

New Planning Code Summary

Reconstruction of Certain Noncomplying Secondary Structures (aka “Apple Store Union Square”)

Amended Sections: Section 188

Case Number: Board File No. 131059/ Ord. No. 25-14

Legislative Sponsor: Mayor Lee; Supervisors Chiu, Cohen

Effective Date: 04/16/2014

The Way It Was:

Planning Code Section 188 prohibited the reconstruction of noncomplying structures after a voluntary demolition, even if the proposed reconstruction would result in a net decrease in the property’s floor area ratio (FAR), thereby bringing the building closer into conformity with the permitted FAR for the district.

The Way It Is Now:

The Ordinance has amended Planning Code Section 188 (Noncomplying Structures: Enlargements, Alterations and Reconstruction), to allow noncomplying secondary structures^[1] located within the C-3-R (Downtown Retail) Zoning District on Block 0295, Lot 016 that exceed a property’s maximum floor area ratio limit to be reconstructed after a voluntary demolition or partial demolition, if certain findings can be made by the Planning Commission through the Downtown Project Authorization process (Planning Code Section 309).

The findings that must be made by the Planning Commission are as follows:

1. The project must be located within a C-3-R District on Block 0295, Lot 016;
2. The project must promote and enhance the C-3-R District as a retail destination;
3. The project must result in an increased benefit to the public and the adjacent properties;
4. The project must enhance the aesthetic qualities and/or character of the lot;
5. The project would result in a net decrease of gross floor area of all structures on the subject property;
6. The project must result in a structure that more closely conforms to the floor area ratio limit;
7. The project must not result in an adverse impact to a historic resource;
8. The project must not cause significant shadows or wind impacts on public sidewalks or parks;
9. The project must not obstruct significant public view corridors; and
10. The Project must not significantly impair light and air to abutting properties.

^[1] For the purposes of this legislation, a secondary structure means a structure located on a lot with two or more structures that has no more than one-quarter of the gross floor area of the primary structure on the lot.

The link to signed legislation:

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances14/o0025-14.pdf>

Board	Ord. No.	Effective	Planning Code – Allowing certain noncomplying structures in the C-3-R District to be demolished and rebuilt.
		7/22/12	