



SAN FRANCISCO
PLANNING
DEPARTMENT

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

GENERAL PLANNING INFORMATION

Reconstruction of Destroyed Buildings and Uses

Date:
January 1995

Subject:
Reconstruction of Destroyed Building and Uses

Reprinted:
July 2012

Planning Code Sections 178, 181, 185, and 188

Introduction

Any proposal to replace a destroyed building or use can be approved if the proposed replacement building or use conforms to the current zoning regulations. Additionally, non-complying buildings, non-conforming uses and conditional uses that are damaged or destroyed by fire or other calamity, or by Act of God or public enemy may be restored if the restoration is started within 18 months of its destruction and diligently prosecuted to completion. Uses, buildings and features not legally built or established may be replaced only with uses, buildings or features that conform to current standards.

Definitions

A conditional use is a use that requires authorization from the Planning Commission to be established or is a use that legally existed prior to a change in the zoning laws such that the use would be permitted in that location under the new law only with a conditional use authorization.

A non-conforming use is a use that legally existed prior to a change in the zoning laws such that the use would no longer be permitted in that location under the current law. For example, a building with more legal dwelling units than permissible by the current prescribed zoning is a non-conforming use.

A non-complying structure is one that has legally existing features, other than the uses it contains, which existed prior to a change in the zoning laws that would no longer be approved in that location under the new law. For example, a building that legally encroaches within a required setback area is a non-complying structure.

Started within eighteen months shall mean 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.

Relevant Code Sections

Section 178(f). Conditional Uses.

Notwithstanding the foregoing provisions of this Section 178, a structure occupied by a permitted conditional 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 without the approval of a new conditional use application, provided that such restoration is permitted by the Building Code, and is started within 18 months and diligently pursued to completion. Except as provided in Subsection (g) below, no structure occupied by a permitted conditional use that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this code.

Section 181(d). Non-conforming Uses.

Notwithstanding the foregoing provisions of this Section 181, 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 18 months and diligently prosecuted to completion. The age of such a structure for the purposes of Sections 184 and 185 shall nevertheless be computed from the date of the original construction of the structure. Except as provided in Subsection (e) below, no structure occupied by a nonconforming use that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the use limitations of this code.

Section 188(a) and (b). Non-complying Structures.

(a) Within the limitations of this Article 1.7, and especially Sections 172 and 180 hereof, a noncom-

plying structure as defined in Section 180 may be enlarged, altered or relocated, or undergo a change or intensification of use in conformity with the use limitations of this Code, provided that with respect to such structure there is no increase in any discrepancy, or any new discrepancy, at any level or the structure, between existing conditions on the lot and the required standards for new construction set forth in this Code, and provided the remaining requirements of this Code are met.

(b) A noncomplying structure 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; provided that such restoration is permitted by the Building Code, and is started within 18 months and diligently prosecuted to completion. Except as provided in Subsection (c) below, no noncomplying structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the requirements of this code.

Establishing Legality

The legality of non-complying structures and non-conforming commercial uses is determined by the site's building permit history including approved permits and plans, available from the Building Department's Record Management Division. To obtain copies of building records, please contact at (415) 558-6080.

For residential uses, a copy of a "3-R" report, compiled from building permit records, is normally accepted by the Planning Department as the source of information describing the authorized residential use. To obtain a "3-R" report please contact the Building Department's "3-R" Division at (415) 558-6080.



SAN FRANCISCO
PLANNING
DEPARTMENT

**FOR OTHER PLANNING INFORMATION:
Call or visit the San Francisco Planning Department**

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*