



# SAN FRANCISCO PLANNING DEPARTMENT

## New Planning Code Reconstruction of Buildings or Uses Damaged or Destroyed by Calamity, Fire or Acts of God

**Case Number:** Board File No. 11-0590/ Ord. No. 224-11

**Legislative Sponsor:** Supervisor Cohen

**Effective Date:** December 15, 2011

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### The Way It Was:

Section 181 of the Planning Code addresses enlargement, alteration, and reconstruction of nonconforming uses and Section 188 addressed the same issues for nonconforming structures. With certain exceptions, generally, these nonconforming uses and structures cannot be enlarged, intensified or relocated. That said, the Sections did and still do provide that a nonconforming use may be restored to its former condition and use in the event that the use is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy. Previously, this restoration could occur "provided that such restoration is permitted by the Building Code, and is started within one year [emphasis added] and diligently prosecuted to completion".

### The Way It Is Now:

The adopted Ordinance has amended the San Francisco Planning Code Section 181(d) and 188(b) to

- provide a process for the reconstruction of nonconforming uses or buildings damaged or destroyed by fire or acts of God, "provided that such restoration is permitted by the Building Code, and is started within eighteen months";
- provide a retroactive operative date of August 1, 2009; and
- clarify that for purposes of these Subsections, "started within eighteen months" shall mean that within eighteen months of the fire or other calamity or Act of God, the property owner shall have filed a building permit application to restore the structure or use to its former condition and use.

The adopted Ordinance has also added an uncodified section establishing that "If the fire or other calamity or Act of God occurred between August 1,2009 and June 14, 2011, "started within eighteen months" shall mean that within eighteen months of the effective date of this ordinance the structure's owner shall have filed a building permit application to restore the structure to its former condition and use.

### The link to signed legislation:

Board File No. 110590	Ord. No. <a href="#">0224-11</a>	Effective Date 12/15/11	Planning Code Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God <a href="http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0224-11.pdf">http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0224-11.pdf</a>
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