

**REVISED LEGISLATIVE DIGEST**

(Amended in Committee: 10/3/2011)

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

**Ordinance amending the San Francisco Planning Code Sections 181(d) and 188(b) to: 1) provide a process for the reconstruction of buildings damaged or destroyed by fire or Acts of God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings, including environmental findings and Planning Code Section 302 findings.**

Existing Law

The Planning Code provides that non-conforming uses and structures shall not be enlarged, intensified, extended, or moved to another location, with some exceptions. See Sections 181 and 188. One such exception is known as the "Acts of God" exception. It provides that "a structure occupied by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former condition and use; provided that such restoration is permitted by the Building Code, and is started within one year and diligently prosecuted to completion." See Sections 181(d), 188(b).

Amendments to Current Law

This Ordinance amends Sections 181 and 188 to change the period for restoration of non-conforming uses and structures damaged or destroyed by Acts of God from one year to eighteen months. It also provides some guidance regarding the meaning of the sentence "started within eighteen months," defining it as requiring that "within eighteen months of the fire or other calamity or Act of God, the structure's owner shall have filed a building permit application to restore the structure to its former condition and use."

The Ordinance applies retroactively to situations where the Act of God occurred between August 1, 2009 and June 14, 2011. Owners of these structures must file a building permit application to restore the structure within eighteen months of the effective date of the Ordinance.

Background Information

The purpose of this Ordinance is to change the period for restoration of non-conforming uses and structures damaged or destroyed by Acts of God from one year to eighteen months, and to provide guidance regarding what property owners must do for the "Act of God" exception to the prohibition of reconstruction of non-conforming structures to apply.