

## **LEGISLATIVE DIGEST**

[Planning Code - Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District]

**Ordinance amending the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Existing structures that do not comply with the current restrictions set forth in the Planning Code generally may not be enlarged or intensified so as to increase any discrepancy, or create any new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in the Planning Code. Certain enlargements and intensifications are permitted under certain conditions, as set forth in Planning Code Section 188.

### Amendments to Current Law

The Amendment would amend Planning Code Section 188 to permit Terrace Infill, defined as floor area or building volume located within an existing terrace that is already framed by no less than one wall, to be enclosed on a noncomplying structure, where such structure is designated as a Significant Building under Article 11 of this Code and located in a C-3 Zoning District. An application for Terrace Infill§ would be considered a Major Alteration under Section 1111.1 of this Code and would be required to apply for a Permit to Alter. As part of the Historic Preservation Commission's consideration of the application, the facts must establish that the Terrace Infill (1) would not be visible from the primary building frontage, (2) would not have an adverse impact on any character-defining features of the building, and (3) would not exceed 1,500 net new square feet per building.