 Prevention and Public Safety determines, after consultation, to the extent feasible, with the HPC and
20 the Planning Department, that an imminent safety hazard exists and that demolition of the structure is
21 the only feasible means to secure the public safety. Costs of rehabilitation necessitated by alterations
22 made in violation of Section 1110, by demolition in violation of Section 1112, or by failure to maintain
23 the property in violation of Section 1119 7, may not be included in the calculation of rehabilitation
24 costs under Subsection (1).

25 SEC. 1111.8-7. INTENTIONALLY LEFT BLANK-PERMITS FOR SIGNS.

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

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

6 (c) — ~~Apart from and in addition to any grounds for approval or disapproval of the~~
7 ~~application under Article 6, an application involving a permit for a business sign, or general~~
8 ~~advertising sign, identifying sign, or nameplate to be located on a Significant or Contributory Building~~
9 ~~or any building in a Conservation District may be disapproved, or approved it subject to conditions if~~
10 ~~the proposed location, materials, means of illumination or method or replacement of attachment would~~
11 ~~adversely affect the special architectural, historical or aesthetic significance of the building or the~~
12 ~~Conservation District. No application shall be denied on the basis of the content of the sign.~~

13 (d) — ~~The Director of Planning shall make the determination required pursuant to Subsection~~
14 ~~(b). Any permit applicant may appeal the determination of the Director of Planning to the City~~
15 ~~Planning Commission by filing a notice of appeal with the Secretary of the Commission within 10 days~~
16 ~~of the determination. The City Planning Commission shall hear the appeal and make its determination~~
17 ~~within 30 days of the filing of the notice of appeal.~~

18 SEC. 1112. ~~INTENTIONALLY LEFT BLANK. DEMOLITION OF SIGNIFICANT AND~~
19 ~~CONTRIBUTORY BUILDINGS AND BUILDINGS IN CONSERVATION DISTRICTS.~~

20 ~~No person shall demolish or cause to be demolished all or any part of a Significant or~~
21 ~~Contributory Building or any building in a Conservation District without obtaining a Permit and a~~
22 ~~Permit for a Replacement Building pursuant to the provisions of this Article. Applications for permits~~
23 ~~to demolish Category V Buildings located outside a Conservation District may be processed without~~
24 ~~reference to this Article.~~

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1 SEC. 1112.1. ~~INTENTIONALLY LEFT BLANK. APPLICATIONS FOR A PERMIT TO~~
2 ~~DEMOLISH.~~

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

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

9 ~~(a) — For all property:~~

10 ~~(1) — The amount paid for the property;~~

11 ~~(2) — The date of purchase, the party from whom purchased, and a description of the business~~
12 ~~or family relationship, if any, between the owner and the person from whom the property was~~
13 ~~purchased;~~

14 ~~(3) — The cost of any improvements since purchase by the applicant and date incurred;~~

15 ~~(4) — The assessed value of the land, and improvements thereon, according to the most recent~~
16 ~~assessments;~~

17 ~~(5) — Real estate taxes for the previous two years;~~

18 ~~(6) — Annual debt service, if any, for the previous two years;~~

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

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

22 ~~(9) — Any consideration by the owner for profitable and adaptive uses for the property,~~
23 ~~including renovation studies, plans, and bids, if any; and~~

24 ~~(b) — For income-producing property:~~

25 ~~(1) — Annual gross income from the property for the previous four years;~~

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1 ~~(2) — Itemized operating and maintenance expenses for the previous four years;~~

2 ~~(3) — Annual cash flow for the previous four years.~~

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

8 ~~SEC. 1112.2. INTENTIONALLY LEFT BLANK. DISPOSITION OF APPLICATIONS TO~~
9 ~~DEMOLISH CONTRIBUTORY BUILDINGS AND UNRATED BUILDINGS IN CONSERVATION~~
10 ~~DISTRICTS.~~

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

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

17 ~~(c) — The Zoning Administrator shall approve any application for demolition of a~~
18 ~~Contributory Building in a Conservation District from which no TDR have been transferred, or an~~
19 ~~Unrated Building located in a Conservation District if a building or site permit has been lawfully~~
20 ~~issued for a replacement structure on the site, in compliance with Section 1113. The Zoning shall~~
21 ~~approve an application for demolition of a Significant Building—Category II if a building or site permit~~
22 ~~has been lawfully issued for an alteration or replacement structure on the portion of the site which~~
23 ~~would be affected by the demolition, in compliance with Section 111.6(b)(7).~~

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

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

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

13 SEC. 1112.3. INTENTIONALLY LEFT BLANK. ~~APPLICATIONS TO DEMOLISH~~
14 ~~SIGNIFICANT BUILDINGS OR CONTRIBUTORY BUILDINGS FROM WHICH TDR HAVE BEEN~~
15 ~~TRANSFERRED; ACCEPTANCE AND NOTICE.~~

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

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

22 ~~The application for a permit to demolish a building covered by Section 1112.3 shall be referred~~
23 ~~to the Landmarks Preservation Advisory Board and considered by said Board pursuant to the~~
24 ~~provisions of Section 1006.4 of this Code. The Director of Planning shall prepare a report and~~
25 ~~recommendation for the Planning Commission. If the Landmarks Board does not act within 30 days of~~

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1 ~~referral to it, the Planning Commission may proceed without a report and recommendation from the~~
2 ~~Landmarks Board.~~

3 SEC. 1112.5. INTENTIONALLY LEFT BLANK. ~~PLANNING COMMISSION HEARING AND~~
4 ~~DECISION.~~

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

9 SEC. 1112.6. INTENTIONALLY LEFT BLANK. ~~DECISION OF THE PLANNING~~
10 ~~COMMISSION.~~

11 ~~The Planning Commission may approve, disapprove or approve with conditions, the~~
12 ~~application, and shall make findings relating its decision to the standards set forth in Section 1112.7.~~
13 ~~The decision of the Planning Commission shall be rendered within 30 days from the date of conclusion~~
14 ~~of the hearing.~~

15 SEC. 1112.7. INTENTIONALLY LEFT BLANK. ~~STANDARDS AND REVIEW OF~~
16 ~~APPLICATIONS TO DEMOLISH.~~

17 ~~The Board of Permit Appeals, the City Planning Commission the Director of Planning, and the~~
18 ~~Landmarks Board shall follow the standards in this Section in their review of applications for a permit~~
19 ~~to demolish any Significant or Contributory Building from which TDR have been transferred.~~

20 ~~No demolition permit may be approved unless:~~

21 ~~(1) it is determined that under the designation, taking into account the value of Transferable~~
22 ~~Development Rights and costs of rehabilitation to meet the requirements of the Building Code or other~~
23 ~~City, State or federal laws, the property retains no substantial remaining market value or reasonable~~
24 ~~use; or~~

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1 ~~(2) the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire~~
2 ~~Prevention and Public Safety determines, after consultation, to the extent feasible, with the Department~~
3 ~~of City Planning, that an imminent safety hazard exists and that demolition of the structure is the only~~
4 ~~feasible means to secure the public safety. Costs of rehabilitation necessitated by alterations made in~~
5 ~~violation of Section 1110, by demolition in violation of Section 1112, or by failure to maintain the~~
6 ~~property in violation of Section 111_7, may not be included in the calculation of rehabilitation costs~~
7 ~~under Subsection (1).~~

8 SEC. 1113. NEW AND REPLACEMENT CONSTRUCTION IN CONSERVATION
9 DISTRICTS.

10 No person shall construct or cause to be constructed any new or replacement structure
11 or add to any existing structure in a Conservation District unless it is found that such
12 construction is compatible in scale and design with the District as set forth in Sections 6 and 7
13 of the Appendix which describes the District. Applications for a building or site permit to
14 construct or add to a structure in any Conservation District shall be reviewed by the HPC before
15 any other planning approval action that may be required, including any review by the Planning
16 Commission, if applicable pursuant to the procedures set forth in Section 309 and shall only be
17 approved pursuant to Section 3090 if they meet the standards set forth herein in this Article 11.
18 For projects that require Section 309 review, the Planning Commission may modify the decision of the
19 HPC on a Permit to Alter pursuant to Section 1114, provided that the project does not concern
20 Significant (Categories I and II) or a Contributory (Category III) building. ~~;~~ If a building or site
21 permit application for construction of a building is approved by the HPC pursuant to ~~this Section~~
22 this Article without modification by the Planning Commission and if the building is constructed in
23 accordance with such approval, and if the buildings located in a Conservation District for
24 which, pursuant to Section 8 of the Appendix establishing that district, such a transfer is

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1 permitted, the building shall be deemed a Compatible Replacement Building, and the lot on
2 which such building is located shall be eligible as a Preservation Lot for the transfer of TDR.

3 SEC. 1114. RIGHT TO MODIFY A DECISION OF THE HPC WHERE THERE ARE
4 MULTIPLE PLANNING APPROVALS.

5 For projects that require multiple planning approvals, the HPC must review and act on any
6 Permit to Alter or Permit to Demolish before any other planning approval action. For projects that (1)
7 require a Conditional Use Authorization or Permit Review under Section 309, et. seq. of the Code, and
8 (2) do not concern Significant Building (Categories I & II) or a Contributory Building (Category III
9 only), the Planning Commission may modify any decision on a Permit to Alter or Permit to Demolish
10 by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic
11 resources provisions of the Code.

12 For properties located on vacant lots, the Planning Commission may modify any decision on a
13 Permit to Alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable
14 historic resources provisions of the Planning Code.

15 SEC. 1115. RIGHT OF APPEAL.

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

24 SEC. 11164. UNLAWFUL ALTERATION OR DEMOLITION.

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

10 (b) A property owner may be relieved of the penalties provided in Subsection (a) if:
11 (1) as to an unlawful alteration or demolition, the owner can demonstrate to the ~~Zoning~~
12 ~~Administrator~~ HPC that the violation did not constitute a major alteration as defined in Section
13 1111.1; or (2) as to an unlawful alteration, the owner restores the original distinguishing
14 qualities and character of the building destroyed or altered, including exterior character-
15 defining spaces, materials, features, finishes, exterior walls and exterior ornamentation. A
16 property owner who wishes to effect a restoration pursuant to Subsection (b)(2) shall, in
17 connection with the filing of a building or site permit application, seek approval of the
18 proposed restoration by reference to the provisions of this Section. If the application is
19 approved ~~and~~ by the HPC and the HPC it is ~~determined~~ that the proposed work will effect
20 adequate restoration, the ~~City Planning Commission~~ HPC shall so find. Upon such approval,
21 and the completion of such work, the lot shall again become an eligible Preservation Lot and
22 the limitation on floor area ratio set forth in Subsection (a) shall not thereafter apply. The ~~City~~
23 ~~Planning Commission~~ HPC may not approve the restoration unless it first finds that the
24 restoration can be done with a substantial degree of success. The determination under this
25 Subsection (b)(2) is a final administrative decision.

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1 SEC. 1117~~5~~. CONFORMITY WITH OTHER CITY PERMIT PROCESSES.

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

6 (a) Upon the designation of a building as a Significant or Contributory Building, or
7 upon the designation of the Conservation District, the ~~Zoning Administrator~~ Planning Department
8 shall inform the Central Permit Bureau of said designation or, in the case of a Conservation
9 District, of the boundaries of said District and a complete list of all the buildings within said
10 District and their designations. The Central Permit Bureau shall maintain a current record of
11 such Buildings and Conservation Districts.

12 (b) Upon receipt of any application for a building permit, demolition permit, site
13 permit, alteration permit, or any other permit relating to a Significant or Contributory Building
14 or a building within a designated Conservation District, the Central Permit Bureau shall
15 forward such application to the Planning Department ~~of City Planning, except as provided in~~
16 ~~Section 1111~~. If the ~~Zoning Administrator~~ Planning Department determines that the application is
17 subject to provisions of this Article, processing shall proceed under the provisions of this
18 Article. The Central Permit Bureau shall not issue any permit for construction, alteration,
19 removal or demolition of any structure, or for any work involving a Significant or Contributory
20 Building or a building within a Conservation District unless either the ~~Zoning Administrator~~
21 Planning Department has determined that such application is exempt from the provisions of this
22 Article, or processing under this Article is complete and necessary approvals under this Article
23 have been obtained. The issuance of any permit by a City department or agency that is
24 inconsistent with any provision of this Article may be revoked by the ~~Director~~ Superintendent of
25

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1 the ~~Bureau~~ Department of Building Inspection pursuant to Section ~~303(e)~~ 106A.4.5 of the ~~San~~
2 ~~Francisco~~ Building Code.

3 (c) No abatement proceedings or enforcement proceedings shall be undertaken by
4 any department of the City for a Significant or Contributory building or a building within a
5 Conservation District without, to the extent feasible, prior notification of the Planning
6 ~~Department of City Planning and the HPC~~. Such proceedings shall comply with the provisions of
7 this Article where feasible.

8 SEC. 1118~~6~~. UNSAFE OR DANGEROUS CONDITIONS.

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

17 SEC. 1119~~7~~. MAINTENANCE REQUIREMENTS AND ENFORCEMENT THEREOF.

18 (a) Maintenance. The owner, lessee, or other person in actual charge of a
19 Significant or Contributory Building shall comply with all applicable codes, laws and
20 regulations governing the maintenance of property. It is the intent of this Section to preserve
21 from deliberate or inadvertent neglect the exterior features of buildings designated Significant
22 or Contributory, and the interior portions thereof when such maintenance is necessary to
23 prevent deterioration and decay of the exterior. All such buildings shall be preserved against
24 such decay and deterioration and free from structural defects through prompt corrections of
25 any of the following defects:

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1 (1) Facades which may fall and injure members of the public or property;

2 (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor
3 supports, deteriorated walls or other vertical structural supports;

4 (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal
5 members which sag, split or buckle due to defective material or deterioration;

6 (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or
7 floors, including broken windows or doors;

8 (5) Defective or insufficient weather protection for exterior wall covering, including
9 lack of paint or weathering due to lack of paint or other protective covering;

10 (6) Any fault or defect in the building which renders it not properly watertight or
11 structurally unsafe.

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

14 SEC. 1120~~19~~. ENFORCEMENT AND PENALTIES.

15 Enforcement and Penalties shall be as provided in Sections 176 and 176.1 of this
16 Code.

17 SEC. 1121~~0~~. RELATIONSHIP TO ARTICLE 10.

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

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

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

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1 SEC. 1122~~1~~. NOTICE OF AMENDMENT.

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

6 SEC. 1123~~2~~. NOTICE PROCEDURE.

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

10 SEC. 1124~~3~~. TIME PROVISIONS.

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

13 SEC. 1125~~4~~. SEVERABILITY.

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

18

19

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

22

By: _____
23 JUDITH A. BOYAJIAN
24 Deputy City Attorney

25



SAN FRANCISCO PLANNING DEPARTMENT

Draft Historic Preservation Commission Resolution

Planning Code Text Changes: Article 11 HEARING DATE: OCTOBER 15, 2010

Project Name: 2010 Planning Code Amendments
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Initiated: July 8, 2010
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: **Approve Article 11 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 ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORIC, AND AESTHETIC IMPORTANCE IN C-3 DISTRICTS PER HPC DRAFT DATED OCTOBER 15, 2010; 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 and in particular, to Articles 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

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WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance on August 5, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18157 recommending approval with modifications of the proposed ordinance to the Board of Supervisors on August 5, 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 Historic Preservation Commission conducted a duly noticed public hearings to consider the proposed amendments to Articles 10 & 11 on July 21st, August 4th, 18th, September 1st, 15th, 29th, October 6th, and 15th 2010; 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 for Article 11 as detailed in the draft dated October 15, 2010.

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. This Historic Preservation Commission was created in the fall of 2008 when the voters passed amendments to the San Francisco Charter establishing Section 4.135.
2. Article 10 (Preservation of Historical and Architectural and Aesthetic Landmarks) and Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) are the Planning Code chapters that outline the designation and permit review processes for historic buildings.
3. These Articles 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.

4. The additional changes proposed to Articles 10 and 11 will update preservation practices and policies and help streamline the designation and permit review processes.
5. Therefore, the HPC recommends *approval of Article 11 with modifications in the draft dated October 15, 2010 of the proposed Ordinance.*
6. **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.

7. 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 October 15, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: October 15, 2010

Exhibit A: Draft Ordinance with October 21, 2010 amendments to Article 11

Article 11 Buildings
October 2010

Article 11 Categories I-IV Buildings

Category I	223
Category II	42
Category III	19
Category IV	175

DWTN RATING	ID	STREET NAME	ST TYPE	LOSTNO	HIST NO	YEAR BUILT	LMD BLDG NAME
I	13263	01ST	ST	231	231	1913	VAN EMON ELEVATORS, INC
I	13254	01ST	ST	234	246	1929?	PHILLIPS & VAN ORDEN BUILDING
I	12858	02ND	ST	71	85	1902;1907	WELLS FARGO BUILDING
I	12905	02ND	ST	121	129	1908	DREXLER ESTATE BUILDING
I	16232	02ND	ST	132	140	1907	MORTON COOK BUILDING
I	15547	02ND	ST	132	140	1907	MORTON COOK BUILDING
I	12901	02ND	ST	141	145	1906	HUNT-MIRK BUILDING
I	12788	04TH	ST	54	68		KEYSTONE HOTEL
I	12791	05TH	ST	67	81		
I	12792	05TH	ST	85	99	1869-1864	
I	12767	05TH	ST	88	88	1869-1874	THE OLD MINT
I	16241	06TH	ST	106	106	1912	HOTEL HENRY
I	15541	06TH	ST	106	106	1912	HOTEL HENRY
I	13225	06TH	ST	201	211	1907	ORLANDO HOTEL
I	13045	09TH	ST	201			
I	12728	7TH	ST	6	26	1909-1910	ODD FELLOWS TEMPLE
I	12745	7TH	ST	95	99	1905	U.S. POST OFFICE & COURT OF APPEALS BLDG
I	2196	BATTERY	ST	22	22	1908	POSTAL TELEGRAPH BUILDING
I	2197	BATTERY	ST	98	98	1907	
I	2198	BATTERY	ST	99	99	1908	DONAHUE BUILDING
I	2200	BUSH	ST	100	100	1929	SHELL OIL COMPANY BUILDING
I	2201	BUSH	ST	130	130	1910	(H. M.)HEINEMAN BUILDING
I	2206	BUSH	ST	200	200	1912,1916	STANDARD OIL BUILDING
I	2605	BUSH	ST	225	225	1922;1948	STANDARD OIL BUILDING
I	2609	BUSH	ST	225	225	1922;1948	STANDARD OIL BUILDING
I	2601	BUSH	ST	381	381	1905;1907	ALTO BUILDING
I	2592	BUSH	ST	445	445	1905	PACIFIC STATES TELEPHONE BUILDING

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I	15476	BUSH	ST	460		1909	FIRE STATION 2
I	15503	BUSH	ST	564	564	1913	NOTRE DAME DES VICTOIRES CHURCH & RECTOR
I	1892	CALIFORN	ST	240	242	1909	BUICH BLDG/TADICH GRILL
I	1894	CALIFORN	ST	260	260	1910,1914	NEWHALL BUILDING
I	2190	CALIFORN	ST	301	333	1910;1919	ROBERT DOLLAR BUILDING
I	2189	CALIFORN	ST	341	341	1920	J. HAROLD DOLLAR BUILDING
I	1904	CALIFORN	ST	400	400	1906/1908	BANK OF CALIFORNIA
I	2185	CALIFORN	ST	433	433	1913	INSURANCE EXCHANGE BUILDING
I	2184	CALIFORN	ST	465	465	1903	MERCHANT'S EXCHANGE
I	1864	COMMER	ST	556	556	1908	
I	1865	COMMER	ST	564	566	1907	
I	3311	ELLIS	ST	119	139	1907	CONTINENTAL HOTEL
I	5960	FELL	ST	42	50	1932	
I	6206	FRANKLIN	ST	150	150	1912	
I	1886	FRONT	ST	259	259	1911	D. DEBERNARDI & CO. WAREHOUSE
I	3042	GEARY	ST	2	2	1908	
I	3041	GEARY	ST	10	12	1908	JOHANN SCHMIDT BUILDING
I	3044	GEARY	ST	28	36	1908	ROSENSTOCK BUILDING
I	3017	GEARY	ST	136	140	1908	SACHS BUILDING
I	3090	GEARY	ST	285	291	1907	ST. PAUL BUILDING
I	3089	GEARY	ST	293	299	1908	LINCOLN BUILDING
I	3095	GEARY	ST	301	301	1908	ELKAN GUNST BUILDING
I	15742	GEARY	ST	415	415	1909	GEARY THEATER
I	3119	GEARY	ST	445	445	1922	CURRAN THEATER
I	3117	GEARY	ST	475	499	1913;1926	CLIFT HOTEL
I	3120	GEARY	ST	501	505	1908	BELLEVUE HOTEL
I	3021	GEARY ST		166		1906	WHITTELL BUILDING
I	3440	GOLDEN	AV	200	200	1910	Y.M.C.A. BUILDING
I	3074	GRANT	AV	17	123	1909	ZOBEL BUILDING
I	3065	GRANT	AV	50	50	1909;1919	LIEBES BUILDING
I	2629	GRANT	AV	220	228	1908	PHOENIX BUILDING
I	2635	GRANT	AV	233	233	1907	
I	2633	GRANT	AV	249	251	1907	
I	2632	GRANT	AV	255	255	1907	
I	2564	GRANT	AV	301	305	1905;1908	MYERS BUILDING
I	2563	GRANT	AV	311	319	1909	ABRAHAMSON BUILDING
I	2585	GRANT	AV	334	352	1912	WASHINGTON HOTEL

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I	2630	GRANT	AV	2555	255	1909	WHITE HOUSE DEPARTMENT STORE BUILDING
I	2636	GRANT	ST	201	201	1905;1906	SHREVE BUILDING
I	13267	HOWARD	ST	101	101	1904;1906	J.A. FOLGER & CO. BUILDING
I	13143	HOWARD	ST	1035	1035	1935	ENG-SKELL COMPANY
I	13127	HOWARD	ST	1049	1053	1923	
I	3455	HYDE	ST	125	125	1925	MOTION PICTURE STUDIO
I	12860	JESSIE	ST	16	30	1906	ONE ECKER
I	15488	JONES	ST	1	1	1892,1905	HIBERNIA BANK
I	3478	JONES	ST	39	41	1906(?)	HOTEL BOYD
I	3040	KEARNY	ST	25	33	1909	BALDWIN BUILDING
I	3038	KEARNY	ST	49	49	1908	ROULLIER BUILDING
I	2623	KEARNY	ST	153	153	1909	BARTLETT DOE BUILDING
I	2622	KEARNY	ST	161	161	1907	EYRE BUILDING/SHERMAN CLAY & CO. BLDG.
I	2598	KEARNY	ST	200	200	1908	
I	2577	KEARNY	ST	201	201	1910;1922	
I	2570	KEARNY	ST	251	255	1908	CHARLESTON BUILDING
I	2238	KEARNY	ST	333	333	1907	MCDONOUGH BUILDING
I	2222	KEARNY	ST	344	344	1927	
I	1858	LEIDESDC	ST	222	222	1923	PG & E SUBSTATION J
I	12875	MARKET	ST	1	1	1916	SOUTHERN PACIFIC BUILDING
I	12872	MARKET	ST	215	215	1921	MATSON BUILDING
I	12871	MARKET	ST	245	245	1925	PACIFIC GAS & ELECTRIC OFFICE BUILDING
I	2610	MARKET	ST	540	548	1913	FLATIRON BUILDING
I	2613	MARKET	ST	562	566	1923	CHANCERY BUILDING
I	2614	MARKET	ST	576	580	1923	FINANCE BUILDING
I	2615	MARKET	ST	582	592	1914	THE HOBART BLDG
I	12844	MARKET	ST	673	687	1906	MONADNOCK BUILDING
I	16227	MARKET	ST	691	691		
I	16226	MARKET	ST	691	691	1909	HEARST BUILDING
I	3067	MARKET	ST	700	704	1902; '06	MUTUAL BUILDING
I	3066	MARKET	ST	722	742	1912;1918	BANKERS INVESTMENT BUILDING
I	3064	MARKET	ST	744	744	1910	WELLS FARGO UNION TRUST BRANCH
I	3290	MARKET	ST	760	784	1908	PHELAN BUILDING
I	12798	MARKET	ST	783	785	1907	HUMBOLDT BANK BUILDING
I	12795	MARKET	ST	835	865	1896;1908	THE EMPORIUM
I	3299	MARKET	ST	870	898	1904	JAMES FLOOD BUILDING
I	12765	MARKET	ST	901	919	1912	(OLD)HALE BROTHERS DEPARTMENT STORE

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I	3416	MARKET	ST	938	942	1908	DRESSLER OR GARFIELD BUILDING
I	3417	MARKET	ST	948	948	1907;1943	MECHANIC'S SAVINGS BANK BUILDING
I	3426	MARKET	ST	982	989	1921-1922	LOEW'S WARFIELD THEATRE
I	3482	MARKET	ST	1000	1056	1913	SAN CHRISTINA BUILDING
I	3485	MARKET	ST	1072	1098	1910-1911	PRAGER'S DEPARTMENT STORE
I	12749	MARKET	ST	1095	1097	1905;1906	JOSEPH D. GRANT BUILDING
I	3486	MARKET	ST	1112	1112	1902;1926	HOTEL SHAW
I	15509	MARKET	ST	1182	1192	1926	ORPHEUM THEATER BUILDING
I	11331	MARKET	ST	1301	1363	1937;1950	WESTERN FURNITURE EXCHANGE
I	3059	MARKET	ST	660	660	1924	
I	3418	MASON	ST	34	34	1907	
I	3315	MASON	ST	101	101	1913	HOTEL MASON
I	3307	MASON	ST	120	124		KOWALSKY APARTMENTS
I	15743	MASON	ST	333	333	1909	GEARY THEATER ANNEX
I	15477	MASON	ST	432	432	1913-1915	FIRST CONGREGATIONAL CHURCH
I	2665	MASON	ST	536	536	1916	
I	2533	MASON	ST	602	602	1919	
I	3487	MCALLIST	ST	83	83	1908	METHODIST BOOK CONCERN
I	3471	MCALLIST	ST	100	100	1930	WILLIAM TAYLOR HOTEL & METHODIST TEMPLE
I	3472	MCALLIST	ST	146	146	1910;1920	
I	16240	MINNA	ST	447	447		
I	15551	MINNA	ST	447	447	1907	DEMPSTER BROTHERS PRINTING
I	16239	MINNA	ST	447	447	1907	DEMPSTER BROTHERS PRINTING
I	12774	MINT	ST	54	54	1907	
I	12768	MINT	ST	66	66	1916	
I	12877	MISSION	ST	1	21	1889	AUDIFFRED BUILDING
I	16236	MISSION	ST	647	647		
I	16235	MISSION	ST	647	649	1907	VERONICA BUILDING
I	15556	MISSION	ST	647	649	1907	VERONICA BUILDING
I	12835	MISSION	ST	658	660	1902;1906	TEXTILE BUILDING
I	12764	MISSION	ST	1018	1018		
I	2608	MONTGOMERY	ST	130	130	1930	TITLE INSURANCE COMPANY
I	2593	MONTGOMERY	ST	149	157	1921	ALEXANDER BUILDING
I	15499	MONTGOMERY	ST	220	232	1891;1907	MILLS BUILDING & TOWER
I	2215	MONTGOMERY	ST	235	235	1927	RUSS BUILDING
I	2183	MONTGOMERY	ST	300	300	1922;1941	AMERICAN NATIONAL BANK
I	2175	MONTGOMERY	ST	315	315	1923	CALIFORNIA COMMERCIAL UNION BUILDING

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I	2173	MONTGOMERY	ST	315		1921	BANK OF AMERICA
I	1911	MONTGOMERY	ST	417	417	1936	LURIE BUILDING
I	1861	MONTGOMERY	ST	500	500	1918	CANTON BANK
I	1862	MONTGOMERY	ST	520	520	1920	
I	1867	MONTGOMERY	ST	552	552	1908	BANK OF ITALY
I	1868	MONTGOMERY	ST	552	552		SEE 228/28
I	12921	NATOMA	ST	116	116	1910	N. CLARK AND SONS
I	12926	NATOMA	ST	147	149	1908	UNDERWRITERS FIRE PATROL BUILDING
I	12841	NEW MONROE	ST	39	63	1912	THE SHARON BLDG
I	12840	NEW MONROE	ST	74	74	1914	CALL BUILDING
I	12831	NEW MONROE	ST	77	79	1907;1920	CROSSLEY BUILDING
I	12937	NEW MONROE	ST	100	126	1902;1910	RIALTO BUILDING
I	12923	NEW MONROE	ST	134	140	1925	PACIFIC TELEPHONE AND TELEGRAPH COMPANY
I	3075	O'FARRELL	ST	20	26	1909	KOHLER AND CHASE BUILDING
I	3274	O'FARRELL	ST	235	243	1910	HOTEL BARCLAY
I	2204	PINE	ST	301	315	1915	PACIFIC COAST STOCK EXCHANGE TRADING RM
I	2211	PINE	ST	333	333	1917	OLD SAN FRANCISCO CHAMBER OF COMMERCE
I	2181	PINE	ST	348	354	1907	DIVIDEND BUILDING
I	22117	PINE	ST	625	631		ECOLES DES VICTOIRES RESIDENCE
I	2271	PINE		651	659		
I	3061	POST	ST	57	65	1909	THE MECHANICS INSTITUTE
I	3057	POST	ST	117	129	1906;1910	O'CONNOR-MOFFATT BUILDING
I	2626	POST	ST	126	130	1909	ROCHAT CORDES BUILDING
I	3055	POST	ST	165	165	1908	ROTHCHILD BUILDING
I	3054	POST	ST	175	175	1908	LIEBES BUILDING
I	2628	POST	ST	180	180	1908	HASTINGS BUILDING
I	3015	POST	ST	201	209	1909	HEAD BUILDING
I	3036	POST	ST	225	225	1908	
I	3032	POST	ST	275	275	1909	LATHROP BUILDING
I	2640	POST	ST	278	298	1910	JOSEPH FREDERICK'S & CO. BUILDING
I	2650	POST	ST	340	340	1923	BULLOCK AND JONES
I	2662	POST	ST	442	442	1925	CHAMBERLAIN BUILDING
I	2663	POST	ST	450	460	1924	ELKS CLUB
I	2664	POST	ST	470	470	1925	MEDICO-DENTAL BUILDING
I	2674	POST	ST	524	524	1912;1934	OLYMPIC CLUB
I	2688	POST	ST	600	612	1913	NEW BACHELOR HOTEL
I	3305	POWELL	ST	1	1	1920	BANK OF ITALY

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I	3085	POWELL	ST	200	200	1906;1933	OMAR KAYYAM'S
I	3009	POWELL	ST	301	345	1904;1907	ST. FRANCIS HOTEL
I	2660	POWELL	ST	421	421	1909;ca.19	ARGONAUT CLUB
I	2653	POWELL	ST	432	450	1928	SIR FRANCIS DRAKE HOTEL
I	2659	POWELL	ST	433	433	1914	CHANCELLOR HOTEL
I	2657	POWELL	ST	449	465	1913	PRESS CLUB
I	2552	POWELL	ST	540	540	1909	ELKS BUILDING
I	2202	SANSOME	ST	114	114	1908; ca.19	ADAM GRANT BUILDING
I	2205	SANSOME	ST	155	155	1915	PACIFIC COAST STOCK EXCHANGE TOWER
I	2188	SANSOME	ST	200	206	1927	INSURANCE CENTER BUILDING
I	15516	SANSOME	ST	210	210	1907	ROYAL GLOBE INSURANCE BUILDING
I	2179	SANSOME	ST	217	221	1908	SCOTTISH UNION/NAT'L INS. CO. GOTHENBURG
I	2178	SANSOME	ST	231	231	1925;1942	T.C. KIERULFF BUILDING
I	2177	SANSOME	ST	233	241	1924;1929	FIREMAN'S FUND INSURANCE BUILDING
I	1903	SANSOME	ST	343	343	1908 & ca	CROWN ZELLERBACH BUILDING
I	1872	SANSOME	ST	400	400	1919-1924	FEDERAL RESERVE BANK BUILDING
I	1857	SANSOME	ST	401	401	1906	NATIONAL BUILDING
I	1856	SANSOME	ST	407	407	1909	
I	12843	STEVENS	ST	111	127	1921	PALACE GARAGE
I	3293	STOCKTO	ST	46	68	1909	NEWMAN & LEVINSON BUILDING
I	3081	STOCKTO	ST	101	101	1928;1948	O'CONNOR-MOFFAT/MACY'S
I	3030	STOCKTO	ST	234	240	1908	SCHROTH BUILDING
I	2160	STOCKTO	ST	600	600	1909	MET LIFE -PACIFIC COAST HEAD OFFICE
I	2595	SUTTER	ST	108	110	1902,07,13	FRENCH BANK BUILDING
I	2616	SUTTER	ST	111	111	1926	HUNTER-DULIN BUILDING
I	2603	SUTTER	ST	130	150	1918	HALLIDIE BUILDING
I	2578	SUTTER	ST	216	216	1908	ROSE BUILDING (W. & J. SLOAN)
I	2580	SUTTER	ST	256	256	1911	SATHER BUILDING
I	2581	SUTTER	ST	266	266	1908	BEMISS BUILDING "THE GLASS HOUSE"
I	2631	SUTTER	ST	303	303	1907	HAMMERSMITH BUILDING
I	2566	SUTTER	ST	312	318	1909	NUTTALL BUILDING
I	2643	SUTTER	ST	371	375	1907	NATHALIE NICOLI BUILDING
I	2642	SUTTER	ST	391	399	1908	THE GALEN BUILDING
I	2551	SUTTER	ST	450	450	1929	450 SUTTER/MEDICAL-DENTAL BUILDING)
I	2525	SUTTER	ST	500	516	1914	PHYSICIANS BUILDING
I	2668	SUTTER	ST	575	57	1916	
I	2673	SUTTER	ST	609	609	1918	MARINE'S MEMORIAL CLUB

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I	2492	SUTTER	ST	620	620	1918	Y.W.C.A. BUILDING
I	2507	SUTTER	ST	640	640	1916;1922	METROPOLITAN CLUB
I	3122	TAYLOR	ST	403	403	1925;1929	HOTEL CALIFORNIAN
I	2675	TAYLOR	ST	624	624	1934	BOHEMIAN CLUB
I	2472	TAYLOR	ST	701	701	1918	BARCELONE APARTMENTS
I	3406	TURK	ST	2	16	1911	HOTEL GLENN
I	6203	VAN NESS	AV	11	11	1910	MASONIC TEMPLE
I	3014					1942	UNION SQUARE
I	2176						
I	2191						
I	2174						
II	2216	BUSH	ST	350	350	1923	S.F. CURB EXCHANGE
II	2251	BUSH	ST	430	444	1924	PACIFIC TELEPHONE & TELEGRAPH COMPANY
II	2272	BUSH	ST	530	530	1916	P.G.& E. SUBSTATION R
II	1881	CALIFORN	ST	22	22	1908	MARVIN BUILDING
II	1891	CALIFORN	ST	230	230	1913	HIND BUILDING
II	1893	CALIFORN	ST	244	256	1908	WELCH BUILDING
II	12882	EMBARCADERO		166	169	1925	ARMY-NAVY Y.M.C.A.
II	2852	GEARY	ST	450	456	1922	SUSSEX BUILDING
II	2853	GEARY	ST	458	466	1922	
II	3474	GOLDEN	AV	255	255	1916	
II	13246	HOWARD	ST	625	631	1929	WILLIAM VOLKER BUILDING
II	13242	HOWARD	ST	835	837	1909	HOME TELPHONE BUILDING
II	12839	JESSIE	ST	167	167	1912	JESSIE STREET HOTEL
II	2624	KEARNY	ST	123	133	1910	YOUNG BUILDING
II	12845	MARKET	ST	633	665	1909;'15-2	PALACE HOTEL, GARDEN COURTYARD
II	16220	MARKET	ST	725	725	1908	BANCROFT BUILDING
II	12799	MARKET	ST	735	735	1907	CARROLL AND TILTON BUILDING
II	12793	MARKET	ST	825	833	1908	COMMERCIAL BUILDING
II	12780	MARKET	ST	973	977	1900;1907	WILSON BUILDING
II	12779	MARKET	ST	979	989	1900;'05;'0	HALE BROTHERS DEPARTMENT STORE
II	12762	MARKET	ST	1017	1019	1909	EASTERN OUTFITTING BUILDING
II	12755	MARKET	ST	1059	1061	1910	EDE BUILDING
II	12753	MARKET	ST	1067	1071	1924;1936	EGYPTIAN THEATRE
II	12726	MARKET	ST	1215	1231	1911	WHITCOMB HOTEL
II	3012	MASON	ST	414	414	1911	NATIVE SONS BUILDING
II	11329	MISSION	ST	810	810	1925	SAN FRANCISCO BULLETIN BUILDING

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II	12789	MISSION	ST	810	814		
II	12790	MISSION	ST	816	818	1907	GUGGENHEIM BUILDING/HEUTER BUILDING
II	12951	MISSION	ST	959	965	1905-06	CALIFORNIA CASKET COMPANY
II	13032	MISSION	ST	1235	1235	1928	MANGRUM AND OTTER, INC.
II	6204	OAK	ST	50	50	1914	YOUNG MEN'S INSTITUTE
II	2180	PINE	ST	332	332	1912	ORIENT BUILDING
II	2627	POST	ST	150	150	1908	JEWELERS BUILDING
II	2638	POST	ST	246	250	1865;1906	GUMP'S DEPARTMENT STORE
II	2864	POST	ST	555	555	1922	UNION LEAGUE CLUB/PRESS CLUB OF S.F.
II	3304	POWELL	ST	17	23	1910	POWELL HOTEL
II	3271	POWELL	ST	135	149	1909	EMERSON BUILDING
II	2597	SUTTER	ST	154	154	1907	CENTRAL REALTY BUILDING
II	2579	SUTTER	ST	250	252	1907	GOLDBERG BOWEN BUILDING
II	2531	SUTTER	ST	562	562	1907	REGENT HOTEL
II	2681	SUTTER	ST	625	627	1921	ACADEMY OF ART COLLEGE
II	3429	TAYLOR	ST	1	35	1921-1922	GOLDEN GATE THEATRE
III	12738	06TH	ST	32	32	1911	SENECA HOTEL
III	15504	BUSH	ST	566	566	1913	NOTRE DAME DES VICTOIRES CHURCH & RECTOR
III	1877	DRUMM	ST	31	33	1912	
III	3489	FULTON	ST	35	57	1927	
III	12889	HOWARD	ST	342	342	1907	MARINE ELECTRIC COMPANY
III	15299	HOWARD	ST	583	583		
III	13250	HOWARD	ST	657	657	1925	
III	13249	HOWARD	ST	667	667	1907	
III	13104	HOWARD	ST	1097		1924	BLINDCRAFT BUILDING
III	13018	HOWARD	ST	1234			
III	12862	JESSIE	ST	96	96	1909	WARRING-WILKINSON BUILDING
III	12796	MARKET	ST	703	703	1896;1938	CALL/CLAUS SPRECKELS BUILDING
III	12751	MARKET	ST	1083	1087	1912	FEDERAL HOTEL
III	6213	MARKET	ST	1582	1582	1912	MIRAMAR APARTMENTS
III	12976	MISSION	ST	1087	1089	1921	L. LURIE BUILDING
III	1915	SACRAME	ST	615	615	1907	JACK'S RESTAURANT BUILDING
III	12864	STEVENS	ST	83	83	1909	U.S. POST OFFICE
III	13256	TEHAMA	ST	72	72	1911	YOUNG SHEET METAL WORKS
III	15900	VAN NESS	AV	41	41		
IV	12820	02ND	ST	20	28	1914	SCHWABACHER BUILDING
IV	12822	02ND	ST	36	40	1907	MORGAN BUILDING

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IV	12823	02ND	ST	42	46	1907	
IV	12824	02ND	ST	48	50	1907	KENTFIELD AND ESSER BUILDING
IV	12825	02ND	ST	52	52	1907	
IV	12826	02ND	ST	58	64	1906	
IV	12827	02ND	ST	70	70	1906	
IV	12828	02ND	ST	76	76	1908	
IV	15053	02ND	ST	90	90	1906	
IV	12918	02ND	ST	120	130	1907?	
IV	15048	02ND	ST	133	133	1906	
IV	12919	02ND	ST	144	144	1908;1982	BOTHIN REAL ESTATE BUILDING
IV	15049	02ND	ST	149	149		
IV	12920	02ND	ST	156	156	1908	BYRON JACKSON BUILDING
IV	12900	02ND	ST	163	163	1907	MARCUS MODRY BUILDING
IV	12899	02ND	ST	165	171	1907	THE ELECTRICAL BUILDING
IV	15068	09TH	ST	149	149	1923	
IV	2226	BELDEN	ST	26	26	1908;1926	
IV	2227	BELDEN	ST	40	40	1926	
IV	2228	BELDEN	ST	52	52	1922	
IV	2217	BUSH	ST	364	364	1907	SAN FRANCISCO & TONOPAH MINING EXCHANGE
IV	2218	BUSH	ST	380	380	1913	SHASTA HOTEL
IV	2590	BUSH	ST	415	425	1908	SAN FRANCISCO PRESS CLUB BUILDING
IV	2589	BUSH	ST	429	431	1908	
IV	2588	BUSH	ST	447	447	1914	HANSA HOTEL
IV	2586	BUSH	ST	461	463	1907	MANUFACTURING JEWELER'S BUILDING
IV	2560	BUSH	ST	507	507	1907	ST. CHARLES HOTEL
IV	2568	BUSH	ST	515	519	1907	TERBUSH BUILDING
IV	15733	CAMPTON	PL	44	44	1907	
IV	1870	CLAY	ST	553	557	1907	
IV	15714	CLAY	ST	559	559	1907	
IV	15713	COMMERC	ST	558	558		
IV	15712	COMMERC	ST	565	569	1914	PG&E OLD STATION J
IV	3300	ELLIS	ST	61	65	1910	HISTORIC JOHN'S GRILL
IV	3301	ELLIS	ST	111	111		POWELL BUILDING
IV	3273	ELLIS	ST	120	120	1909	THE MISSES BUTLER BUILDING
IV	1884	FRONT	ST	222	222	1918	SMITH O'BRIEN
IV	1900	FRONT	ST	235	235		DEMOLISHED 1989:LOMA PREITA QUAKE
IV	1885	FRONT	ST	236	236	1927	

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IV	15715	FRONT	ST	248	250	1909	
IV	3046	GEARY	ST	58	58	1906	HOTEL GREYSTONE
IV	3049	GEARY	ST	80	80		
IV	3047	GEARY	ST	88	88	1907;1917	CAILLEAU BUILDING
IV	3016	GEARY	ST	100	110	1909	GRANAT BROTHERS
IV	3068	GEARY	ST	101	101	1907	PARAGON BUILDING
IV	3078	GEARY	ST	125	129	1908	
IV	3018	GEARY	ST	146	146	1907	
IV	3019	GEARY	ST	152	152	1907	
IV	3020	GEARY	ST	156	156	1907	
IV	3093	GEARY	ST	251	259	1910	WERNER BUILDING
IV	3112	GEARY	ST	347	373	1907	HOTEL STEWART
IV	3010	GEARY	ST	366	374	1917	ROSEBUD'S ENGLISH PUB
IV	3110	GEARY	ST	381	381	1922	
IV	2850	GEARY	ST	418	432	1911	PAISLEY HOTEL
IV	2851	GEARY	ST	436	436	1912	SOMERTON HOTEL
IV	3118	GEARY	ST	459	465	1922	
IV	2854	GEARY	ST	468	468	1920	
IV	2855	GEARY	ST	474	480	1911	HOTEL COSMOS
IV	2856	GEARY	ST	484	486	1910	ELFRED CLARK HOTEL
IV	2857	GEARY	ST	490	498	1912	MARYLAND HOTEL
IV	3072	GRANT	AV	39	39	1909	FISHER BUILDING
IV	3070	GRANT	AV	51	55	1909	ELEANOR GREEN BUILDING
IV	3069	GRANT	AV	59	59	1929	
IV	3050	GRANT	AV	100	100	1920;1939	LIVINGSTON BROTHERS
IV	3052	GRANT	AV	164	166	1908;1917	
IV	2562	GRANT	AV	321	323	1910;1912	HOTEL BALDWIN
IV	3039	KEARNY	ST	47	47	1907	OSCAR LUNING BUILDING
IV	2576	KEARNY	ST	209	209	1907	
IV	2575	KEARNY	ST	215	217	1907	
IV	2574	KEARNY	ST	219	225	1907	
IV	2573	KEARNY	ST	227	231	1908	
IV	2599	KEARNY	ST	240	244	1906	MARTSON BUILDING
IV	2602	KEARNY	ST	246	246	1908	HOTEL STANFORD
IV	2600	KEARNY	ST	258	260	1908	
IV	2241	KEARNY	ST	315	315	1907	
IV	2239	KEARNY	ST	325	329	1907	

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IV	2220	KEARNY	ST	334	336	1906	
IV	15724	KEARNY	ST	334	334	1906	
IV	2236	KEARNY	ST	346	346	1907	
IV	2237	KEARNY	ST	353	353	1907	KEARNY-PINE BUILDNG
IV	15321	KEARNY	ST	358	360	1908	
IV	15710	LEIDESDC	ST	215	215		
IV	3048	MAIDEN	LN	69	69		
IV	3026	MAIDEN	LN	118	124	1909	LLOYD BUILDING
IV	3023	MAIDEN	LN	177	177	1907	
IV	12821	MARKET	ST	609	611	1914	
IV	12819	MARKET		601	605	1917;1921	SANTA FE BUILDING/WEST COAST LIFE
IV	12847	MARKET	ST	623	631	1907	METROPOLIS TRUST & SAVINGS BANK
IV	3419	MASON	ST	48	64	1908	BRISTOL HOTEL
IV	3105	MASON	ST	300	312	1908	HOTEL GLOSTER
IV	3106	MASON	ST	334	334	1912	KING GEORGE HOTEL
IV	2847	MASON	ST	425	425	1922	SAN FRANCISCO WATER DEPARTMENT
IV	2666	MASON	ST	542	542	1914	ST. FRANCIS APARTMENTS
IV	12917	MISSION	ST	601	609	1907	STEVENSON BUILDING
IV	15555	MISSION	ST	617	623	1902;1908	THE CRELLIN BUILDING
IV	16237	MISSION	ST	617	623	1902;1908	THE CRELLIN BUILDING
IV	1866	MONTGOM	ST	540	560	1931	BANK OF ITALY BUILDING
IV	12938	NEW MON	ST	111	121	1907	STANDARD BUILDING
IV	15542	NEW MON	ST	111	121	1939-1941	RINCON ANNEX POST OFFICE
IV	12922	NEW MON	ST	137	159	1907	
IV	12932	NEW MON	ST	170	180	1920	SAN FRANCISCO FURNITURE EXCHANGE
IV	15494	O'FARREL	ST	224	232	1908	MANX HOTEL (SEE 315/003)
IV	3100	O'FARREL	ST	238	240	1914	SPAULDING HOTEL
IV	3103	O'FARREL	ST	272	272	1909	
IV	3104	O'FARREL	ST	280	280	1911	
IV	3084	OFARREL	ST	180	180	1910	SAINT MORITZ HOTEL
IV	15723	PINE	ST	340	344	1928	SELBACH AND DEANS BUILDING
IV	2182	PINE	ST	358	358	1928	PHOENIX BUILDING
IV	2207	PINE	ST	369	369	1928	EXCHANGE BLOCK
IV	2230	PINE	ST	483	485	1911;1970	
IV	2649	POST	ST	216	216	1907	GUGGENHEIM BUILDING
IV	2637	POST	ST	228	240	1909	GUMP'S/ELIZABETH ARDEN
IV	3027	POST	ST	233	235	1908	GRAFF BUILDING

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IV	3034	POST	ST	243	253	1908	MERCEDES BUILDING
IV	2639	POST	ST	272	272	1909	
IV	2661	POST	ST	434	440	1907	ST. ANDREW HOTEL
IV	2865	POST	ST	545	545	1913	HOTEL CECIL
IV	2689	POST	ST	620	620	1910	VENICE APARTMENTS
IV	2690	POST	ST	624	624	1907	SULTAN TURKISH BATHS
IV	3302	POWELL	ST	45	45	1909	
IV	3283	POWELL	ST	100	100	1908	PABST BUILDING
IV	3272	POWELL	ST	111	111	1910	BERNSTEIN'S FISH GROTTTO
IV	3284	POWELL	ST	120	120	1909	PELICANO-ROSSI BUILDING
IV	3270	POWELL	ST	151	161	1909	HOTEL HERBERT
IV	3099	POWELL	ST	201	217	1908	MANX HOTEL (SEE 315/003)
IV	3097	POWELL	ST	201	225	1908;1918	MANX HOTEL (LOTS 3,6,7,8,9)
IV	3098	POWELL	ST	207	217	1906	SAVAGE-RAE OR HOWARD BUILDING
IV	3087	POWELL	ST	226	230	1910	
IV	3096	POWELL	ST	235	235	1910	
IV	3088	POWELL	ST	236	236	1908	HOTEL STRATFORD
IV	15736	POWELL	ST	435	437	1907	
IV	15737	POWELL	ST	439	439	1907	
IV	2658	POWELL	ST	445	445	1914	
IV	1898	SACRAME	ST	333	333	1923	
IV	1859	SACRAME	ST	550	558	1907	
IV	15709	SACRAME	ST	560	560	1909	
IV	15711	SACRAME	ST	568	568	1914	PG & E SUBSTATION J ANNEX
IV	1860	SACRAME	ST	576	576	1907	POTTER BUILDING
IV	1855	SANSOME	ST	415	415	1908	YOKOHAMA SPECIE BANK
IV	12928	SECOND	ST	168	168	1907	
IV	15548	SECOND	ST	182	182	1909	BARKER, KNICKERBOCKER BOSTWICK BUILDING
IV	16233	SECOND	ST	182	182	1909	BARKER, KNICKERBOCKER BOSTWICK BUILDING
IV	3024	STOCKTO	ST	216	216	1909;1930	
IV	3025	STOCKTO	ST	218	222	1908;1920	A.M. ROBINSON BUILDING
IV	15730	STOCKTO	ST	334	334	1910	WILSON BUILDING
IV	15731	STOCKTO	ST	340	340	1909;1916	HOTEL DRAKE-WILTSHIRE
IV	2548	STOCKTO	ST	417	417	1927	HOTEL NAVARRE
IV	2547	STOCKTO	ST	423	439	1911	NATALIA APARTMENTS
IV	2621	SUTTER	ST	171	171	1911	SUTTER HOTEL
IV	2648	SUTTER	ST	307	307	1909	

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IV	2565	SUTTER	ST	310	310	1909	
IV	2647	SUTTER	ST	315	315	1909	GALLATIN BUILDING
IV	15732	SUTTER	ST	323	333	1909	
IV	2645	SUTTER	ST	345	353	1910	
IV	2549	SUTTER	ST	400	406	1907	MCCLLOUD BUILDING
IV	2550	SUTTER	ST	420	428		
IV	2527	SUTTER	ST	524	524	1913	CARTWRIGHT HOTEL
IV	2671	SUTTER	ST	535	545	1921	WESTPHAL BUILDING
IV	2529	SUTTER	ST	540	540	1916	PRINT ROOMS OF HILL TOLLERTON
IV	2670	SUTTER	ST	547	555	1922	LOWELL BUILDING
IV	2669	SUTTER	ST	559	565	1921	
IV	2667	SUTTER	ST	595	595	1919	FRANCISCA CLUB
IV	2680	SUTTER	ST	635	635	1911	
IV	2679	SUTTER	ST	647	647	1912	
IV	2677	SUTTER	ST	679	683	1922	
IV	2494	SUTTER	ST	680	680	1918	SUTTER STREET APARTMENTS
IV	15435	SUTTER	ST	690	690	1919	
IV	2676	SUTTER	ST	693	693	1922;ca.1935	
IV	2683	SUTTER	ST	701	701	1910	SUSSEX HOTEL
IV	2704	SUTTER	ST	717	717	1914	HOTEL DE LUXE
IV	3116	TAYLOR	ST	420	420	1940	RADIO CITY
IV	2687	TAYLOR	ST	615	615	1924	HOTEL SPRINGER
IV	2686	TAYLOR	ST	619	621	1913	HOTEL FLORENCE
IV	2685	TAYLOR	ST	625	625	1910	MAXWELL APARTMENTS
IV	2684	TAYLOR	ST	627	627	1914	HAWTHORNE APARTMENTS

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

Sec. 309 – Permit Review in C-3 Districts

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

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

- (1) Exceptions to the setback and rear yard requirements as permitted in Sections 132.1 and 134(d);
- (2) Exceptions to the ground-level wind current requirements as permitted in Section 148;
- (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146;
- (4) Exceptions to the limitation on residential accessory parking as permitted in Section 151.1(e);
- (5) Exceptions to the requirement of independently accessible parking spaces as permitted in Section 155(c);
- (6) Exceptions to the limitation on curb cuts for parking access as permitted in Section 155(r);
- (7) Exceptions to the limitations on above-grade residential accessory parking as permitted in Section 155(s);

- (8) Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(h);
- (9) Exceptions to the off-street tour bus loading space requirements as permitted in Section 162;
- (10) Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;
- (11) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as permitted in Section 263.8;
- (12) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

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

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

- (1) Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops;
- (2) Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and maintenance of predominant streetwalls in the immediate vicinity;
- (3) Aspects of the project affecting parking, traffic circulation and transit operation and loading points;
- (4) Aspects of the project affecting its energy consumption;
- (5) Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features;
- (6) Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture as required by Section 138.1;

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

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

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

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

*(c) **Application Process for 309 Review.** ~~Notice of Application for Building or Site Permit.~~ Review subject to this Section will be triggered by submittal of a Section 309 Application or submittal of a building or site permit. After receipt of an application ~~—, a project authorization or building or site permit, for new construction or substantial alteration of a structure in a C-3 District, the Zoning Administrator shall mail notice of the application to all owners of property immediately adjacent to the property that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least once in an official newspaper of general circulation.~~*

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

(e) Hearing and Determination of Applications for Exceptions.

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

(2) **Notice of Hearing.** Notice of such hearing shall be **mailed** not less than **10 days** prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of

the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the written recommendation of the Director of Planning regarding the request for an exception *will be* ~~is~~ available for public review at the office of the *Planning Department of City Planning*.

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

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

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

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

(2) **Notice.** If the proposed application will be heard by the Planning Commission, notice of such hearing ~~Notice of any meeting of the City Planning Commission pursuant to this subsection~~ shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the

names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the Director's written recommendation ~~will be~~ *is* available for public review at the Planning Department ~~of City Planning~~.

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

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

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

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

(3) **Commission Action.** If the Commission determines to conduct a hearing to consider the imposition of additional modifications or the open space and streetscape requirements Section 138 and Section 138.1 compliance, it may, after such hearing and after making appropriate findings, approve, disapprove, or approve subject to conditions the building or site permit or project authorization application. If the

Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application subject to any conditions imposed by the Director of Planning to which the applicant has consented.

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

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

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



SAN FRANCISCO PLANNING DEPARTMENT

Draft Historic Preservation Commission Resolution

Planning Code Text Changes: Section 309

HEARING DATE: OCTOBER 15, 2010

Project Name: 2010 Planning Code Amendments
Case Number: 2010.0080T
Initiated by: John Rahaim, Director of Planning
Initiated: July 8, 2010
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: **Approve 309 Amendments**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE INITIATED BY THE PLANNING COMMISSION THAT WOULD AMEND THE PLANNING CODE ARTICLE 11 – PRESERVATION OF BUILDINGS AND DISTRICTS OF ARCHITECTURAL, HISTORIC, AND AESTHETIC IMPORTANCE IN C-3 DISTRICTS PER HPC DRAFT DATED OCTOBER 15, 2010; 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 and in particular, to Section 309; 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

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WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance on August 5, 2010; and

WHEREAS the Planning Commission adopted Resolution No. 18157 recommending approval with modifications of the proposed ordinance to the Board of Supervisors on August 5, 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, Planning Code Section 309 regulates the Permit Review in Downtown Residential Districts, many of which are also regulated under Article 11 as Significant or Contributory Buildings or Buildings in Conservation Districts; and

WHEREAS, the Historic Preservation Commission conducted a duly noticed public hearings to consider the proposed amendments to Articles 10 & 11 and Section 309 on July 21st, August 4th, 18th, September 1st, 15th, 29th, October 6th, and 15th 2010; 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* the proposed ordinance amending Section 309 as proposed in the draft Ordinance.

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. This Historic Preservation Commission was created in the fall of 2008 when the voters passed amendments to the San Francisco Charter establishing Section 4.135.
2. Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) is the Planning Code chapter that outline the designation and permit review processes for buildings in the Downtown C-3 Districts.

3. Planning Code Section 309 regulates the Permit Review in Downtown Residential Districts, many of which are also regulated under Article 11 as Significant or Contributory Buildings or Buildings in Conservation Districts.
4. The changes proposed to Section 309 will clarify, update, and streamline the Section 309 permit review process.
5. Therefore, the HPC recommends *approval of Section 309 amendments as drafted in the proposed Ordinance*.
6. **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, streamline, and clarify Section 309.

7. 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 October 15, 2010.

Linda D. Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: October 15, 2010
Exhibit A: Draft Section 309 Amendments