

1 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]

2

3 **Ordinance amending Sections 181(d) and 188(b) of the San Francisco Planning Code to**

4 **1) provide a process for the reconstruction of buildings damaged or destroyed by fire**

5 **or Acts of God, 2) provide a retroactive operative date of August 1, 2009, and 3) adopt**

6 **findings, including environmental findings and Planning Code Section 302 findings.**

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

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

11 Section 1. Findings.

12 (a) The Planning Department has determined that the actions contemplated in this
13 ordinance comply with the California Environmental Quality Act (California Public Resources
14 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
15 Supervisors in File No. 110590 and is incorporated herein by reference.

16 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
17 amendments will serve the public necessity, convenience, and welfare for the reasons set
18 forth in Planning Commission Resolution No. 18447 and the Board incorporates such reasons
19 herein by reference. A copy of Planning Commission Resolution No. 18447 is on file with the
20 Clerk of the Board of Supervisors in File No. 110590.

21 Section 2. The San Francisco Planning Code is hereby amended by amending Section
22 181(d), to read as follows:

23 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**
24 **RECONSTRUCTION.**

25

1 (d) Notwithstanding the foregoing provisions of this Section 181, a structure occupied
2 by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of
3 God, or by the public enemy, may be restored to its former condition and use; provided that
4 such restoration is permitted by the Building Code, and is started within ~~one year~~ eighteen
5 months and diligently prosecuted to completion. The age of such a structure for the purposes
6 of Sections 184 and 185 shall nevertheless be computed from the date of the original
7 construction of the structure. Except as provided in Subsection (e) below, no structure
8 occupied by a nonconforming use that is voluntarily razed or required by law to be razed by
9 the owner thereof may thereafter be restored except in full conformity with the use limitations
10 of this Code.

11 *For purposes of this Subsection (d), “started within ~~one year~~ eighteen months” shall mean*
12 *that within eighteen months of the fire or other calamity or Act of God, the structure's owner*
13 *shall have filed a building permit application to restore the structure to its former condition and*
14 *use. within one year of the fire or other calamity or Act of God the building's owner or agent*
15 *shall have either (1) filed an application for a building permit for alteration, repair, or*
16 *replacement of the damaged or destroyed building, or (2) submitted to the Planning*
17 *Department evidence of a resolution with the insurance company accompanied by a*
18 *reasonable schedule of payments to the owner and a commitment by the insurance company*
19 *to pay, or (3) submitted to the Planning Department prepared design plans and evidence of*
20 *efforts by the owner or agent to conduct a pre-application review with the Department of*
21 *Building Inspection or the Planning Department.*

22 Section 3. The San Francisco Planning Code is hereby amended by amending Section
23 188(b), to read as follows:

24 **SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS**
25 **AND RECONSTRUCTION.**

1 (b) A noncomplying structure that is damaged or destroyed by fire, or other calamity,
2 or by Act of God, or by the public enemy, may be restored to its former condition; provided
3 that such restoration is permitted by the Building Code, and is started within ~~one year~~
4 eighteen months and diligently prosecuted to completion. Except as provided in Subsection
5 (c) below, no noncomplying structure that is voluntarily razed or required by law to be razed
6 by the owner thereof may thereafter be restored except in full conformity with the
7 requirements of this Code.

8 For purposes of this Subsection (b), "started within eighteen months" shall mean that
9 within eighteen months of the fire or other calamity or Act of God, the structure's owner shall
10 have filed a building permit application to restore the structure to its former condition and use.

11 Section 4. This Section shall be uncodified.

12 If the fire or other calamity or Act of God occurred between August 1, 2009 and June
13 14, 2011, "started within eighteen months" shall mean that within eighteen months of the
14 effective date of this ordinance the structure's owner shall have filed a building permit
15 application to restore the structure to its former condition and use.

16 Section 35. Effective Date. This ordinance shall become effective 30 days from the
17 date of passage.

18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 JUDITH A. BOYAJIAN
22 Deputy City Attorney