

1 [Major exterior alterations to residential buildings.]
 2 **Ordinance amending the San Francisco Building Code by amending Section 103.3 to**
 3 **define “demolition” to mean only the complete removal of the structure, to define**
 4 **“major exterior alteration” as the removal of 75 percent or more of the exterior walls of**
 5 **a building or 50 percent or more of the building façade facing the street, and to impose**
 6 **the following additional requirements on major exterior alteration projects: expanded**
 7 **application requirements, inspector verification of existing conditions, prohibition on**
 8 **commencement of work until 15 days after permit issuance, limitations on the renewal**
 9 **or extension of the permit beyond three years, and establishment of penalties for**
 10 **violation of the requirements; amending the San Francisco Building Code by repealing**
 11 **Section 106.3.2.2, requiring notice of the application for a demolition permit; amending**
 12 **the San Francisco Planning Code by amending Sections 311 and 312 to require**
 13 **expanded public notice of major exterior alteration projects; requiring the Building and**
 14 **Planning Departments to issue implementing regulations within 90 days and report to**
 15 **the Board on the effectiveness of the ordinance no later than nine months thereafter;**
 16 **and adopting findings.**

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 18 Note: Additions are *single-underline italics Times New Roman*;
 19 deletions are ~~*strikethrough italics Times New Roman*~~.
 20 Board amendment additions are double underlined.
 21 Board amendment deletions are ~~strikethrough normal~~.

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

23 Section 1. Findings. The Board of Supervisors finds that this ordinance will serve
 24 the public necessity, convenience and welfare for the following reasons:

- 25 1. Section 103.3 of the San Francisco Building Code establishes restrictions on
 demolitions of residential units without a demolition permit. The penalties for violating Section

1 303.3 include: (a) a five-year prohibition against constructing a building any larger, or with
2 more residential units, or with a different proportion of residential to nonresidential units than
3 the building that was demolished and (b) civil penalties of \$1,000 for the owner of the building
4 and \$5,000 for the owner's contractor or other person acting on behalf of the owner.

5 2. "Demolition," as defined in Section 103.3.2, includes both the total tearing down
6 or destruction of a building as well as any alteration beyond the scope of an issued alteration
7 permit which destroys or removes principal portions of a building. "Principal portion" is
8 defined to mean construction which determines the shape and size of the building envelope
9 (such as the exterior walls, roof and interior bearing elements), or which alters two-thirds or
10 more of the interior elements (such as walls, partitions, floors or ceilings).

11 3. The original intent of Section 103.3 was to provide a significant disincentive
12 against demolishing housing without the proper permits. However, under a strict reading of
13 the language of Section 103.3, it could be construed to apply to any large remodeling project
14 that proposes a vertical or horizontal addition or the removal of major portions of the building
15 and, through error or otherwise, goes beyond the scope of the issued permits. Because the
16 penalties for violation of Section 103.3 are so severe, over the years the City's reviewing and
17 appellate agencies have been reluctant to find that there has been an unlawful demolition in
18 these situations.

19 4. The absence of clear enforcement guidelines for construction of major
20 alterations has led to the following problems:

21 (a) inconsistent interpretations of Building Code requirements by Building
22 Department staff;

23 (b) lack of clarity for the applicant, neighbors and staff in the proper interpretation of
24 the Code and the approval and inspection process;

1 (c) unintended violation of Section 103.3 by a project sponsor's attempt to deal with
2 hidden conditions on the site of a remodeling project;

3 (d) intentional avoidance by developers of public notice and other requirements for
4 housing demolitions by filing an application for an alteration permit and modifying it through
5 serial permitting; and

6 (e) inadequate notice to neighbors and other concerned parties about a proposed
7 project's existing conditions and the scope of proposed demolition and alteration work.

8 5. This ordinance addresses these concerns by:

9 (a) developing clear new definitions and regulations for major exterior alterations to
10 residential buildings separate from the requirements for demolition;

11 (b) preventing circumvention of the intent of the Code by restrictions on serial
12 permitting;

13 (c) providing clear permit application and notice requirements to project sponsors
14 so that it is easy to determine whether a project would be defined as a major exterior
15 alteration;

16 (d) providing clear, complete and timely public notice of all proposed changes or
17 revisions to all neighbors within the same distance as projects proposed for demolition;

18 (e) providing a clear permit application and review procedure so that project
19 applicants, City staff, neighbors and other interested parties can proceed with assurance
20 following permit application and issuance;

21 (f) providing permit application procedures for ongoing projects where the scope of
22 work changes or is increased from previously approved permit applications; and

23 (g) ensuring strict enforcement and penalties for noncompliance with these
24 regulations.

25

1 Section 2. The San Francisco Building Code is hereby amended by amending
2 Section 103.3, to read as follows:

3 103.3 Restrictions ~~of on~~ Unlawful Residential Demolition ~~Replacement; Requirements for~~
4 Major Exterior Alterations.

5 103.3.12 Definitions. For the purposes of this section, the following definitions shall
6 apply:

7 ~~UNLAWFUL RESIDENTIAL DEMOLITION means the total tearing down or destruction~~
8 ~~of a building containing one or more residential units without a demolition permit, or any~~
9 ~~alteration beyond the scope of an approved permit without first obtaining a permit for such additional~~
10 ~~work as required under Section 106.4.7, which destroys or removes, as those terms are defined by the~~
11 ~~Director, principal portions of an existing structure containing one or more residential units.~~

12 ~~PRINCIPAL PORTION means that construction which determines the shape and size of the~~
13 ~~building envelope (such as the exterior walls, roof and interior bearing elements), or that construction~~
14 ~~which alters two-thirds or more of the interior elements (such as walls, partitions, floors or ceilings).~~
15 Demolition does not include replacement of the existing foundation without expansion of the building
16 envelope or replacement in kind of exterior finishing and deteriorated elements.

17 MAJOR EXTERIOR ALTERATION means the removal of 75 percent or more of the exterior
18 walls of a building or 50 percent or more of the building façade facing the street.

19 REMOVAL means the temporary or permanent complete removal of walls, including exterior
20 materials, framing members, and interior finish materials.

21 RESIDENTIAL UNIT means any dwelling unit, as defined in this code, or any guest
22 room, as defined in the San Francisco Housing Code, other than the following:

23 1. Any guest room in a building classified as a residential hotel pursuant to the
24 Residential Hotel Unit Conversion and Demolition Ordinance.

1 2. Any residential unit in a building where the demolition or alteration is required to
2 comply with this code, the Housing Code or the City Planning Code.

3 103.3.2~~+~~ Demolition without permit; major exterior alteration without permit or exceeding the
4 scope of the permit; penalties for violation ~~Unlawful residential demolition~~

5 1. Whenever the demolition of any building or structure containing one or more
6 residential units takes place without the issuance of a demolition permit as required by this
7 code, ~~or is altered beyond the scope of an issued alteration permit such that an unlawful residential~~
8 ~~demolition, as defined below, is determined to have taken place~~ the site on which the unlawful
9 demolition occurred shall be subject to the following restriction: For five years from the date of
10 the unlawful demolition, no permit authorizing the construction or alteration of any building or
11 structure for that site shall be issued, except for a permit for the construction or alteration of a
12 building or structure with the same number of residential units, with the same proportion of
13 residential to nonresidential units, and with the same or fewer square feet as the building or
14 structure that was unlawfully demolished.

15 2. Whenever a major exterior alteration to a residential building takes place without the
16 issuance of a permit as required by this code, or work exceeds the scope of an issued permit, the project
17 on which the work without permit or beyond the scope of a permit occurred shall be subject to the
18 following restrictions and administrative penalty upon issuance of the first notice of violation on the
19 project:

20 2.1 The Department shall issue a stop work order for the entire project until the applicant
21 obtains a new permit for the revised scope of work. The new permit shall be subject to all of the
22 Planning Department review and public notice required for the original permit.

23 2.2 No over-the-counter permits shall be issued for the building until the project has been
24 completed. All permits for the building shall be routed to the Planning Department for review.

1 2.3 The Director shall impose an administrative penalty of \$5,000, which may be appealed
2 to the Board of Appeals within 15 days of the notice of assessment. The permits for the project shall be
3 or remain suspended while the penalty is on appeal.

4 3. Whenever a major exterior alteration to a residential building takes place without the
5 issuance of a permit as required by this code, or work exceeds the scope of an issued permit, the project
6 on which the work without permit or beyond the scope of a permit occurred shall be subject to the
7 following additional restrictions and administrative penalties upon issuance of the second notice of the
8 same violation:

9 3.1 The City shall not approve a permit that legalizes the work done without permit or
10 beyond the scope of a permit, but shall require the owner of the property to rebuild what was removed.

11 3.2 The Department shall put a Block Book Notation on the property address and shall
12 cause a Notice of Special Restrictions to be recorded against the property providing that for ten years
13 from the date the Department's order of abatement becomes final, no over-the-counter permits shall be
14 issued for the building and no building permit authorizing an expansion of the building envelope shall
15 be approved.

16 3.3 The Director shall impose an additional \$15,000 administrative penalty for the removal
17 or alteration, without a permit or beyond the scope of the permit, of features of a building defined as an
18 historical resource by the California Environmental Quality Act. For buildings or building features not
19 defined as an historical resource, the Director shall impose an additional \$5,000 administrative
20 penalty for work without permit or beyond the scope of a permit. The administrative penalties may be
21 appealed to the Board of Appeals within 15 days of the notice of assessment. The permits for the
22 project shall be or remain suspended while the penalty is on appeal.

23 103.3.3 Major exterior alterations to residential buildings – application and notification
24 procedure . In addition to any other application and notice requirements set forth in this code, the
25 following shall apply to any application for a permit to make major exterior alterations to residential

1 buildings. If there is a conflict between the provisions set forth in this section and those set forth
2 elsewhere in the code, these provisions shall control.

3 EXCEPTION: These requirements shall not apply to any mixed-use building,
4 which contains residential occupancies.

5 103.3.3.1 Application and public notice procedure. Any person wishing to make major exterior
6 alterations to a residential building shall file an application for a permit on a special form for
7 residential construction work. Public notice of the project shall be provided in accordance with
8 Sections 311 and 312 of the San Francisco Planning Code. Any public notice of the project required by
9 the Building Code shall be combined with the Planning Code notice.

10 103.3.3.2 Information to be submitted with plans and specifications. In addition to the
11 information required by Section 106.3.3 of this Code, the applicant for a permit to make a major
12 exterior alteration to a residential building shall also provide the following information to the
13 Department in a checklist format:

14 1. A detailed description of the scope of the project, including specific dimensional
15 changes to the building.

16 2. The location and amount of removal of exterior walls resulting in a major exterior
17 alteration as defined in Section 103.3.1.

18 3. Whether the proposed project includes horizontal, vertical, or both horizontal and
19 vertical additions;

20 4. Location of any existing street tree proposed to be removed and location of proposed
21 replacement tree;

22 5. A detailed list of all work done under previous permits, including revisions to permits,
23 over the three years prior to filing of the application.

24 6. The name and telephone number of any primary contact persons for the project,
25 including the names of the property owner and design professional.

1 7. The signature of the property owner verifying that he or she understands all conditions,
2 requirements, and penalties applicable to the project.

3 8. The signature of the district building inspector stating that a pre-issuance inspection has
4 occurred verifying information provided on the plans.

5 The following additional information shall be submitted by the project sponsor with the permit
6 application:

7 1. Information showing relationship of the project to adjacent properties.

8 2. A notification map showing properties to be notified, including a clearly legible,
9 reduced site plan on an 11" by 17" page, at a measurable scale, to be used as part of the notification
10 package.

11 3. Separate plans of all floors (stories), all to be provided at the same scale, with readable
12 measurements, showing:

13 3.1. existing conditions, in floor plan format, with a clear indication of the areas to be
14 removed (demolition plans).

15 3.2 proposed new floor plans.

16 4. Separate existing and proposed exterior elevations. Exterior elevations shall include
17 diagrams and calculations showing the amount of removal of exterior walls. Each drawing shall be
18 submitted on clearly legible, reduced on 11" by 17" pages, at a measurable scale, with readable
19 measurements, to be used as part of the notification package.

20 5. A footprint of the adjacent building showing the building height and location of windows
21 facing the subject property shown as part of the package listed in subparagraphs 1 and 2 above.

22 6. 8" by 10" color photographs of all exposed sides of the subject building.

23 7. 8" by 10" color photographs of front, rear and exposed adjacent sides of adjacent
24 buildings.

25 8. an 8" by 10" color photograph of any street tree that is proposed to be removed.

1 103.3.3.3 Verification of existing conditions. Prior to issuance of the building permit, the
2 district building inspector shall verify the existing site conditions. The standard hourly inspection fee
3 set forth in Table 1-G of this code shall apply.

4 103.3.3.4 Commencement of work under an issued building permit. Work under a major
5 exterior alteration permit shall not begin until 15 days after the date on which the permit is issued.

6 103.3.3.5 Expired permits. Permits will be valid up to three years, using the expiration and
7 extension provisions of Section 106.4.4 of this code. A permit may not be renewed or extended beyond
8 three years unless work on the project is substantially complete. For purposes of this subsection,
9 “substantially complete” is defined as a project where all inspections have been conducted and
10 approved except for final inspections

11 103.3.6~~3~~ Unlawful Demolition Hearing. The Director shall hold a hearing within a
12 reasonable period of time after discovering that an unlawful demolition may have taken place.
13 The Director shall cause notice to be given to the owners of the affected property, and to the
14 owners and occupants of property on the same block as the affected property's site and
15 across the street from the site for one block (that is, on lots which abut the same street as that
16 which abuts the site to the nearest intersections on either side of the site), using the names
17 and addresses of the owners as shown on the last assessment rolls of the City and County of
18 San Francisco. For corner lots, notice shall be provided to the owners and occupants of
19 property on the same block as the affected property's site and for one block along both streets
20 which the lot abuts (that is, on lots which abut the two streets which the site abuts to the
21 nearest intersection on either side of the site) and, in addition, to the other corner lots at the
22 intersection where the site is located. Notice may be given either by personal service or any
23 mail, not less than 30 days before the scheduled date of the hearing. Immediately after giving
24 such notice, the Director shall cause a copy of the notice, printed on a card of not less than 8
25 inches by 10 inches (203.2 mm x 254 mm), to be posted in a conspicuous place on the

1 affected property. The notice shall specify the date and nature of the hearing and that the
2 following issues will be determined at the hearing: whether an unlawful demolition has taken
3 place as described in Sections 103.3.1 and 103.3.2, and, if so, the number of residential units
4 that existed on the site, the proportion of residential to nonresidential units that existed on the
5 site and the total square feet of the building or structure that existed on the site. Upon
6 determination that an unlawful demolition has taken place, the Director shall promptly record a
7 notice in the official records of the Recorder of the City and County of San Francisco; the
8 recorded notice shall state that the property is subject to the restrictions set forth in Section
9 103.3.~~27~~ of this code.

10 Upon determination that an unlawful demolition has taken place, the Director shall
11 assess the owner all costs incurred by the City and County of San Francisco in detecting
12 violations of this section and conducting the Director's hearing by sending a notice of payment
13 due to the property owner at the address shown on the city's last assessment rolls. The notice
14 shall list the costs incurred by the City in detecting violations of the ordinance and conducting
15 the Director's hearing, advise the owner that he or she is liable for these costs and advise the
16 owner that payment to the city is due within 60 days of the mailing date of the notice. The
17 notice shall also advise that, if payment of the costs is not received within 30 days of the due
18 date, a lien may be imposed on the property pursuant to the report and confirmation
19 procedure set forth in Sections 102.18 and 102.19 of this code.

20 103.3.~~74~~ Civil penalties. Any agent, contractor or other person acting on behalf of the
21 owner of a building or structure containing one or more residential units who causes or
22 permits the demolition of the building or structure with the knowledge that a demolition permit
23 has not been issued as required by this code shall be subject to a civil penalty of \$5,000. Any
24 owner who causes or permits the demolition of his or her building, or structure containing one
25

1 or more residential units with the knowledge that no demolition permit has been issued as
2 required by this code shall be subject to a civil penalty of \$1,000.

3 103.3.85 Other penalties The penalties set forth in this section are not exclusive, but
4 are in addition to any other penalties set forth in this code. For penalties that apply to the
5 unlawful demolition of residential buildings that are also qualified historical buildings refer to
6 the San Francisco Planning Code.

7 Section 4. The San Francisco Building Code is hereby amended by repealing Section
8 106.3.2.2.

9 ~~106.3.2.2.1 Demolition application and notification. Upon receipt of an application which~~
10 ~~would authorize the tearing down or demolition of a building or structure, the Department shall mail~~
11 ~~written notice to the owners of properties at least 300 feet (91.44 m) in every direction from the edge of~~
12 ~~the property on which the proposed demolition work will take place, as shown on the last annual tax~~
13 ~~roll, and shall provide notice to each residential tenant of the property that is the subject of the~~
14 ~~application and of the property immediately adjacent to such property. Said notice shall include the~~
15 ~~street address of the proposed work and the name and address of the property owner and, if known, of~~
16 ~~the contractor.~~

17 Section 5. The San Francisco Planning Code is hereby amended by amending
18 Sections 311 and 312, to read as follows:

19 SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH AND RM
20 DISTRICTS.

21 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
22 building permit applications for lots in R Districts in order to determine compatibility of the
23 proposal with the neighborhood and for providing notice to property owners and residents
24 neighboring the site of the proposed project and to interested neighborhood organizations, so
25 that concerns about a project may be identified and resolved during the review of the permit.

1 (b) Applicability. Except as indicated herein, all building permit applications for
2 demolition and new construction, and alteration of residential buildings in RH and RM districts
3 shall be subject to the notification and review procedures required by this Section. Subsection
4 311(e) regarding demolition permits and approval of replacement structures shall apply to all
5 R Districts. For the purposes of this Section, an alteration shall be defined as any change in
6 use or change in the number of dwelling units of a residential building or an increase to the
7 exterior dimensions of a residential building except those features listed in Section 136(c)(1)
8 through 136(c)(24) and 136(c)(26).

9 (c) Building Permit Application Review for Compliance and Notification. Upon
10 acceptance of any application subject to this Section, the Planning Department shall review
11 the proposed project for compliance with the Planning Code and any applicable design
12 guidelines approved by the Planning Commission. Applications determined not to be in
13 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential
14 Design Guidelines, including design guidelines for specific areas adopted by the Planning
15 Commission, or with any applicable conditions of previous approvals regarding the project,
16 shall be held until either the application is determined to be in compliance, is disapproved or a
17 recommendation for cancellation is sent to the Department of Building Inspection.

18 (1) Residential Design Guidelines. The construction of new residential buildings and
19 alteration of existing residential buildings in R Districts shall be consistent with the design
20 policies and guidelines of the General Plan and with the "Residential Design Guidelines" as
21 adopted and periodically amended for specific areas or conditions by the City Planning
22 Commission. The Director of Planning may require modifications to the exterior of a proposed
23 new residential building or proposed alteration of an existing residential building in order to
24 bring it into conformity with the "Residential Design Guidelines" and with the General Plan.

1 These modifications may include, but are not limited to, changes in siting, building envelope,
2 scale texture and detailing, openings, and landscaping.

3 (2) Notification. Upon determination that an application is in compliance with the
4 development standards of the Planning Code, the Planning Department shall cause a notice
5 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
6 cause a written notice describing the proposed project to be sent in the manner described
7 below. This notice shall be in addition to any notices required by the Building Code and shall
8 have a format and content determined by the Zoning Administrator. It shall include a
9 description of the proposal compared to any existing improvements on the site with
10 dimensions of the basic features, elevations and site plan of the proposed project including
11 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
12 reference scale. The notice shall describe the project review process and shall set forth the
13 mailing date of the notice and the expiration date of the notification period.

14 Written notice shall be mailed to the notification group which shall include the project
15 sponsor, relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C)
16 below, all individuals having made a written request for notification for a specific parcel or
17 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
18 occupants, of properties in the notification area.

19 (A) The notification area shall be all properties within ~~150~~ 300 feet of the subject lot
20 in the same Assessor's Block and on the block face across from the subject lot. When the
21 subject lot is a corner lot, the notification area shall further include all property on both block
22 faces across from the subject lot, and the corner property diagonally across the street.

23 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
24 used for said notice.

25

1 (C) The Planning Department shall maintain a list, available for public review, of
2 neighborhood organizations which have indicated an interest in specific properties or areas.
3 The organizations having indicated an interest in the subject lot or its area shall be included in
4 the notification group for the proposed project.

5 (3) Notification Period. All building permit applications shall be held for a period of
6 30 calendar days from the date of the mailed notice to allow review by residents and owners
7 of neighboring properties and by neighborhood groups.

8 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
9 waived by the Zoning Administrator for building permit applications for projects that have
10 been, or before approval will be, the subject of a duly noticed public hearing before the
11 Planning Commission or Zoning Administrator, provided that the nature of work for which the
12 building permit application is required is both substantially included in the hearing notice and
13 is the subject of the hearing.

14 (5) Notification Package. The notification package for a major exterior alteration, which is
15 defined as the removal of 75 percent or more of the exterior walls of a building or 50 percent or more
16 of the building façade facing the street, shall include:

17 (A) A written description of the project with specific dimensional changes to the building,
18 including parapets, penthouses, and other proposed building extensions.

19 (B) Readable 11" by 17" drawings with all dimensions legible, as required as part of the
20 permit package.

21 (C) A copy of the project checklist required by Section 103.3.3 of the San Francisco
22 Building Code.

23 (D) The name and telephone number of the project planner at the Planning Department
24 assigned to review the application.

1 (E) A form that can be filled out by a recipient of the notification package and sent back to
2 the Department of Planning requesting notice of subsequent revisions and related building permit
3 applications.

4 (F) A description of the notification package recipient's rights to additional information,
5 right to request discretionary review by the Planning Commission and right to appeal to other boards
6 or commissions, and information on how to obtain additional information about the project.

7 (6) Modifications to an approved project. Any proposed modification to a project prior to
8 the Department of Building Inspection's issuance of a certificate of completion shall require additional
9 notification, as follows:

10 (A) Increases to the previously approved height, depth, or other extensions of the building
11 envelope, including but not limited to parapets, rooftop penthouses and means of egress, shall require a
12 new permit application that complies with the application and notification procedure required for the
13 original application. The length of required waiting period after approval of the modified permit and
14 notification procedures may be reduced at the discretion of the Zoning Administrator.

15 (B) Any proposed modification to the exterior, including but not limited to materials and
16 window location, size and type, that does not change the previously-approved building envelope shall
17 require notice to be given only to those interested parties who registered at the time of the initial
18 notification. The Department shall not approve a modified permit until 10 days after the additional
19 notice is given.

20 (7) Permit modifications required to comply with a notice of violation issued by the
21 Department of Building Inspection. Any proposed modification required to comply with a notice of
22 violation by the Department of Building Inspection, issued because of work without permit or beyond
23 the scope of an issued permit on the project, shall require the same public notice under this section that
24 the original permit required..

1 After a second notice by the Department of Building Inspection on the same violation, the City
2 shall not approve a permit that legalizes the work done without permit or beyond the scope of a permit,
3 but shall require the owner of the property to rebuild what was removed. In addition, the Department
4 shall put a Block Book Notation on the property address and shall cause a Notice of Special
5 Restrictions to be recorded against the property providing that for ten years from the date the Building
6 Department's order of abatement becomes final, no over-the-counter permits shall be issued for the
7 building and no building permit authorizing an expansion of the building envelope shall be approved.

8 (d) Requests for Planning Commission Review. A request for the Planning
9 Commission to exercise its discretionary review powers over a specific building permit
10 application shall be considered by the Planning Commission if received by the Planning
11 Department no later than 5:00 p.m. of the last day of the notification period as described
12 under Subsection (c)(3) above, subject to guidelines adopted by the Planning Commission.

13 The project sponsor of a building permit application may request discretionary review
14 by the Planning Commission to resolve conflicts between the Director of Planning and the
15 project sponsor concerning requested modifications to comply with the Residential Design
16 Guidelines.

17 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
18 requests for discretionary review by the Planning Commission within a reasonable period.

19 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
20 Commission shall be given not less than 10 days prior to the date of the hearing to the
21 notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing
22 shall be made as provided under Planning Code Section 306.8.

23 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
24 the building is determined to pose a serious and imminent hazard as defined in the Building
25 Code an application authorizing demolition in any R District of an historic or architecturally

1 important building or of a dwelling shall not be approved and issued until the City has granted
2 final approval of a building permit for construction of the replacement building. A building
3 permit is finally approved if the Board of Appeals has taken final action for approval on an
4 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
5 filing an appeal with the Board has lapsed with no appeal filed.

6 (1) The demolition of any building whether or not historically and architecturally
7 important may be approved administratively where the Director of the Department of Building
8 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
9 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
10 Director of the Department of Building Inspection determines that demolition or extensive
11 alteration of the structure is the only feasible means to secure the public safety.

12 SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES FOR
13 ALL NC DISTRICTS.

14 (a) Purpose. The purpose of this Section is to establish procedures for reviewing
15 building permit applications for lots in NC Districts in order to determine compatibility of the
16 proposal with the neighborhood and for providing notice to property owners, occupants and
17 residents neighboring the site of the proposed project and to interested neighborhood
18 organizations, so that concerns about a project may be identified and resolved during the
19 review of the permit.

20 (b) Applicability. Except as indicated herein, all building permit applications for
21 demolition, new construction, alterations which expand the exterior dimensions of a building,
22 or changes of use *including a change in the number of dwelling units* per the use categories of
23 Article 7 shall be subject to the notification and review procedures required by this Section.
24 Subsection 312(e) regarding demolition permits and approval of replacement structures shall
25 apply to all NC Districts. For the purposes of this Section, addition to a building of the

1 features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to
2 notification under this Section.

3 (c) Building Permit Application Review for Compliance and Notification. Upon
4 acceptance of any application subject to this Section, the Planning Department shall review
5 the proposed project for compliance with the Planning Code and any applicable design
6 guidelines approved by the Planning Commission. Applications determined not to be in
7 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including
8 design guidelines for specific areas adopted by the Planning Commission, or with any
9 applicable conditions of previous approvals regarding the project, shall be held until either the
10 application is determined to be in compliance, is disapproved or a recommendation for
11 cancellation is sent to the Department of Building Inspection.

12 (1) Neighborhood Commercial Design Guidelines. The construction of new
13 buildings and alteration of existing buildings in NC Districts shall be consistent with the design
14 policies and guidelines of the General Plan as adopted and periodically amended for specific
15 areas or conditions by the Planning Commission. The Director of Planning may require
16 modifications to the exterior of a proposed new building or proposed alteration of an existing
17 building in order to bring it into conformity with the General Plan. These modifications may
18 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,
19 openings, and landscaping.

20 (2) Notification. Upon determination that an application is in compliance with the
21 development standards of the Planning Code, the Planning Department shall cause a notice
22 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
23 cause a written notice describing the proposed project to be sent in the manner described
24 below. This notice shall be in addition to any notices required by the Building Code and shall
25 have a format and content determined by the Zoning Administrator. It shall include a

1 description of the proposal compared to any existing improvements on the site with
2 dimensions of the basic features, elevations and site plan of the proposed project including
3 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference
4 scale, existing and proposed uses and commercial or institutional business name, if known.
5 The notice shall describe the project review process and shall set forth the mailing date of the
6 notice and the expiration date of the notification period.

7 Written notice shall be mailed to the notification group which shall include the project
8 sponsor, relevant neighborhood organizations as described in Subparagraph 312©(2)©
9 below, all individuals having made a written request for notification for a specific parcel or
10 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,
11 occupants, of properties in the notification area.

12 (A) The notification area shall be all properties within ~~150~~ 300 feet of the subject lot
13 in the same Assessor's Block and on the block face across from the subject lot. When the
14 subject lot is a corner lot, the notification area shall further include all property on both block
15 faces across from the subject lot, and the corner property diagonally across the street.

16 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be
17 used for said notice.

18 (C) The Planning Department shall maintain a list, available for public review, of
19 neighborhood organizations which have indicated an interest in specific properties or areas.
20 The organizations having indicated an interest in the subject lot or its area shall be included in
21 the notification group for the proposed project.

22 (3) Notification Period. All building permit applications shall be held for a period of
23 30 calendar days from the date of the mailed notice to allow review by residents, occupants,
24 owners of neighboring properties and by neighborhood groups.

25

1 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
2 waived by the Zoning Administrator for building permit applications for projects that have
3 been, or before approval will be, the subject of a duly noticed public hearing before the
4 Planning Commission or Zoning Administrator, provided that the nature of work for which the
5 building permit application is required is both substantially included in the hearing notice and
6 is the subject of the hearing.

7 (5) The notification package for a major exterior alteration, which is be defined as the
8 removal of 75 percent or more of the exterior walls of a building or 50 percent or more of the building
9 façade facing the street, shall include:

10 (A) A written description of the project with specific dimensional changes to the building,
11 including parapets, penthouses, and other proposed building extensions.

12 (B) Readable 11" by 17" drawings with all dimensions legible, as required as part of the
13 permit package.

14 (C) A copy of the project checklist required by Section 106.3.2.3.4 above.

15 (D) The name and telephone number of the project planner at the Planning Department
16 assigned to review the application.

17 (E) A form that can be filled out by a recipient of the notification package and sent back to
18 the Department of Planning requesting notice of subsequent revisions and related building permit
19 applications.

20 (F) A description of the notification package recipient's rights to additional information,
21 right to request discretionary review by the Planning Commission, and right to appeal to other boards
22 or commissions.

23 (6) Modifications to an approved project. Any proposed modification to a project prior to
24 the Department of Building Inspection's issuance of a certificate of completion shall require additional
25 notification, as follows:

1 (A) Increases to the previously approved height, depth, or other extensions of the building
2 envelope, including but not limited to parapets, rooftop penthouses and means of egress, shall require a
3 new permit application that complies with the application and notification procedure required for the
4 original application. The length of required waiting period after approval of the modified permit and
5 notification procedures may be reduced at the discretion of the Zoning Administrator.

6 (B) Any proposed modification to the exterior, including but not limited to materials and
7 window location, size and type, that does not change the previously-approved building envelope shall
8 require notice to be given only to those interested parties who registered at the time of the initial
9 notification. The Department shall not approve a modified permit until 10 days after the additional
10 notice is given.

11 (7) Permit modifications required to comply with a notice of violation issued by the
12 Department of Building Inspection. Any proposed modification required to comply with a notice of
13 violation by the Department of Building Inspection, issued because of work without permit or beyond
14 the scope of an issued permit on the project, shall require the same public notice under this section that
15 the original permit required..

16 After a second notice by the Department of Building Inspection on the same violation, the City
17 shall not approve a permit that legalizes the work done without permit or beyond the scope of a permit,
18 but shall require the owner of the property to rebuild what was removed. In addition, the Department
19 shall put a Block Book Notation on the property address and shall cause a Notice of Special
20 Restrictions to be recorded against the property providing that for ten years from the date the Building
21 Department's order of abatement becomes final, no over-the-counter permits shall be issued for the
22 building and no building permit authorizing an expansion of the building envelope shall be approved.

23 (d) Requests for Planning Commission Review. A request for the Planning
24 Commission to exercise its discretionary review powers over a specific building permit
25 application shall be considered by the Planning Commission if received by the Planning

1 Department no later than 5:00 p.m. of the last day of the notific (d) Requests for Planning
2 Commission Review. A request for the Planning Commission to exercise its discretionary
3 review powers over a specific building permit application shall be considered by the Planning
4 Commission if received by the Planning Department no later than 5:00 p.m. of the last day of
5 the notification period as described under Subsection (c)(3) above, subject to guidelines
6 adopted by the Planning Commission.

7 The project sponsor of a building permit application may request discretionary review
8 by the Planning Commission to resolve conflicts between the Director of Planning and the
9 project sponsor concerning requested modifications to comply with relevant design guidelines
10 of the General Plan.

11 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
12 requests for discretionary review by the Planning Commission within a reasonable period.

13 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
14 Commission shall be given not less than 10 days prior to the date of the hearing to the
15 notification group as described in Paragraph 312(c)(2) above. Posted notice of the hearing
16 shall be made as provided under Planning Code Section 306.8.

17 (e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless
18 the building is determined to pose a serious and imminent hazard as defined in the Building
19 Code an application authorizing demolition in any NC District of an historic or architecturally
20 important building or of a dwelling shall not be approved and issued until the City has granted
21 final approval of a building permit for construction of the replacement building. A building
22 permit is finally approved if the Board of Appeals has taken final action for approval on an
23 appeal of the issuance or denial of the permit or if the permit has been issued and the time for
24 filing an appeal with the Board has lapsed with no appeal filed.

25

1 (1) The demolition of any building whether or not historically and architecturally
2 important may be approved administratively where the Director of the Department of Building
3 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after
4 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the
5 Director of the Department of Building Inspection determines that demolition or extensive
6 alteration of the structure is the only feasible means to secure the public safety.

7 Section 5. Adoption of Rules and Regulations. Within 90 days of the effective date of this
8 ordinance, the Department of Building Inspection and Department of Planning shall jointly issue
9 administrative regulations implementing the provisions of this ordinance. No later than nine months
10 thereafter, the two departments shall present to the Board of Supervisors a report on the effectiveness
11 of the ordinance and any recommendations for amendments of its provisions.

12 Section 6. Severability

13 If any provision of this ordinance or the application thereof to any person or
14 circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not
15 affect other provisions or applications of this ordinance which can be given effect without the
16 invalid or unconstitutional provision or application. To this end, the provisions of this
17 ordinance shall be deemed severable.
18

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

21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney
24
25