



Department of Planning
and Building

ZONING CODE

BULLETIN

DATE EFFECTIVE: June 18, 2019

ZONING TOPICS: How much of a building can be removed and still be considered “existing”?

PERTINENT CODE SECTIONS: Section 17.102.190, 17.102.195, 17.73.040(C)(1)(b), and 17.136.040

Background

This code bulletin describes when a building is no longer considered “existing” under the Planning Code after parts of it are removed. A definition of an existing building is required to determine whether a development is considered new construction or the modification of an existing building. This is an important distinction for the legal creation of joint living and work quarters and Category One Secondary Units, and to determine the type of design review process required for a project. This code bulletin does not apply to the replacement of parts of nonconforming facilities that have been involuntarily damaged or destroyed; it only applies to voluntary demolition. Involuntary damage or destruction includes damage or destruction caused by a natural disaster such as an earthquake or other causes such as a fire, dry rot, or termite damage that renders a structure (or part of a structure) unsafe to preserve. Section 17.114 contains the regulations regarding nonconforming facilities that have been damaged or destroyed.

Sections 17.102.195 and 17.73.040(C)(1)(b) of the Planning Code state that Residentially Oriented Joint Living and Working Quarters in the Central Business District and Work/Live units in the CIX, IG, and IO zones must involve the conversion of an existing building originally designed for commercial or industrial activities. Therefore, these units cannot be created within a building that is demolished to an extent that it no longer exists. It is important to define what “no longer exists” means because open space, parking, and loading requirements do not apply to the conversion of existing buildings to Residentially Oriented Joint Living and Working Quarters or Work/Live units.

According to Section 17.103.080(B), Category One Secondary Units are those that are located within an existing single family home or a detached accessory structure that was legally in existence prior to January 1, 2017. Therefore, like joint living and work quarters, Category One Secondary Units cannot be created within a building that is demolished to an extent that it no longer exists. This is an important distinction because Category One Secondary Units have relaxed parking, size, and setback requirements compared to Category Two Secondary Units.

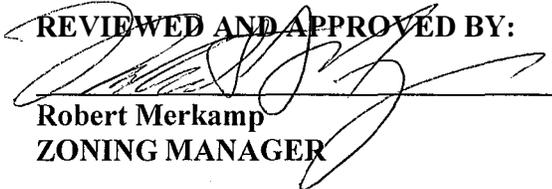
Section 17.136.040 of the Planning Code states that a Regular Design Review Process is required for the construction of a new principal building in each commercial and residential zone. When parts of a building are removed, staff is frequently required to determine if it is no longer considered “existing” to determine whether the Regular Design Review process is required.

Determination

It is determined that for the purposes under the Planning Code a building is no longer existing if a majority (more than 50 percent) of the square footage of the surface area of the perimeter walls are removed. Interior walls, roofs, and foundations are not counted in this calculation. The lifting of a building to create a new first story is not considered a demolition if 50 percent or more of the surface area of the perimeter walls of the lifted building is preserved. The relocation of a building on the same site is not considered a demolition if the lifted building is not demolished as defined in this bulletin. The removal of wall surface area for the moving or expansion of a window shall be evaluated on a case by case basis. The evaluation of whether window relocation or expansion constitutes a demolition shall be based on whether the alteration is an effective design solution that improves the appearance, livability, and operational efficiency of the building.

Section 17.136.075 of the Planning Code contains findings required to be met prior to the demolition of certain historically rated structures. A project involving one of these historic structures may be subject to these demolition findings regardless of whether a structure meets the definition of "existing" according to this bulletin. Instead, a recommendation on the determination shall be made by the Landmarks Preservation Advisory Board (LPAB) to the approving body on a case by case basis on whether the proposal results in a demolition and is, therefore, subject to the Demolition Findings. The LPAB recommendation shall take into account the effect of the proposal on the features of the building that make up its historic significance or character defining features and whether remaining building components would continue to convey the historic significance or character in the overall context of the development proposal.

REVIEWED AND APPROVED BY:



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