

1 [Planning Code - Article 11]

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3 **Ordinance amending the San Francisco Planning Code Article 11 in its entirety; and**
4 **making findings, including environmental findings and findings of consistency with the**
5 **General Plan and Planning Code section 101.1(b).**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike through normal~~.

9

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
12 hereby finds and determines that:

13 (a) General Plan and Planning Code Findings.

14 (1) On February 2, 2012, at a duly noticed public hearing, the Planning Commission
15 in Resolution No. 18531 found that the proposed Planning Code amendments contained in
16 this ordinance were consistent with the City’s General Plan and with Planning Code Section
17 101.1(b). In addition, the Planning Commission recommended that the Board of Supervisors
18 adopt the proposed Planning Code amendments. A copy of said Resolution is on file with the
19 Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
20 reference. The Board finds that the proposed Planning Code amendments contained in this
21 ordinance are on balance consistent with the City’s General Plan and with Planning Code
22 Section 101.1(b) for the reasons set forth in said Resolution.

23 (2) Pursuant to Planning Code Section 302, the Board finds that the proposed
24 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
25

1 Planning Commission Resolution No. 18531 which reasons are incorporated herein by
2 reference as though fully set forth.

3 (b) Historic Preservation Commission Findings. On November 2, 2011 at a duly
4 noticed public hearing, the Historic Preservation Commission in Resolution No. 667 reviewed
5 the proposed Planning Code amendments and recommended that the Board of Supervisors
6 adopt some of the proposed amendments. On February 1, 2012 at a duly noticed public
7 hearing, the Historic Preservation Commission reviewed additional possible amendments to
8 Article 10, some of which have been incorporated into the proposed Planning Code
9 amendments, provided additional recommendations, and incorporated all of its prior
10 recommendations in Resolution No. 673, which supersedes its Resolution No. 667 as the
11 Historic Preservation Commission's recommendations to this Board. A copy of Resolution
12 673 and additional recommendations of the Historic Preservation Commission are on file with
13 the Clerk of the Board of Supervisors in File No. _____.

14 (c) Environmental Findings. The Planning Department has determined that the
15 actions contemplated in this Ordinance are exempt from the California Environmental Quality
16 Act (California Public Resources Code section 21000 et seq.) (CEQA) under Section
17 15060(c)(2) of the CEQA Guidelines to the California Environ. Said determination is on file
18 with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
19 herein by reference.

20
21 Section 2. The San Francisco Planning Code is hereby amended by amending Article
22 11, to read as follows:

23 ARTICLE 11: PRESERVATION OF BUILDINGS AND DISTRICTS OF
24 ARCHITECTURAL, HISTORICAL, AND AESTHETIC IMPORTANCE IN THE C-3 DISTRICTS
25 Sec. 1101. Findings and Purposes.

- 1 Sec. 1102. Standards for Designation of Buildings.
- 2 Sec. 1102.1. Designation of Buildings.
- 3 Sec. 1103. Standards for Designation of Conservation Districts.
- 4 Sec. 1103.1. Conservation District Designations.
- 5 Sec. 1104. ~~Notice of Designation.~~Intentionally Left Blank.
- 6 Sec. 1105. ~~Reconsideration of Designation.~~Intentionally Left Blank.
- 7 Sec. 1106. Procedures for Change of Designation: and Designation of Additional
- 8 Significant and Contributory Buildings.
- 9 Sec. 1107. Procedures for Designation of Additional Conservation Districts or
- 10 Boundary Change of Conservation Districts.
- 11 Sec. 1108. Notice of Designation.
- 12 Sec. 1109. Preservation Lots: Eligibility for Transfer of Development Rights.
- 13 Sec. 1110. Construction, Alteration or Demolition of Significant or Contributory Buildings
- 14 or Buildings in Conservation Districts.
- 15 Sec. 1111. Applications for Permits to Alter, Permits to Demolish, and Permits for New
- 16 Construction in Conservation Districts.
- 17 Sec. 1111.1. Determination of Minor and Major Alterations.
- 18 Sec. 1111.2. ~~Referral of Applications for Major Alterations to Landmarks Preservation~~
- 19 ~~Advisory Board: Review by the Department of City Planning~~Sign Permits.
- 20 Sec. 1111.3. ~~Recommendation by the Director of Planning~~Review by the Planning
- 21 Department.
- 22 Sec. 1111.4. ~~Consideration and Decision by the City Planning Commission~~Scheduling and
- 23 Notice of Historic Preservation Commission Hearings.
- 24 Sec. 1111.5. Decision by the ~~City Planning~~Historic Preservation Commission.
- 25 Sec. 1111.6. Standards and Requirements for Review of Applications for Alterations.

1 Sec. 1111.7. ~~Permits for Signs~~Standards and Requirements for Review of Applications for
2 Permits to Demolish.

3 Sec. 1112. ~~Demolition of Significant and Contributory Buildings and Buildings in~~
4 ~~Conservation Districts~~ Intentionally Left Blank.

5 ~~Sec. 1112.1. Applications for a Permit to Demolish.~~

6 ~~Sec. 1112.2. Disposition of Applications to Demolish Contributory Buildings and Unrated~~
7 ~~Buildings in Conservation Districts.~~

8 ~~Sec. 1112.3. Applications to Demolish Significant Buildings or Contributory Buildings from~~
9 ~~which TDR Have Been Transferred; Acceptance and Notice.~~

10 ~~Sec. 1112.4. Referral to the Landmarks Preservation Advisory Board Prior to Hearing; Review~~
11 ~~by the Director of Planning.~~

12 ~~Sec. 1112.5. Planning Commission Hearing and Decision.~~

13 ~~Sec. 1112.6. Decision of the Planning Commission.~~

14 ~~Sec. 1112.7. Standards and Review of Applications to Demolish.~~

15 Sec. 1113. Standards of Review for New and Replacement Construction in
16 Conservation.

17 Sec. 1114. Modification of a Decision of the Historic Preservation Commission.

18 ~~Sec. 1115. Appeal.~~

19 ~~Sec 1116. Unlawful Alteration or Demolition.~~

20 ~~Sec. 1117. Conformity with Other City Permit Processes.~~

21 ~~Sec. 1118. Unsafe or Dangerous Conditions.~~

22 ~~Sec. 1119. Maintenance Requirements and Enforcement Thereof.~~

23 ~~Sec. 1120. Enforcement and Penalties.~~

24 ~~Sec. 1121. Relationship to Article 10.~~

25 ~~Sec. 1122. Notice of Amendment.~~

- 1 Sec. ~~H22~~1123. Notice Procedure.
- 2 Sec. ~~H23~~1124. Time Provisions.
- 3 Sec. ~~H24~~1125. Severability.
- 4 Appendix A Category I Buildings.
- 5 Appendix B Category II Buildings.
- 6 Appendix C Category III Buildings.
- 7 Appendix D Category IV Buildings.
- 8 Appendix E Kearny-Market-Mason-Sutter Conservation District.
- 9 Appendix F New Montgomery-Second Street Conservation District.
- 10 Appendix G Commercial-Leidesdorff Conservation District.
- 11 Appendix H Front-California Conservation District.
- 12 Appendix I Kearny-Belden Conservation District.
- 13 Appendix J Pine-Sansome Conservation District.
- 14 SEC. 1101. FINDINGS AND PURPOSES.

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

22 (b) It is further found that distinct and definable subareas within the C-3 District
23 possess concentrations of buildings that together create a unique historic, architectural, and
24 aesthetic character which contributes to the beauty and attractiveness of the City. The quality
25 of these geographic areas has been and continues to be degraded by the unnecessary

1 demolition of buildings of substantial architectural and aesthetic merit, by their replacement
2 with buildings which conflict with the character and scale of the area, and by alteration of
3 buildings in a manner which conflicts with the character and scale of the area.

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

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

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

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

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

18 (d) It is further found that the use of Transferable Development Rights ("TDR") as
19 provided herein is necessary to promote the urban planning and design goals of the *Master*
20 *General* Plan by (1) maintaining appropriate overall development capacities in each zoning
21 district within the C-3 area, as defined by applicable floor area, height, bulk and other
22 parameters; (2) encouraging and directing development into the Special Development District
23 in order to maintain a compact downtown financial district; and (3) facilitating the retention of
24 Significant Buildings; and ~~encouraging the retention of~~ Contributory Buildings, and the
25

1 compatible replacement or alteration of Unrated buildings in Conservation Districts, as defined
2 herein.

3 SEC. 1102. STANDARDS FOR DESIGNATION OF BUILDINGS.

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

8 (a) Significant Buildings - Category I. Buildings ~~which~~ that:

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

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

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

12 Architectural Design and Relationship to the Environment.

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

14 (1) ~~Which~~ That meet the standards in Section 1102(a) above; and

15 (2) To which, because of their depth and relationship to other structures, it is
16 feasible to add different and higher replacement structures or additions to height at the rear of
17 the structure, even if visible when viewing the principal facades, without affecting their

18 architectural quality or relationship to the environment and without affecting the appearance of

19 the retained portions as separate structures when viewing the principal facades. The

20 designation of Category II Buildings shall identify for each building the portion of the building

21 beyond which such additions may be permitted.

22 (c) Contributory Buildings - Category III. Buildings ~~which~~ that:

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

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

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

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

3 (d) Contributory Buildings - Category IV. Buildings ~~which~~ that:

4 (1) Are located in a designated Conservation District; and

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

6 (3) Are judged to be Buildings of Individual Importance, and are rated either Very
7 Good in Architectural Design or Excellent or Very Good in Relationship to the Environment.

8 (4) Are judged to be Buildings of Contextual Importance and are rated Very Good in
9 Architectural Design and/or Excellent or Very Good in Relationship to the Environment.

10 (e) Unrated Buildings - Category V. Buildings ~~which~~ that are not designated as
11 Significant or Contributory.

12 SEC. 1102.1. DESIGNATION OF BUILDINGS.

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

14 (a) Significant Buildings - Category I. The buildings listed in Appendix A to this
15 Article 11 are hereby designated as Significant Buildings - Category I.

16 (b) Significant Buildings - Category II. The buildings listed in Appendix B to this
17 Article 11 are hereby designated as Significant Buildings - Category II.

18 (c) Contributory Buildings - Category III. The buildings listed in Appendix C to this
19 Article 11 are hereby designated as Contributory Buildings - Category III.

20 (d) Contributory Buildings - Category IV. The buildings listed in Appendix D to this
21 Article 11 are hereby designated as Contributory Buildings - Category IV.

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

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

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

6 SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS.

7 The following Conservation Districts are hereby designated for the reasons indicated in
8 the appropriate Appendix:

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

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

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

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

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

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

21 SEC. 1104. INTENTIONALLY LEFT BLANK. ~~NOTICE OF DESIGNATION.~~

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

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

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

9 SEC. 1105. INTENTIONALLY LEFT BLANK. RECONSIDERATION OF DESIGNATION.

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

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

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

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

1 SEC. 1106. PROCEDURES FOR CHANGE OF DESIGNATION; ~~AND~~ DESIGNATION
2 OF ADDITIONAL SIGNIFICANT AND CONTRIBUTORY BUILDINGS.

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

7 (a) Initiation. The designation or change of designation of a Significant or
8 Contributory building may be initiated by motion of the Board of Supervisors, by resolution of
9 the ~~Planning Commission or the Landmarks Preservation Advisory Board~~ Historic Preservation
10 Commission, by the verified application of the owner or authorized agent of the affected
11 property, by the application of any organization or group ~~which that~~ that has historic preservation
12 stated as one of its goals in its bylaws or articles of incorporation, or by the application of at
13 least 50 registered voters of the City. Except in the case of initiation by governmental bodies,
14 any such application shall contain historic, architectural, and/or cultural documentation to support
15 the initiation or change of designation as well as any additional information that may be required by
16 the application procedures and policies established by the Historic Preservation Commission. ~~be filed~~
17 ~~with the Department of City Planning upon forms prescribed by the Department of City Planning, and~~
18 ~~shall be accompanied by all data required by the Department.~~ If initiated by motion of the Board of
19 Supervisors, the Clerk of the Board of Supervisors shall refer the matter to the Historic Preservation
20 Commission for its review and recommendation prior to passage by the Board of Supervisors, without
21 referral to the Planning Commission.

22 (b) Notice; ~~Referral to the Landmarks Preservation Advisory Board;~~ Referral to the
23 Historic Preservation Commission; Review by the Planning ~~Department of City Planning~~. Upon
24 determination by the ~~Zoning Administrator~~ Department that a verified application is complete and
25 contains all necessary information or upon receipt of the motion or resolution of one of the

1 governmental bodies set forth in Subsection (a) above, the ~~Zoning Administrator~~Department
2 shall: (1) promptly schedule a hearing before the Historic Preservation Commission on the proposed
3 designation or change of designation; and (2) send notice of the ~~proposed designation or change of~~
4 designation ~~hearing~~ by mail no less than 20 days prior to the date of the hearing to the owner(s) of
5 the affected property, ~~unless the application is that of the owner;~~ the applicant(s), if any, for the
6 designation or change in designation; to the owners of all properties within 150 feet of the affected
7 property; and to any interested parties who so request in writing to the Department. and (2) promptly
8 refer the matter to the Landmarks Preservation Advisory Board for review and the submittal of a
9 recommendation. The Department of City Planning shall also undertake a study of the proposed
10 designation or change of designation.

11 (c) Action by the Planning Historic Preservation Commission. ~~Upon completion of the~~
12 ~~review of the~~The proposed designation or change of designation ~~by the Department of City~~
13 ~~Planning and the submittal of the report by the Landmarks Board, the matter~~ shall be placed on the
14 agenda of the Planning Historic Preservation Commission for public hearing. The Planning
15 Historic Preservation Commission shall determine the appropriate designation or change in
16 designation of the building. If the Planning Historic Preservation Commission approves or
17 modifies the proposed designation or change of designation in whole or in part, it shall transmit
18 ~~the proposal~~ its recommendation, together with a copy of the resolution ~~of approval~~, to the Clerk
19 of the Board of Supervisors without referral to the Planning Commission.

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

24 (e) Appeal to Board of Supervisors. If the Planning Historic Preservation Commission
25 disapproves the proposed designation or change of designation, such action shall be final

1 except upon the filing of a notice of appeal to the Board of Supervisors within 30 days by the
2 applicant or any of the persons, organizations or groups listed in Section 1106(a); provided,
3 however, that if the proposal was initiated by the Board of Supervisors, the Clerk of the *said*
4 Board shall be notified immediately of the disapproval without the necessity for an appeal.

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

10 (g) Notice of Board of Supervisors Proceedings. Notice of the hearing scheduled
11 before the ~~Planning Commission and~~ Board of Supervisors, and of the availability of applicable
12 reports, shall be given by mail no less than 20 days prior to the date of the hearing to the initiators
13 of the designation or change of designation, to the ~~owners~~ owner(s) of any affected building, to
14 any appellants, and to any other interested person or organization who so requests in writing to
15 the Department requesting notice.

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

1 placing the building in a different category pursuant to the standards set forth in Section 1102;
2 or (4) restoration of the building to its original quality and character warrants placing the
3 building in a different category pursuant to the standards set forth in Section 1102; or (5) by
4 the passage of time, the building has become at least 40 years old, making it eligible to be
5 considered for designation as a Significant or Contributory building, pursuant to Section 1102;
6 or (6) the discovery of new factual information (for example, information about the history of
7 the building) makes the building eligible for rating as a Building of Individual or Contextual
8 Importance and, therefore, eligible to be designated as a Significant or Contributory Building.

9 SEC. 1107. PROCEDURES FOR DESIGNATION OF ADDITIONAL CONSERVATION
10 DISTRICTS OR BOUNDARY CHANGE OF CONSERVATION DISTRICTS.

11 A Conservation District may be designated or its boundary changed through
12 amendment of Section 1103.1 of this Article 11. The Historic Preservation Commission may
13 recommend approval, disapproval, or modification of Conservation District designations or boundary
14 changes to the Board of Supervisors. Such designation or boundary change shall be governed by
15 the following provisions in lieu of the provisions of Section 302.

16 (a) Initiation of Designation or Boundary Change. The designation of an area of the
17 C-3 District as a Conservation District or the change of District boundaries may be initiated by
18 motion of the Board of Supervisors, by resolution of the ~~Planning~~Historic Preservation
19 ~~Commissioner~~the Landmarks Preservation Advisory Board, upon the verified application of the
20 owners or other authorized agents of greater than 25 percent of the structures in the area
21 proposed for designation (or, as to an alteration, 25 percent of the structures of the proposed
22 new district unless it would be an area smaller than the existing district, in which case it shall
23 be 25 percent of the structures of the existing district), upon the verified application of any
24 organization or group ~~which~~that has historic preservation stated as one of its goals in its
25 bylaws or articles of incorporation, or upon the verified application of at least 150 registered

1 voters of the City. Except in case of an initiation by governmental bodies, any such application
2 shall contain historic, architectural, and/or cultural documentation to support the designation or
3 boundary change as well as any additional information that may be required by the application
4 procedures and policies established by the Historic Preservation Commission ~~be filed with the~~
5 ~~Department of City Planning upon forms prescribed by the Department of City Planning, and shall be~~
6 ~~accompanied by all data required by said Department.~~

7 (b) Notice; Referral to the ~~Landmarks Preservation Advisory Board~~ Historic Preservation
8 Commission; Review by the Planning Department of City Planning. ~~Notice, referral to the~~
9 ~~Landmarks Board and review by the Department of City Planning shall be as provided in Section~~
10 ~~1106(b) of this Article. If a proposed Conservation District designation or boundary change is initiated~~
11 ~~by the Board of Supervisors, the Clerk of the Board shall refer the matter to the Historic Preservation~~
12 ~~Commission for its review and recommendation. Upon determination by the Planning Department that~~
13 ~~a verified application is complete and contains all necessary information or upon receipt of a motion or~~
14 ~~resolution by the Board of Supervisors or the Historic Preservation Commission initiating designation~~
15 ~~or a change in designation, the Department shall (1) promptly schedule a hearing before the Historic~~
16 ~~Preservation Commission on the proposed district or boundary change; and (2) send notice of the~~
17 ~~Historic Preservation Commission hearing by mail no less than 20 days prior to the date of the hearing~~
18 ~~to the initiators of the designation or boundary change, to the owners of all lots within the proposed~~
19 ~~new district or the district being modified, and to any interested parties who make a request in writing~~
20 ~~to the Department.~~

21 (c) ~~Submittal to the Planning Commission. Submittal to and action by the Planning~~
22 ~~Commission shall be as set forth in Section 1106(e) of this Article. Action by the Historic Preservation~~
23 ~~Commission. The proposed designation or boundary change shall be placed on the agenda of the~~
24 ~~Historic Preservation Commission for public hearing. If the Historic Preservation Commission~~
25 ~~approves or modifies the proposed designation or boundary change in whole or in part, the~~

1 Department shall transmit the Historic Preservation Commission's recommendation together with a
2 copy of the Historic Preservation Commission's resolution and with any comments of the Planning
3 Commission, as set forth in subsection (d) below, to the Clerk of the Board of Supervisors.

4 (d) Review by the Planning Commission. Following action by the Historic Preservation
5 Commission, the Department shall promptly refer the Historic Preservation Commission's
6 recommendation on the proposed Conservation District designation or boundary change to the
7 Planning Commission, which shall have 45 days to review and comment on the proposed designation
8 or boundary change. The Planning Commission's comments, if any, shall be forwarded to the Board of
9 Supervisors together with the Historic Preservation Commission's recommendation. Notice of the
10 Planning Commission hearing shall be given as provided in Section 1107(b) of this Article.

11 The Planning Commission's comments shall be transmitted to the Board of Supervisors as a
12 resolution and shall (i) address the consistency of the proposed boundary change with the policies
13 embodied in the General Plan and the priority policies of Section 101.1, particularly the provision of
14 housing to meet the City's Regional Housing Needs Allocation, and the provision of housing near
15 transit corridors; (ii) identify any amendments to the General Plan necessary to facilitate adoption of
16 the proposed boundary change; and (iii) evaluate whether the proposed boundary change would
17 conflict with the Sustainable Communities Strategy for the Bay Area.

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

22 Prior to the Board of Supervisors' vote on a proposed boundary change, the Planning
23 Department shall conduct thorough outreach to affected property owners and occupants. The Planning
24 Department shall invite all property owners and occupants in the area covered by the proposed
25 boundary change to express their opinion in writing on the proposed boundary change, be it in the

1 form of a vote or a survey, with the goal of obtaining the participation of at least half of all property
2 owners in the area. Such invitation shall advise owners of the practical consequences of the adoption
3 of the proposed boundary change, including the availability of preservation incentives, the types of
4 work requiring a Permit to Alter, the process and fees for obtaining a Permit to Alter, and the types of
5 work that is generally ineligible to receive a Permit to Alter. The property owners' vote shall be
6 considered by the Board of Supervisors when taking action on the proposed boundary change.

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

13 ~~(f)~~(g) Hearing and Decision by the Board of Supervisors. The Board of Supervisors, or a
14 committee thereof, shall hold a public hearing on any such proposal appealed to it or initiated
15 by it. The Board of Supervisors may uphold the ~~Planning~~ Historic Preservation Commission,
16 overrule the ~~Planning~~ Historic Preservation Commission and approve, or modify and approve,
17 the designation or boundary change by a majority vote of all its members.

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

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

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~~with the County
9 Recorder. The Department shall file in its permanent records any new designation or change of
10 designation of a Significant or Contributory Building or a new Conservation District or change of a
11 Conservation District boundary and shall notify the Central Permit Bureau pursuant to Section 1117 of
12 this Article.

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

15 ~~For the purpose of transfer of development rights (TDR) as provided in Section 128 of this~~
16 ~~Code,~~ Lots on which are located Significant or Contributory Buildings, or Category V Buildings
17 in those certain Conservation Districts and portions thereof as indicated in Section 8 of the
18 Appendix relating to that District are eligible preservation lots as provided in Section 128 of this
19 Code for the purposes of Transferable Development Rights ("TDR"), as provided in this Section:

20 (a) Significant Buildings. Lots on which are located buildings designated as
21 Significant Buildings - Category I or Category II - are eligible to transfer the difference
22 between the allowable gross floor area permitted on the lot by Section 124 of this Code and
23 the gross floor area of the development on the lot, if all the requirements for transfer set forth
24 in Section 128 are met. Lots on which are located Significant Buildings which have been
25

1 altered in conformance with the provisions of this Article retain eligibility for the transfer of
2 TDR.

3 (b) Contributory Buildings. Lots on which are located buildings designated as
4 Contributory Buildings - Category III or Category IV - are eligible to transfer the difference
5 between the allowable gross floor area permitted on the lot by Section 124 of ~~the~~ this Code
6 and the gross floor area of the development on the lot, if all the requirements for transfer set
7 forth in Section 128 are met. Alteration or demolition of such a building in violation of Section
8 1110 ~~or Section 1112~~, or alterations or demolitions made without a permit issued pursuant to
9 Sections 1111 through 1111.67, eliminates eligibility for the transfer of TDR; provided,
10 however, that such eligibility may nonetheless be retained or acquired again if, pursuant to
11 Section ~~1114(b)~~1116(b): the property owner demonstrates as to any alteration that it was ~~not~~
12 ~~major, or if the property owner restores the demolished or altered building~~ a Minor Alteration as
13 defined herein and has applied for a Permit for Minor Alteration pursuant to Section 1111.1; or that
14 the property owner has obtained a Permit to Alter to restore the original distinguishing qualities and
15 character-defining features that were altered. Once any TDR have been transferred from a
16 Contributory Building, the building is subject to the same restrictions on demolition and
17 alteration as a Significant Building. These restrictions may not be removed by the transfer of
18 TDR back to the building.

19 (c) Category V Buildings in Conservation Districts. Where explicitly permitted in
20 Section 8 of the Appendix establishing a Conservation District, lots located in such a District
21 on which are located Category V Buildings (designated as neither Significant nor Contributory)
22 are eligible to transfer the difference between the allowable gross floor area permitted on the
23 lot under Section 124 of the Code and the gross floor area of the development on the lot, if all
24 the requirements for transfer set forth in Section 128 are met; provided, however, that a lot is
25 eligible as a Preservation Lot pursuant to this Section only if: (1) the exterior of the building is

1 substantially altered so as to make it compatible with the scale and character of the Significant
2 and Contributory Buildings in the district, including those features described in Sections 6 and
3 7 of the Appendix to Article 11 describing the relevant district, and has thus been determined
4 *by the Historic Preservation Commission to be* a Compatible Rehabilitation, and the building
5 meets or has been reinforced to meet the standards for seismic loads and forces of the ~~1975~~
6 Building Code; or (2) the building on the lot is new, having replaced a Category V Building,
7 and has received approval *by the Historic Preservation Commission* as a Compatible
8 Replacement Building, pursuant to Section 1113. ~~The procedures governing these determinations~~
9 ~~are set forth in Section 309.~~

10 SEC. 1110. CONSTRUCTION, ALTERATION OR DEMOLITION OF SIGNIFICANT OR
11 CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS.

12 ~~With respect to a designated Significant or Contributory Building or any Category V Building~~
13 ~~in a Conservation District, no person shall carry out or cause to be carried out any alteration to the~~
14 ~~exterior of a building for which a permit is required pursuant to the Building Code unless the permit is~~
15 ~~approved pursuant to the provisions of Sections 1111 through 1111.6 of this Article; provided,~~
16 ~~however, that this approval is not required with respect to the owner of a Contributory Building of~~
17 ~~Category III who has not transferred any TDR and who elects to proceed with a major alteration~~
18 ~~without reference to Sections 1111 through 1111.6. Election to proceed without a permit pursuant to~~
19 ~~this Section may be made at the time that the Zoning Administrator determines that the proposed~~
20 ~~alteration is major pursuant to Section 1111.1. If no election is made at the time of the Zoning~~
21 ~~Administrator's determination that an alteration is major, the applicant may make such election at any~~
22 ~~time thereafter. Review under Sections 1111 through 1111.6 shall cease after such election has been~~
23 ~~made and the permit shall be processed without regard to the requirements of that Section. Election~~
24 ~~shall be made in writing on a form provided by the Zoning Administrator. Where an owner elects not to~~
25 ~~proceed pursuant to Sections 1111 through 1111.6, the proposed alteration for which the application is~~

1 ~~filed shall be deemed not to meet the requirements of Section 1111.6, and if the alteration permit is~~
2 ~~issued and work commenced thereunder, the Zoning Administrator shall not issue a Statement of~~
3 ~~Eligibility for the lot on which the building is located.~~

4 (a) No person shall carry out or cause to be carried out any construction, alteration,
5 removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural, or
6 other appendage, or any new or replacement construction for which a permit is required pursuant to
7 the Building Code, on any designated Significant or Contributory Building or any building in a
8 Conservation District unless a permit for such work has been approved pursuant to the provisions of
9 this Article 11. Notwithstanding the foregoing, when the application is for a permit to maintain, repair,
10 rehabilitate, or improve streets and sidewalks, including sidewalk widening, accessibility, and bulb-
11 outs, the Department shall process the permit without further reference to this Article 11, unless such
12 streets and sidewalks have been explicitly called out in a conservation district's designating ordinance
13 as character-defining features of the district.

14 (b) The Historic Preservation Commission shall approve, disapprove, or modify all
15 applications for permits to alter or demolish any Significant or Contributory Buildings or buildings
16 within Conservation Districts, and permits for any new and replacement construction within
17 Conservation Districts, subject to appeal as provided in Section 1115 of this Article 11. The Historic
18 Preservation Commission shall review and act on such permits prior to any other Planning approval
19 action(s). Buildings or areas within the C-3 District designated pursuant to the provisions of both
20 Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In case of
21 conflict, the more restrictive provisions shall apply.

22 (c) If the proposed work would constitute a demolition as defined in Section 1005(f) of this
23 Code, such work shall, in addition to any other requirements, be subject to the provisions of this Article
24 11 governing demolitions and shall require a "Permit to Demolish." All other proposed construction
25 or alteration of a structure, including any new or replacement construction, or any work involving a

1 sign, awning, marquee, canopy, mural, or other appendage work, but excepting ordinary maintenance
2 and repairs, shall require a "Permit to Alter."

3 (d) No person shall demolish or cause to be demolished a Significant or Contributory
4 Building or any building in a Conservation District without obtaining a Permit to Demolish and, if
5 located within a Conservation District, a permit for a Compatible Replacement Building.

6 (e) If at any time following the approval of a Permit to Alter, changes are proposed to the
7 scope of work such that the proposed new scope of work, if approved, would constitute a demolition as
8 defined herein, the owner shall file a new application for a Permit to Demolish and shall obtain such
9 approval prior to proceeding with the proposed new scope of work.

10 (f) A building permit application or amendment for any work that exceeds the scope of
11 work of an approved Permit to Alter or Permit to Demolish shall be referred to the Planning
12 Department by the Central Permit Bureau for Historic Preservation Commission review and approval
13 pursuant to this Article 11 before the permit may be approved or issued.

14 (g) Notwithstanding the foregoing, in the following cases the Department may process the
15 permit application without further reference to this Article 11:

16 (1) When the application is for a permit for ordinary maintenance and repairs only. For
17 the purpose of this Article 11, "ordinary maintenance and repairs" shall mean any work, the sole
18 purpose and effect of which is to correct deterioration, decay or damage of existing materials,
19 including repair of damage caused by fire or other disaster.

20 (2) When the application is for a permit to construct any new or replacement structures on a
21 site where a Significant or Contributory Building has been lawfully demolished pursuant to this Code
22 and the site is not within a designated Conservation District; or

23 (3) When the application is for a permit to make interior alterations only and does not
24 constitute a demolition as defined herein, unless the Department has determined that the proposed
25 interior alterations may result in any visual or material impact to the exterior of the building or when

1 the designating ordinance or applicable Appendix in this Article requires review of such interior
2 alterations.

3 SEC. 1111. APPLICATIONS FOR PERMITS TO ALTER, PERMITS TO DEMOLISH,
4 AND PERMITS FOR NEW CONSTRUCTION IN CONSERVATION DISTRICTS.

5 ~~The Zoning Administrator may define categories of alterations which are deemed to be minor~~
6 ~~alterations and individual permits falling within those categories shall be reviewed and acted upon~~
7 ~~without referral to the Zoning Administrator for review pursuant to Sections 1111 through 1111.6. All~~
8 ~~other applications for permits to undertake any alteration of a building designated Significant or~~
9 ~~Contributory or a building in any Conservation District shall be referred to the Zoning Administrator~~
10 ~~by the Central Permit Bureau within five days of receipt. An applicant for a major alteration permit for~~
11 ~~a Category V Building in any of the Conservation Districts which provides for such eligibility may~~
12 ~~request on the application a determination that if the proposed alteration is completed as approved, the~~
13 ~~building will be deemed a Compatible Rehabilitation under Section 1109(c) so that the lot on which the~~
14 ~~building is located becomes eligible as a Preservation Lot for the transfer of TDR.~~

15 Upon receipt of any application for a building permit, demolition permit, site permit, alteration
16 permit, or any other permit relating to a Significant or Contributory Building or a building within a
17 Conservation District, the Central Permit Bureau shall forward such application to the Planning
18 Department for determination as to whether the application is subject to the provisions of this Article
19 and, if so, for approval under this Article. An application for a Permit to Alter or Permit to Demolish
20 or for new and replacement construction in any Conservation District shall be filed by the owner or
21 authorized agent for the owner of the property for which the permit is sought with the Planning
22 Department. Each application shall be verified by at least one property owner or his or her authorized
23 agent attesting to the truth and correctness of all facts, statements and information presented.

24 (a) Content of Applications. The content of applications shall be in accordance with the
25 policies, rules and regulations of the Department and the Historic Preservation Commission. All

1 applications shall be upon forms prescribed therefore and shall contain or be accompanied by all
2 information required to assure the presentation of all pertinent facts for proper consideration of the
3 case and for the permanent record. Applications shall include the following information:

4 (1) Plans, sections and elevations showing all existing and proposed work, including but not
5 limited to color, texture of materials, architectural design, profile, and detail;

6 (2) All demolition calculations and associated detail drawings showing all interior and
7 exterior alterations associated with the proposed scope of work, including but not limited to any
8 changes to the exterior and internal structural framework, floor plates, removal of interior walls, or
9 changes to the foundation;

10 (3) Specifications describing the means and methods associated with the proposed scope of
11 work, including any technical specifications for all exterior restoration or cleaning work;

12 (4) Photographs showing the property and the context of its surroundings;

13 (5) Any other information that the Department determines may be necessary for the
14 particular scope of work proposed; and

15 (6) Information needed for the preparation and mailing of notices as specified in Section
16 1111.4.

17 (b) In addition to the contents specified for applications in (1) above, any application for a
18 Permit to Demolish a Significant Building or a Contributory Building from which TDR have been
19 transferred shall also contain the following information:

20 (1) An updated historic resource evaluation and conditions assessment report that includes
21 any pertinent information on the condition of the building and historical, architectural, and cultural
22 documentation about the building;

23 (2) The amount paid for the property;

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

4 (4) The cost of any improvements since purchase by the applicant and date the
5 improvements were made;

6 (5) The assessed value of the land, and improvements thereon, according to the most recent
7 assessments;

8 (6) Real estate taxes for the previous five years;

9 (7) Annual debt service, if any, for the previous five years;

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

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

13 (10) Any consideration by the owner for profitable and adaptive uses for the property,
14 including renovation studies, plans, and bids, if any;

15 (11) If it is a Preservation Lot eligible to transfer TDR, the amount and value of such
16 untransferred TDR;

17 (12) Annual gross income from the property for the previous five years;

18 (13) Itemized operating and maintenance expenses for the previous five years;

19 (14) Annual cash flow for the previous four years; and

20 (15) Building plans, elevations, sections, detail drawings, and any other information required
21 for the Replacement Building.

22 (16) The Statement of Eligibility as set forth in Section 128;

23 (17) An itemized list of the amount of TDR that has been transferred from the property;

24 (18) The amount received for rights transferred;

25 (19) The transferee(s); and

1 (20) A copy of each document effecting a transfer of such rights.

2 (d) An application for a Permit to Demolish any building located in a Conservation District
3 or an application for new construction on vacant lots shall include plans, specifications and elevations
4 showing the proposed exterior appearance, including but not limited to color, texture of materials, and
5 architectural design and detail, for the replacement construction.

6 (e) Category V Buildings (Unrated). The owner or owner's representative of a Category V
7 building located in a Conservation District may apply for one of the following:

8 (1) Compatible Rehabilitation. An applicant for a Permit to Alter a Category V Building
9 (Unrated) may request on the application a determination by the Historic Preservation Commission
10 that if the proposed alteration is completed as approved, the building will be deemed a Compatible
11 Rehabilitation under Section 1109(c) so that the lot on which the building is located becomes eligible
12 as a Preservation Lot for the transfer of TDR.

13 (2) Compatible Replacement Building. An applicant for new construction in a Conservation
14 District on a lot where a Category V Building (Unrated) has been lawfully demolished may request on
15 the application a determination by the Historic Preservation Commission that if the proposed new
16 construction is completed as approved, the new building will be deemed a Compatible Replacement
17 Building under Section 1109(c) so that the lot on which the building is located becomes eligible as a
18 Preservation Lot for the transfer of TDR.

19 (f) Permit and Application Fee Waivers. In cases of economic hardship, an applicant may
20 be partially or fully exempt from paying fees pursuant to Section 350(e)(2).

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

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

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

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

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

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

7 (b) — ~~An alteration is considered minor if:~~

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

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

11 (a) The Historic Preservation Commission shall determine if a proposed alteration is a
12 Major Alteration or a Minor Alterations and may delegate approval of Minor Alteration to Department
13 staff, whose decisions may be appealed to the Historic Preservation Commission pursuant to
14 subsection 1111.1(b). All work not determined to be a Minor Alteration shall be a Major Alteration
15 and subject to Historic Preservation Commission approval. If so delegated to Department staff, the
16 categories of Minor Alteration shall include but are not limited to the following:

17 ~~(3)(1) The Alterations whose sole purpose and effect of the alteration is to comply with the~~
18 ~~UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed work~~
19 ~~that comply complies with the UMB Retrofit Architectural Design Guidelines, which guidelines~~
20 ~~shall be adopted by the PlanningHistoric Preservation Commission; or~~

21 (2) Any other work so delegated to the Department by the Historic Preservation
22 Commission.

23 (b) Minor Alterations delegated to Department staff shall be approved, approved with
24 modifications, or disapproved as a Permit for Minor Alteration by the Department without a hearing
25 before the Historic Preservation Commission. The Department shall mail its written decision

1 approving a Permit for Minor Alteration to the applicant and any individuals or organizations who
2 have so requested in writing to the Department. The Department's decision may be appealed to the
3 Historic Preservation Commission within 15 days of the date of the written decision. The Historic
4 Preservation Commission may also review the decisions of the Department by its own motion if such
5 motion is made within 20 days of the date of the written decision.

6 (c) All applications for a Permit to Alter that are not Minor Alterations delegated to
7 Department staff shall be approved, approved with modifications, or disapproved by the Historic
8 Preservation Commission pursuant to the procedures in Section 1111.4 and 1111.5 below.

9 (e) The Zoning Administrator shall mail to the applicant and any individuals or
10 organizations who so request the written determination as to the category of the proposed alteration.
11 Decisions of the Zoning Administrator may be appealed to the Board of Permit Appeals within 10 days
12 of the written determination in the manner provided in Section 308.2.

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

16 **SEC. 1111.2. REFERRAL OF APPLICATIONS FOR MAJOR ALTERATIONS TO**
17 **LANDMARKS PRESERVATION ADVISORY BOARD: REVIEW BY THE DEPARTMENT OF CITY**
18 **PLANNING.**

19 (a) Upon determination that the proposed alteration is a major alteration, the Director of
20 Planning shall refer applications for permits to alter Significant and Contributory Buildings to the
21 Landmarks Preservation Advisory Board for its report and recommendation, which shall be rendered
22 within 30 days. Said time limit for the Board to render its report may be extended by the Department of
23 City Planning for an additional 30 days to render its report in the case of complex alterations, multiple
24 hearings, or upon request of the applicant. If the Board fails to submit a report and recommendation
25

1 ~~within the time allowed, the matter may be considered without reference to such report and~~
2 ~~recommendation.~~

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

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

8 ~~(a) New general advertising signs are prohibited in any Conservation District or on any~~
9 ~~historic property regulated by this Article 11.~~

10 ~~(b) If a permit for a sign is required pursuant to Article 6 of this Code, the requirements of~~
11 ~~this Section shall apply to such permit in addition to those of Article 6.~~

12 ~~(c) Apart from and in addition to the requirements of Article 6, an application for a~~
13 ~~business sign, general advertising sign, identifying sign, or nameplate to be located on a Significant or~~
14 ~~Contributory Building or any building in a Conservation District shall be subject to review by the~~
15 ~~Historic Preservation Commission pursuant to the provisions of this Article. The Historic Preservation~~
16 ~~Commission shall disapprove the application or approve it with modifications if the proposed location,~~
17 ~~materials, typeset, size of lettering, means of illumination, method of replacement, or the attachment~~
18 ~~would adversely affect the special architectural, historical or aesthetic significance of the subject~~
19 ~~building or the Conservation District. No application shall be denied on the basis of the content of the~~
20 ~~sign.~~

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

22 ~~After considering any report and recommendation submitted by the Landmarks Preservation~~
23 ~~Advisory Board, the Director of Planning shall make a determination on the application and shall~~
24 ~~submit a written recommendation containing findings to the Planning Commission. The~~
25 ~~recommendation may be to approve, to approve with conditions, or disapprove the application for~~

1 ~~alteration, and, where applicable, the application for a determination that the building is a Compatible~~
2 ~~Rehabilitation. The Commission, the applicant and any other person who so requests shall be supplied~~
3 ~~with a copy of reports and recommendations of the Landmarks Preservation Advisory Board and the~~
4 ~~findings and recommendations of the Director of Planning.~~ REVIEW BY THE PLANNING
5 DEPARTMENT.

6 The Department shall review all applications and shall determine within 30 days after the
7 application is filed whether the application is complete. Applications for Minor Alterations that have
8 been delegated to Department staff may be approved by the Department pursuant to Section 1111.1
9 without a hearing before the Historic Preservation Commission. Upon acceptance as complete of any
10 other application under this Article or upon appeal to or a request by the Historic Preservation
11 Commission to exercise its review powers over a Minor Permit to Alter as set forth in 1111.1, the
12 Historic Preservation Commission shall hold a hearing and approve, approve with modifications, or
13 disapprove the application in accordance with the procedures set forth in this Section 1111.

14 ~~SEC. 1111.4. CONSIDERATION AND DECISION BY THE CITY PLANNING~~
15 ~~COMMISSION.~~

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

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

24 ~~(1) — By mail to the applicant;~~

1 (2) ~~When the application is for alteration of a building located in a Conservation District,~~
2 ~~by mail not less than 10 days prior to the date of the hearing to the owners of all real property within~~
3 ~~300 feet of property that is the subject of the application.~~ SCHEDULING AND NOTICE OF HISTORIC

4 PRESERVATION COMMISSION HEARINGS

5 If a public hearing before the Historic Preservation Commission is required under this Section
6 1111, the Department shall set a time and place for the hearing within a reasonable period. Notice of
7 the time, place, and purpose of the hearing shall be given by the Department not less than 20 days prior
8 to the date of the hearing as follows:

9 (a) By mail to the owner of the subject property;

10 (b) By mail to the applicant;

11 (c) By mail to any interested parties who make a request in writing to the Department;

12 (d) For applications for a building located in a Conservation District, by mail to the owners
13 of all real property within 300 feet of the subject property;

14 (e) For applications for a building not located in a Conservation District, by mail to the
15 owners of all real property within 150 feet of the subject property;

16 (f) By posting notice on the site; and

17 (g) By any other means as the Department deems appropriate.

18 Notice for Historic Preservation Commission review of Minor Permits to Alter. A hearing for
19 the Historic Preservation Commission to exercise its review powers over a Minor Permit to Alter shall
20 be noticed:

21 (a) By mail not less than 10 days prior to the date of the hearing to the applicant, all owners
22 within 150 feet of the subject property, as well as to any other interested parties who so request in
23 writing to the Department; and

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

1 SEC. 1111.5. DECISION BY THE ~~CITY PLANNING~~ HISTORIC PRESERVATION
2 COMMISSION.

3 (a) ~~_____~~ The ~~Planning~~Historic Preservation Commission may approve, disapprove, or
4 approve with conditions an application for ~~an alteration permit~~ a Permit to Alter or a Permit to
5 Demolish and, where applicable for new or replacement construction, for a determination that the
6 building is a Compatible Rehabilitation under Section 1113 or a Compatible Replacement Building
7 under Section 1109(c), and shall make findings in support of its decision. ~~If the Planning~~
8 ~~Commission approves the recommendation of the Director of Planning, it may adopt or modify the~~
9 ~~findings of the Director of Planning as appropriate. Where the Planning Commission disapproves the~~
10 ~~recommendations of the Director of Planning, it shall make findings supporting its decision. If the~~
11 ~~Commission disapproves the application for a permit to alter, it shall recommend disapproval to the~~
12 ~~Central Permit Bureau which shall deny the application. The Planning Commission's determination~~
13 ~~that a building qualifies or fails to qualify as a Compatible Rehabilitation is a final administrative~~
14 ~~decision. Any decision of the Planning Commission rendered pursuant to this Section shall be rendered~~
15 ~~within 30 days from the date of conclusion of the hearing.~~

16 (b) ~~_____~~ For applications for a Permit to Demolish, the applicant has the burden of establishing
17 that the criteria governing the approval of applications set forth in Section 1111.7 have been met.

18 (c) ~~_____~~ The decisions of the Historic Preservation Commission shall be final except upon
19 modification by the Planning Commission as provided in Section 1114 or upon the filing of a timely
20 appeal to the Board of Appeals or Board of Supervisors as provided in Section 1115.

21 SEC. 1111.6. STANDARDS AND REQUIREMENTS FOR REVIEW OF
22 APPLICATIONS FOR ALTERATIONS.

23 The Historic Preservation Commission, the Board of ~~Permit~~ Appeals, the Board of
24 Supervisors, the ~~City~~ Planning Commission and the Department, the Director of Planning, and the
25 Landmarks Board shall be governed by the following standards in the review of applications for

1 ~~major alteration permits~~ Permits to Alter. In the case of conflict with other requirements, including the
2 requirements of Article 10, the more restrictive standards shall apply.

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

5 (b) The proposed work shall comply with the Secretary of the Interior's Standards for the
6 Treatment of Historic Properties for significant and contributory buildings, as well as any applicable
7 guidelines, local interpretations, bulletins, or other policies. Development of local interpretations and
8 guidelines based on the Secretary of the Interior's Standards shall be led by the Planning Department
9 through a public participation process; such local interpretations and guidelines shall be found in
10 conformance with the General Plan and Planning Code by the Planning Commission and shall be
11 adopted by both the HPC and the Planning Commission. If either body fails to act on any such local
12 interpretation or guideline within 180 days of either body's initial hearing where the matter was
13 considered for approval, such failure to act shall constitute approval by that body. In the case of any
14 apparent inconsistency among the requirements of this Section, compliance with the requirements of
15 the designating ordinance shall prevail.

16 ~~(b)(c)~~ For Significant Buildings - Categories I and II, and for Contributory Buildings -
17 Categories III and IV, proposed alterations of structural elements and exterior features shall
18 be consistent with the architectural character of the building, and shall comply with the
19 following specific requirements:

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

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

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

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

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

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

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

1 the retained portion of the building is permitted as provided in Paragraphs (1) through (6) of
2 this Subsection ~~(b)~~(c).

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

6 ~~(e) If TDR have been transferred from any Contributory Building, the building shall be~~
7 ~~subject to the same restrictions on alterations as a Significant Building. These restrictions may not be~~
8 ~~removed by the transfer of TDR back to the building.~~

9 SEC. 1111.7. ~~PERMITS FOR SIGNS.~~

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

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

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

22 ~~(d) — The Director of Planning shall make the determination required pursuant to Subsection~~
23 ~~(b). Any permit applicant may appeal the determination of the Director of Planning to the City~~
24 ~~Planning Commission by filing a notice of appeal with the Secretary of the Commission within 10 days~~
25 ~~of the determination. The City Planning Commission shall hear the appeal and make its determination~~

1 ~~within 30 days of the filing of the notice of appeal.~~ STANDARDS AND REQUIREMENTS FOR
2 REVIEW OF APPLICATIONS FOR DEMOLITION.

3 (a) The Historic Preservation Commission, Planning Commission, Board of Appeals, and
4 the Board of Supervisors (each referred to as a "Decisionmaker" for the purposes of this Section) shall
5 apply the following standards in their review of applications for a Permit to Demolish a Significant or
6 Contributory Building or building within a Conservation District. No demolition permit may be
7 approved unless:

8 (1) For Significant Buildings (Categories I and II); and Contributory Buildings (Categories
9 III and IV) from which TDR have been transferred:

10 (A) The Decisionmaker determines and makes written findings based on substantial
11 evidence in the record that the property retains no substantial remaining market value or reasonable
12 use, taking into account the value of any TDR that have been transferred or which may be available to
13 transfer from the property and the cost of rehabilitation to meet the requirements of the Building Code
14 or City, State and federal laws. Costs necessitated by alterations or demolition made in violation of
15 Article 10 or 11, or by failure to maintain the property in violation of Section 1119, may not be
16 included in the calculation of rehabilitation costs; or

17 (B) The Director of the Department of Building Inspection or the Chief of the Bureau of Fire
18 Prevention and Public Safety determines after consultation, to the extent feasible with the Historic
19 Preservation Commission and the Planning Department, that an imminent safety hazard exists and that
20 demolition of the structure is the only feasible means to secure the public safety.

21 (2) For Contributory Buildings from which no TDR has been transferred:

22 (A) The Decisionmaker determines and makes written findings based on substantial
23 evidence in the record that the property retains no substantial remaining market value or reasonable
24 use, taking into account the value of any TDR that may be available to transfer from the property and
25 costs of rehabilitation to meet the requirements of the Building Code or City, State and federal laws.

1 Costs necessitated by alterations or demolition made in violation of Article 10 or 11, or by failure to
2 maintain the property in violation of Section 1119, may not be included in the calculation of
3 rehabilitation costs;

4 (B) The Director of the Department of Building Inspection or the Chief of the Bureau of Fire
5 Prevention and Public Safety determines, after consultation to the extent feasible with the Historic
6 Preservation Commission and the Planning Department, that an imminent safety hazard exists and that
7 demolition of the structure is the only feasible means to secure the public safety; or

8 (C) The Decisionmaker determines based on substantial evidence in the record that:

9 (i) The rehabilitation and reuse of the building will not meet most of the goals and
10 objectives of the proposed replacement project;

11 (ii) The proposed replacement project is compatible with the Conservation District in which
12 the property is located; and

13 (iii) Specific economic, social, or other benefits of the proposed replacement project
14 significantly outweigh the benefit conferred from the historic preservation of the particular structure or
15 feature.

16 (3) For Category V Buildings (Not Rated) in Conservation Districts: The Decisionmaker
17 determines that: (A) the building has not gained additional historical or architectural significance that
18 may make it eligible for classification as a Category I, II, or IV Building; and (B) the proposed
19 Replacement Building is compatible with the Conservation District in which the property is located. If
20 the Decisionmaker determines based on new documentation presented that a Category V Building has
21 gained significance such that it is eligible for classification as a Category I, II, or IV Building and
22 reclassification of the Category V Building is initiated as provided in Section 1106 , the Permit to
23 Demolish shall be reviewed under Subsection (a)(1) or (a)(2) above, and not under this Subsection
24 (a)(3). Additionally, if the building has completed a Compatible Rehabilitation pursuant to Section
25 1109(c), and has transferred development rights from the property, then the building shall be treated as

1 a Significant Building (Category I or II). Any determination that a Category V Building may be
2 eligible for reclassification shall be void if, within 180 days of such determination, the Board of
3 Supervisors has not re-designated the building to a Category I, II, or IV Building.

4 (b) The cumulative effects on the integrity of the Conservation District associated with
5 demolition of a Contributory Building shall be considered and may be grounds for denial of the Permit
6 to Demolish, if it is found that the demolition would substantially diminish the integrity of the
7 Conservation District.

8 (c) In addition to the above requirements, no demolition permit shall be issued by the
9 Department of Building Inspection or any other agency for any building located in a Conservation
10 District until an application for the new or replacement building has been approved in accordance with
11 the standards for new construction in a Conservation Districts as provided in this Article, and the
12 building or site permit conforming to such approval has been lawfully issued.

13 **SEC. 1112. INTENTIONALLY LEFT BLANK. DEMOLITION OF SIGNIFICANT AND**
14 **CONTRIBUTORY BUILDINGS AND BUILDINGS IN CONSERVATION DISTRICTS.**

15 ~~No person shall demolish or cause to be demolished all or any part of a Significant or~~
16 ~~Contributory Building or any building in a Conservation District without obtaining a demolition or~~
17 ~~alteration permit pursuant to the provisions of this Article. Applications for permits to demolish~~
18 ~~Category V Buildings located outside a Conservation District may be processed without reference to~~
19 ~~this Article.~~

20 **SEC. 1112.1. APPLICATIONS FOR A PERMIT TO DEMOLISH.**

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

23 ~~In addition to the contents specified for applications in Section 1006.1 of Article 10, any~~
24 ~~application for a permit to demolish a Significant Building, or a Contributory Building from which~~

1 ~~TDR have been transferred, on the grounds stated in Section 1112.7(a)(1), shall contain the following~~
2 ~~information:~~

3 ~~(a) — For all property:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~Applications for the demolition of any Significant or Contributory Building shall also contain a~~
23 ~~description of any Transferable Development Rights or the right to such rights which have been~~
24 ~~transferred from the property, a statement of the quantity of such rights and untransferred rights~~
25

1 remaining, the amount received for rights transferred, the transferee, and a copy of each document
2 effecting a transfer of such rights.

3 ~~SEC. 1112.2. DISPOSITION OF APPLICATIONS TO DEMOLISH CONTRIBUTORY~~
4 ~~BUILDINGS AND UNRATED BUILDINGS IN CONSERVATION DISTRICTS.~~

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

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

11 (c) ~~—The Zoning Administrator shall approve any application for demolition of a~~
12 ~~Contributory Building in a Conservation District from which no TDR have been transferred, or an~~
13 ~~Unrated Building located in a Conservation District, if a building or site permit has been lawfully~~
14 ~~issued for a replacement structure on the site, in compliance with Section 1113. The Zoning~~
15 ~~Administrator shall approve an application for demolition of a Significant Building—Category II if a~~
16 ~~building or site permit has been lawfully issued for an alteration or replacement structure on the~~
17 ~~portion of the site which would be affected by the demolition, in compliance with Section 1111.6(b)(7).~~

18 ~~The Zoning Administrator shall disapprove any application for a demolition permit where the~~
19 ~~foregoing requirement has not been met; provided, however, that the Zoning Administrator shall~~
20 ~~approve any otherwise satisfactory application for such a permit notwithstanding the fact that no~~
21 ~~permit has been obtained for a replacement structure if the standards of Section 1112.7 for allowing~~
22 ~~demolition of a Significant Building are met.~~

23 (d) ~~—The Zoning Administrator shall approve applications to permit demolition of a~~
24 ~~Contributory Building—Category III from which no TDR have been transferred only if a building or~~
25 ~~site permit for a replacement building on the same site has been approved, and it has been found,~~

1 *pursuant to review under the procedural provisions of Section 309, that the proposed replacement will*
2 *not adversely affect the character, scale or design qualities of the general area in which it is located,*
3 *either by reason of the quality of the proposed design or by virtue of the relation of the replacement*
4 *structure or structures to their setting. Notwithstanding the preceding sentence, the Zoning*
5 *Administrator shall approve any such demolition permit application if the standards of Section 1112.7*
6 *for allowing demolition of a Significant Building are met.*

7 ~~SEC. 1112.3. APPLICATIONS TO DEMOLISH SIGNIFICANT BUILDINGS OR~~
8 ~~CONTRIBUTORY BUILDINGS FROM WHICH TDR HAVE BEEN TRANSFERRED; ACCEPTANCE~~
9 ~~AND NOTICE.~~

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

13 ~~SEC. 1112.4. REFERRAL TO THE LANDMARKS PRESERVATION ADVISORY BOARD~~
14 ~~PRIOR TO HEARING; REVIEW BY THE DIRECTOR OF PLANNING.~~

15 ~~The application for a permit to demolish a building covered by Section 1112.3 shall be referred~~
16 ~~to the Landmarks Preservation Advisory Board and considered by said Board pursuant to the~~
17 ~~provisions of Section 1006.4 of this Code. The Director of Planning shall prepare a report and~~
18 ~~recommendation for the Planning Commission. If the Landmarks Board does not act within 30 days of~~
19 ~~referral to it, the Planning Commission may proceed without a report and recommendation from the~~
20 ~~Landmarks Board.~~

21 ~~SEC. 1112.5. PLANNING COMMISSION HEARING AND DECISION.~~

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

1 ~~SEC. 1112.6. DECISION OF THE PLANNING COMMISSION.~~

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

6 ~~SEC. 1112.7. STANDARDS AND REVIEW OF APPLICATIONS TO DEMOLISH.~~

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

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

20 SEC. 1113. STANDARDS OF REVIEW FOR NEW AND REPLACEMENT
21 CONSTRUCTION IN CONSERVATION DISTRICTS.

22 (a) The Historic Preservation Commission, Planning Commission, Board of Appeals, and
23 Board of Supervisors shall find in their review of applications for ~~No person shall construct or cause to~~
24 ~~be constructed~~ any new or replacement structure or for an addition to any existing structure in a
25 Conservation District ~~unless it is found~~ that such construction is compatible in scale and design

1 with the District as set forth in Sections 6 and 7 of the Appendix ~~which~~ that describes the
2 District.

3 (b) Applications for a building or site permit to construct or add to a structure in any
4 Conservation District shall be reviewed and approved, approved with modifications, or disapproved
5 by the Historic Preservation Commission before any other Planning approval action that may be
6 required, including review by the Planning Commission pursuant to the procedures set forth in
7 Section 309 and shall only be approved pursuant to Section 309 if they meet the standards
8 set forth herein. For projects that require Section 309 review, the Planning Commission may modify
9 the decision of the Historic Preservation Commission pursuant to Section 1114, provided that the
10 project does not concern a designated Significant (Categories I and II) or a Contributory (Category III)
11 building.

12 (c) ~~if~~ if a building or site permit application ~~for construction of a building to construct or~~
13 add to a structure in any Conservation District is approved by the Historic Preservation Commission
14 pursuant to this ~~Section~~ Article without modification by the Planning Commission and if the building
15 is constructed in accordance with such approval, and if the building ~~s-is~~ is located in a
16 Conservation District for which, pursuant to Section 8 of the Appendix establishing that
17 district, such a transfer is permitted, the building shall be deemed a Compatible Replacement
18 Building, and the lot on which such building is located shall be eligible as a Preservation Lot
19 for the transfer of TDR.

20 SEC. 1114. MODIFICATION OF A DECISION OF THE HISTORIC PRESERVATION
21 COMMISSION.

22 For projects that require multiple planning approvals, the Historic Preservation Commission
23 shall review and act on any Permit to Alter or Permit to Demolish before any other Planning approval
24 action.

1 (a) For projects that require a Conditional Use Authorization or Permit Review under
2 Section 309 and do not concern a Significant Building (Categories I & II) or a Contributory Building
3 (Category III only), the Planning Commission may modify any decision on a Permit to Alter or Permit
4 to Demolish by a two-thirds vote, provided that the Planning Commission shall apply all applicable
5 historic resources provisions of this Code.

6 (b) For projects to be located on vacant lots, the Planning Commission may modify any
7 decision on a Permit to Alter by a two-thirds vote, provided that the Planning Commission shall apply
8 all applicable historic resources provisions of this Code.

9 SEC. 1115. APPEAL.

10 The Historic Preservation Commission's or the Planning Commission's decision on a Permit to
11 Alter or a Permit to Demolish shall be final unless appealed to the Board of Appeals, which may modify
12 the decision by a four-fifths vote; provided however, that if the project requires Board of Supervisors
13 approval or is appealed to the Board of Supervisors as a Conditional Use Authorization, the decision
14 shall not be appealed to the Board of Appeals but rather to the Board of Supervisors, which may modify
15 the decision by a majority vote. Any appeal must be made within 30 days after the date of the final
16 action by the Historic Preservation Commission or Planning Commission.

17 SEC. 1116. UNLAWFUL ALTERATION OR DEMOLITION.

18 (a) In addition to any other penalties provided in Section ~~11191120~~ or elsewhere,
19 alteration or demolition of a Significant or Contributory Building or any building within a
20 Conservation District in violation of the provisions of this Article shall eliminate the eligibility of
21 the building's lot as a Preservation Lot, ~~and such~~ Such a lot, ~~if it is the site of an unlawfully~~
22 ~~demolished Significant Building, or Contributory Building from which TDR have been transferred,~~
23 may not be developed in excess of the floor area ratio of the demolished building for a period
24 of 20 years from the unlawful demolition, if it is the site of an unlawfully demolished Significant
25 Building (Category I or II), or Contributory Building (Category III) or the site of an unlawfully

1 demolished Contributory Building (Category IV) from which TDR have been transferred, No
2 department shall approve or issue a permit that would authorize construction of a structure
3 contrary to the provisions of this Section.

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

22 SEC. ~~1115~~ 1117. CONFORMITY WITH OTHER CITY PERMIT PROCESSES.

23 Except where explicitly so stated, nothing in this Article shall be construed as relieving
24 any person from other applicable permit requirements. The following requirements are
25

1 intended to insure conformity between existing City permit processes and the provisions of
2 this Article:

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

9 (b) Upon receipt of any application for a building permit, demolition permit, site
10 permit, alteration permit, or any other permit relating to a Significant or Contributory Building
11 or a building within a designated Conservation District, the Central Permit Bureau shall
12 forward such application to the Planning Department~~of City Planning, except as provided in~~
13 ~~Section IIII~~. If the ~~Zoning Administrator~~Planning Department determines that the application is
14 subject to provisions of this Article, processing shall proceed under the provisions of this
15 Article. The Central Permit Bureau shall not issue any permit for construction, alteration,
16 removal or demolition of any structure, or for any work involving a Significant or Contributory
17 Building or a building within a Conservation District unless either the ~~Zoning~~
18 ~~Administrator~~Planning Department has determined that such application is exempt from the
19 provisions of this Article, or processing under this Article is complete and necessary approvals
20 under this Article have been obtained. The issuance of any permit by a City department or
21 agency that is inconsistent with any provision of this Article may be revoked by the
22 ~~Superintendent of the Bureau~~Director of the Department of Building Inspection pursuant to ~~Section~~
23 ~~303(e)~~the provisions of the San Francisco Building Code.

24 (c) No abatement proceedings or enforcement proceedings shall be undertaken by
25 any department of the City for a Significant or Contributory building or a building within a

1 Conservation District without, to the extent feasible, prior notification of the *Department of City*
2 Planning *Department and the Historic Preservation Commission*. Such proceedings shall comply
3 with the provisions of this Article where feasible.

4 SEC. ~~446~~1118. UNSAFE OR DANGEROUS CONDITIONS.

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

13 SEC. ~~447~~1119. MAINTENANCE REQUIREMENTS AND ENFORCEMENT
14 THEREOF.

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

- 23 (1) Facades which may fall and injure members of the public or property;
24 (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor
25 supports, deteriorated walls or other vertical structural supports;

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

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

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

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

9 (b) Enforcement Procedures. The procedures set forth in Building Code Section s
10 ~~203114~~ through 116 governing unsafe buildings or property shall be applicable to any violations
11 of this Section.

12 SEC. ~~1191120~~. ENFORCEMENT AND PENALTIES.

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

15 SEC. ~~1201121~~. RELATIONSHIP TO ARTICLE 10.

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

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

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

24
25 SEC. ~~1211122~~. NOTICE OF AMENDMENT.

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

5 SEC. ~~1122~~1123. NOTICE PROCEDURE.

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

9 SEC. ~~1123~~1124. TIME PROVISIONS.

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

12 SEC. ~~1124~~1125. SEVERABILITY.

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

18
19 Section 3. The Appendices to Article 10 are not amended by this ordinance and thus
20 have not been included here for brevity.

21
22 Section 4. Effective Date. This ordinance shall become effective 30 days from the
23 date of passage.

1 Section 5. In enacting this Ordinance, the Board intends to amend only those words,
2 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
3 or any other constituent part of the Planning Code that are explicitly shown in this legislation
4 as additions, deletions, Board amendment additions, and Board amendment deletions in
5 accordance with the "Note" that appears under the official title of the legislation.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____
10 Marlena G. Byrne
11 Deputy City Attorney
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