

PROPOSED CONTROLS ON DEMOLITIONS AND ALTERATIONS



This document has been drafted by Planning Department staff to provide an objective summary of the prominent features of the proposed Ordinance contained in Board File Number 181216. It is not a comprehensive guide, nor does it provide any analysis or policy recommendation. For the full text of the proposed legislation, please visit sfgov.legistar.com/legislation and search for Board File Number 181216.

The proposed Ordinance would expand neighborhood notification requirements, increase penalties for violations, limit residential additions, and further restrict residential demolitions throughout the City. It was introduced in December 2018 by Supervisor Aaron Peskin and is co-sponsored by President Yee and Supervisors Mandelman, Ronen & Fewer.

Notification Requirements

Current Controls: Neighborhood notification is required for most building expansions and for specific land uses in Residential and Neighborhood Commercial Districts. Certain building features - typically those that are small or less prominent - are exempt from this requirement.

Proposed Controls: 20 building features or land uses that do not currently require notification that can be approved over-the-counter would require public notification and could no longer be approved over-the-counter. These features include adding a backyard retaining wall to maintain existing grade, adding a third-unit within an existing two-unit building, replacing front-entry stairs, and building a backyard fence.

Dwelling Unit Mergers

Current controls: Combining two or more units into a single unit or reducing the size of one unit by at least 25% to make another unit larger requires Conditional Use Authorization.

Proposed controls: Mergers would require a structural engineering report* upon submittal with subsequent reports to reflect any changes or revisions.

Mergers would be prohibited if:

- the floor area of any involved unit would be reduced or increased by at least 10%; or
- the existing building contains a Below Market Rate unit, a rent-controlled unit, or a unit that was occupied by a tenant within the last five years.

Dwelling Unit Demolition

Current Controls: Residential Demolition is generally defined as the removal of either (a) two-thirds of a building's foundation or (b) the majority of a building's walls and floors. Excepting unsound or unaffordable single-family homes, Demolition requires Conditional Use authorization. Below Market Rate or rent-controlled units that are demolished as part of a new project containing 10 or more units must be replaced.

Proposed Controls: Demolitions would require a structural engineering report* upon submittal with subsequent reports to reflect any changes or revisions.

Demolition would be defined as the permanent or temporary removal of any of the following (whether associated with an expansion or with ordinary maintenance):

- More than 1/2 of a building's exterior walls; or
- more than 1/4 of a building's interior structural walls; or
- more than a quarter of a building's façade.

Demolition would require Conditional Use Authorization unless any of the following apply, in which case it would be prohibited:

- The property is historic*, architecturally significant*, or is within a historic district or potential historic* district; or
- the existing building resembles the mass or architecture of surrounding buildings; or
- the existing building contains a Below Market Rate unit, a rent-controlled unit, or a unit that was occupied by a tenant within the last five years; or
- the replacement building does not match the mass and architecture of surrounding buildings; or
- the replacement building requires a Variance; or
- the replacement building contains a garage; or
- the replacement unit exceeds 1,200 sq. ft; or
- the replacement building or unit(s) exceed the average Floor Area Ratio of existing buildings or units, respectively, within 300'.

Residential Additions

Current Controls: Additions to residential buildings are generally limited to specific depths, widths, and heights set forth in the Planning Code, rather than by Floor Area Ratio. Additions are further restricted by the Residential Design Guidelines.

Proposed Controls: In addition to current controls, horizontal additions that would increase a building's size by at least 20% or vertical additions that would increase a building's size by at least 10% would be deemed "Major Expansions." These would generally be treated like residential demolitions and would either be prohibited or require approval by the Planning Commission or Zoning Administrator**.

Penalties & Abatement

Current provisions: Work performed without a permit, or work performed beyond the authorized scope of a permit can be legalized so long as it complies with applicable Code provisions. Fines of up to \$250 per day apply to most violations.

Proposed provisions: Properties found to be in violation would need to be restored to their original condition. Once the property is restored, an application could be filed to re-perform the work. Daily fines of at least \$1,000 per day would apply to nearly all violations. Additional fines would be as follows:

- Unlawful Merger or Conversion: \$50,000 fine.
- Unlawful Alteration or Demolition of a historic* or architecturally significant* building: \$500,000 fine.
- Unlawful Demolition or Unlawful Major Expansion: Fines equal to any increase in the value of the property.

* This term is undefined in current or proposed Planning Code provisions.

** The proposal contains an unresolved conflict between two competing review processes: administrative relief by the Zoning Administrator vs. Conditional Use Authorization from the Planning Commission.



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