CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date:	January 28, 2008
Zoning and Planning Action Date:	March 24, 2008
Board of Aldermen Action Date:	April 7, 2008
90-Day Expiration Date:	April 27, 2008

TO: Ald. Brian E. Yates, Chairman, and
Members of the Zoning and Planning Committee
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Juris Alksnitis, Chief Zoning Code Official

SUBJECT: Petition #108-07 ZONING TASK FORCE recommending amendments to Section 30-15, Table 1, Footnote 7(3), referred to as the fifty percent (50%) demolition rule, by deleting said provision and creating an ordinance with provisions: (1) specifying the method for calculating what constitutes 50% demolition based on total surface area of the walls and roof; (2) defining demolition to include the conversion of an exterior wall to an interior wall; (3) where less than 50% of the building is demolished, limiting total gross floor area of remaining portion of building plus any addition to 140% of the applicable FAR, provided that the resulting structure complies with all other applicable dimensional controls; (4) requiring that the Inspectional Services Department determine that an existing wall not proposed to be demolished is structurally unsound after demolition and/or construction has begun and review and approve plans for replacement with an identical wall prior to such replacement.

CC: Board of Aldermen
Mayor David B. Cohen
John Lojek, Commissioner of Inspectional Services

RECOMMENDATIONS: SEE "RECOMMENDATIONS" SECTION WITHIN.

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Boards. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. BACKGROUND

The purpose of FAR (Floor Area Ratio) when adopted by the Board of Aldermen in 1997, was to help moderate the bulk of structures in relation to the streetscape and neighborhood fabric. Ordinance V-112, April 23, 1997 and subsequent Ordinance V-122, July 14, 1997 partially amending V-112, together establish FAR requirements. A key purpose of FAR is to help regulate the density of development and building mass on a lot by setting limits on gross floor area.

Concerns have been raised by members of the Board of Aldermen and others from time to time regarding Section 30-15, Table 1, Footnote 7(3) providing an exemption from FAR for existing structures when alterations result in less than 50% demolition of the existing structure. The implications of this exemption were discussed in a Planning Department working memorandum dated May 6, 2005, provided in connection with Petition #137-05, by Alderman Lisle Baker, requesting a discussion of possible remedies. Zoning and Planning Committee discussions focused on various concerns associated with this provision, viewed as an FAR loophole in the Zoning Ordinance, when 50% or less demolition occurs. As Footnote 7(1) applies FAR to "..all above grade new construction, this would preclude all new construction or an addition to an existing dwelling already at or exceeding the applicable FAR limit. However, Footnote 7(3) makes possible the "reconstruction" of a portion of an existing dwelling already exceeding the FAR limit where demolition is deemed to be less than 50%. The Commissioner of Inspectional Services has raised the question as to whether the original intent of Footnote 7(3) may have been to allow limited reconstruction of existing dwellings exceeding FAR, but not enlargements. A conservative reading of the term "reconstruction" might be understood to mean that an owner would be limited to largely similar reconstruction of the demolished portion only without further increase in building envelope or further increase of existing FAR. In practice, extending over five years, however, ***this provision has been utilized by applicants to seek significant enlargements of existing dwellings without FAR limitation.***

The Zoning and Planning Committee discussed this issue in 2005 pursuant to Petition #137-05, including the possible elimination of this provision. In response to input from architects, contractors, and others concerned about the possible removal of this exemption, the Zoning and Planning Committee created a Zoning Task Force chaired by Ald. Ted Hess-Mahan to further study this issue and selected other zoning concerns. Subsequently the Task Force convened working subcommittees, which then reported back to the Task Force over time on the designated issues. Thereafter, the Task Force transmitted a set of reports to ZAP on the various items. The subject petition #108-07 reflects the Task Force report with respect to the "50% demolition" provision. In addition, the following concurrent Task Force petitions,

discussed in companion memoranda prepared by the Planning and Development Department, address certain zoning concerns as follows:

- #109-07 – 3 ft. grade change
- #110-07 – Half story and dormers
- #111-07 – De minimis
- #126-07 – Definitions pertaining to "half story" and "dormer"

This memorandum looks at information and suggestions provided by the Task Force 50% Demolition Rule Subcommittee (hereafter Subcommittee).
(SEE ATTACHMENT A – SUBCOMMITTEE RECOMMENDATION).

II. CURRENT ORDINANCE

Section 30-15, *Table 1-Density and Dimensional Controls in Residence Districts and for Residential Uses,* Footnote 7(3) states as follows:

"FAR requirements shall apply only to (3) reconstruction where more than fifty (50%) percent of an existing structure is demolished."

Former Commissioner of Inspectional Services Mark Gilroy issued a memorandum dated April 1, 2002, clarifying the calculation of 50% demolition. ***(SEE ATTACHMENT B – CALCULATING PERCENTAGE OF DEMOLITION TO DETERMINE WHETHER PROPOSED WORK IS SUBJECT TO THE FLOOR AREA RATIO REQUIREMENT.)*** It appears that since at least this time, and perhaps previously, the subject provision has allowed property owners or developers to demolish up to half of the existing structure and expand the remaining portion to a *much larger* new structure to the maximum building envelope limits available per Table 1, but ***without complying with Floor Area Ratio***.

The purpose of FAR when adopted by the Board of Aldermen in 1997, was to help moderate the bulk of structures in relation to the streetscape and neighborhood fabric. A key purpose of FAR is to help regulate the density of development and building mass on a lot by setting limits on gross floor area. File records from that time indicate that multiple FAR options and revisions were discussed. Commissioner Lojek has raised the question as to whether FAR Footnote 7(3) as currently formulated may have been intended primarily to preserve reconstruction options, not provide a loophole for enlargements. ***Based on permitting trends, it now appears that the 50% exemption largely serves developers seeking to maximize buildings having much larger scale without the moderating control of FAR.*** In effect, what appears to be occurring is that instead of families preserving their main structure and reconstructing modest portions of their home to suit family needs, owners or developers build excessive structures in conjunction with existing homes, or parts of existing homes. This combination together produces large volume (bulk) houses with no limits on floor area. Too often these new structures are out of scale with the immediate neighborhoods in which they are located, and have absorbed or minimized the original dwelling to be preserved or maintained.

III. PROPOSED AMENDMENT

Although new language is not proposed at this time, the Subcommittee report suggests elimination of the current provision as stated in Table 1, Footnote 7(3), and substituting the following elements:

(1) Definition describing methodology for calculation of 50% demolition based on total surface area of the walls and roof.

(2) In the above, establish that conversion of an exterior wall to an interior wall constitutes demolition.

(3) Where less than 50% of the building is demolished, limit resulting total gross floor area (remaining portion of building plus any addition) to 140% of the applicable FAR, subject to compliance with all other applicable dimensional controls.

(4) Require the Commissioner of Inspectional Services to determine whether any un-demolished walls are rendered structurally unsound, and if so, to be replaced by an identical replacement wall.

Should the Zoning and Planning Committee concur with the above elements, specific language amending the Zoning Ordinance will be needed for review and adoption by the Board of Aldermen.

IV. RECENT DEMOLITION CASES.

The Inspectional Services Department is assembling a number of photographs of recent demolition cases. For example, one Hartman Road example illustrates both construction scenarios on the same street on two adjacent lots. In one case, new construction followed full demolition of the existing home, and in another case, a major renovation followed 45% demolition of the existing home. In the latter case, the renovation project (not limited by FAR) is visibly larger than the new home (subject to FAR). This is consistent with the observations noted by the Planning Department regarding a sampling of demolition cases in 2005. In the prior sample of some 12 building permits, it was noted that while relatively few cases approached 50% demolition, 10 of 12 cases in this sample had post-addition FAR in excess of the limit for the zone in which the dwellings are located. In addition, multiple cases indicated very substantial increases in floor area compared to floor area available prior to the alterations. ***The Inspectional Services Department is working on providing additional current illustrations of demolition and construction outcomes, which will be made available at the public hearing.***

V. ANALYSIS

Definition of 50% demolition. Neither the Planning Department nor the Inspectional Services Department believes that the 50% demolition exemption from FAR should be retained in the Zoning Ordinance. While the Subcommittee discussed whether or not to retain this provision, it concluded that this rule should not be eliminated in its entirety at this time, absent review and revision of FAR provisions generally. Both Departments concur that a clear definition is necessary, in the event this exemption is retained in the Zoning Ordinance.

At the present time, the Inspectional Services Department follows a complex calculation methodology issued by prior Commissioner Gilroy, in a separate memorandum interpreting the 50% provision, which is not incorporated in the Zoning Ordinance. (SEE ATTACHMENT B).

The Subcommittee recommends replacing this formula with the following:

> "[when].. demolishing less than 50% of the total square footage of the exterior walls and gables, plus the total square footage of the roof as if it were flat and ending at the building perimeter (the square footage of the previous floor's ceiling). In no event, however, will the roof comprise more than 33% of the calculation."

While the current Commissioner of Inspectional Services agrees with the elimination of floor/ceiling assemblies as a component of the formula, he does not agree with putting a 33% cap on the roof calculation. Moreover, he believes that further revisions to the formula are needed, and suggests the following formula for discussion purposes:

> Demolition calculation: method for determining the extent to which the proposed demolition of one or more parts of a residential building would result in demolition of the overall original building expressed in percent, based on plans prepared, stamped, and signed by a design professional. The denominator (base number) is obtained by adding the area of external walls, including gable end walls, and the area of the reflected roof (as if it were flat). The numerator is obtained by calculating and adding the area of external walls, including gable end walls and area of the reflected roof to be removed. Any exterior walls, which become interior walls even though not removed, shall be included in the numerator. The percent demolished is calculated by dividing the numerator by the denominator, yielding a percent figure that indicates whether the proposed demolition of part of a residential building exceeds the 50% threshold established in Section _____.

The Commissioner of Inspectional Services believes the above to be a workable definition.

140% extension of Floor Area Ratio (FAR). The Subcommittee suggested that an increase in FAR be made available to owners seeking under 50% demolition, said increase not to exceed 140% of the applicable Table 1 FAR limit within a respective zoning district. At present, Footnote 7(3) is understood to mean that there is no limit on FAR in such cases. As noted previously, unlimited FAR in conjunction with under-50% demolition is considered a major loophole, as it enables an owner or developer to avoid FAR entirely while building very large expansions of existing buildings, in contrast with new construction, which is automatically subject to established FAR limits. While the Subcommittee did not articulate a rationale for the 140% figure in its recommendation, it settled on this figure within a broader range of possible values. The Subcommittee acknowledges that this would have the effect of expanding the FAR available to "as of right" development without triggering the need for a variance or special permit. The following table illustrates the increases in FAR and Gross Floor Area (GFA) which would be available, should this mechanism be adopted.

Comparison of Available GFA with potential GFA based on 140% FAR					
Zone	**Min lot**	**FAR**	**Avail. GFA**	**140%FAR**	**New Max. GFA**
SR-1: new lot	25,000	0.2	5,000	**0.28**	**7,000**
SR-1: old lot	15,000	0.25	3,750	**0.35**	**5,250**
SR-2: new lot	15,000	0.3	4,500	**0.42**	**6,300**
SR-2: old lot	10,000	0.3	3,000	**0.42**	**4,200**
SR-3: new lot	10,000	0.35	3,500	**0.49**	**4,900**
SR-3: old lot	7,000	0.35	2,450	**0.49**	**3,430**

Note: As currently defined, GFA does not include attics, basements, and half stories in area calculation.

The above increased FAR would be subject to the requirement that such building would need to comply with all other dimensional controls applicable in the zone wherein the dwelling is located. Although this would maintain consistency with Table 1 parameters, it also raises the potential complication where dwellings are legally nonconforming as to structure. It is unclear whether the intent of the increased FAR would be to include such dwellings in this benefit, or whether such dwellings would need to seek some other relief. While Section 30-21(c) provides for modest alterations to nonconforming structures pursuant to the *de minimis* provisions, more substantial alterations would necessitate Board of Aldermen approval of extension of non-conforming structure pursuant to Section 30-21(b).

It should also be noted that at the present time, the gross floor area calculation excludes habitable space which qualifies as basement, finished attic, or half-story. In turn, this has the effect of significantly undercounting actual FAR at a particular location. In past discussions, the Zoning and Planning Committee has acknowledged this result, and suggestions have been made over time to include such gross floor area in the FAR calculation.

The Planning Department believes that a more consistent approach would be to eliminate the 50% demolition loophole altogether, not allow the large 140% increase in FAR as discussed above, yet provide a "safety-valve" provision to owners needing modest increases in gross floor area. This was discussed in conjunction with prior Petition #137-05, and resulted in a draft *de minimis* mechanism suggested by the Law Department. Such a mechanism would make possible a cumulative 400 sq. ft. increase in gross floor area for single- and two-family homes, in cases where homes were at or above the currently applicable Table 1 FAR.

Manipulation of 50% demolition rule. Concerns have been expressed regarding builders manipulating conditions while under construction. For example, the Inspectional Services Department has found that some builders mischaracterize previously sound portions of a building as unsound during construction, and remove the "unsound" components demolishing more than 50%, as a subterfuge to end-run the 50% demolition rule. In response, the Subcommittee recommends a rule whereby the builder must obtain a determination from the Commissioner of Inspectional Services that a wall is structurally

unsound and unsalvageable prior to replacement, and that such work must be identical to the component replaced. While the Commissioner of Inspectional Services concurs, the Planning Department also believes that it is not necessary to amend the Zoning Ordinance to achieve this result. We believe the Commissioner of Inspectional Services has the discretion and authority to articulate necessary rules and procedures within building permitting practices. The Planning Department would also recommend considering a mandatory pre-demolition site review along submission of documentation of pre-demolition conditions as part of the process.

Format. The Planning Department agrees with the suggestion that this entire matter merits treatment in the text of the Zoning Ordinance to provide context for this complex provision, which currently exists solely as a footnote to Table 1. Law Department assistance will be needed to formulate language to articulate purpose, scope, applicability, and regulatory provisions.

VI. SUMMARY

Inspectional Services permitting experience suggests continuation of a trend to much larger home additions, regardless of the portion of the original home that is demolished. This underscores the need to revisit the FAR exemption (loophole) provided by Footnote 7(3). Elimination of the exemption would, in the opinion of the Planning Department as well as the Commissioner of Inspectional Services, result in a more uniform application of FAR to both new construction as well as additions. This approach would ensure that scale and size of all new construction would be more consistent with the neighborhood environment.

However, the Subcommittee report notes that its members did not feel ready to eliminate the 50% demolition provision until such time as FAR overall is reviewed and updated, to the extent necessary. The Planning and Development Department concurs with the Subcommittee that certain clarifications are needed within Section 30-1, *Definitions*, as discussed in IV. Analysis, above. This includes providing a methodology for calculating the 50% demolition figure as well as ensuring that external walls, which are converted to interior walls, are included in such calculation. In addition, the Planning Department agrees that procedures are needed to prohibit manipulation of the 50% rule while under construction, and believes that such procedures can best be implemented through ISD policy as part of their permitting and inspection process.

The Planning and Development Department understands the Subcommittee's concern that owners with demolition under 50% be provided a mechanism to accommodate legitimate needs to modify their homes. However, the suggested increase of FAR by 140% is overly generous. Instead, we suggest revisiting a mechanism previously considered in discussion by ZAP allowing an owner to increase gross floor area of a home regardless of FAR, by an aggregate 400 sq. ft. pursuant to a *de minimis* provision that may be incorporated into Section 30-21(c).

RECOMMENDATIONS:

- ***Eliminate Table 1, Footnote 7(3).***
- ***In the event elimination of Table 1, Footnote 7(3) does not occur, adopt 50% demolition definition and methodology in Section 30-1, Definitions.***
- ***Deny extension of FAR by 140% for owners proposing to demolish less than 50%.***
- ***Revisit de minimis mechanism in place of extension of FAR by 140% for owners proposing to demolish less than 50%.***
- ***Request that the Commissioner of Inspectional Services augment and implement a building permitting policy with procedures precluding manipulation of 50% demolition rule.***

ATTACHMENTS

ATTACHMENT A – RECOMMENDATIONS FOR THE SO-CALLED "50% DEMOLITION RULE."

ATTACHMENT B – MEMORANDUM, APRIL 1, 2002, CALCULATING PERCENTAGE OF DEMOLITION TO DETERMINE WHETHER PROPOSED WORK IS SUBJECT TO THE FLOOR AREA RATIO REQUIREMENT.

ATTACHMENT A

To: Zoning Task Force

From: 50% Demolition Rule Sub-Committee

RE: Recommendations for the so-call "50% Demolition Rule"

Introduction:

The current zoning Ordinances for the City of Newton allow a property owner to exceed the Floor Area Ratio (FAR) limitation for a single family home if the owner demolishes less than 50% of the existing structure. This rule appears only as a footnote (#7) to the dimensional table contained in the Ordinance. The rule applies **only** to single family homes.

It bears noting that the 50% rule does not excuse compliance with a majority of the dimensional controls contained within the Ordinances. For example, structures which invoke this rule must still meet the open space requirements, height restrictions, set backs, and frontage requirements.

The abuse, or perceived abuse of this rule has led to recommendations, in the past, that it be abolished or amended. This Rule has been included in area for the Task Force's review not due to the perceived abuse, but rather due to the lack of clarity contained in the foot note.

Discussion:

This Sub-committee began by reviewing the specific questions on this rule posed by John Lojek:

1) How is/should the 50% calculation made; and
2) Should an exterior wall be deemed to be demolished if it becomes an interior wall.

How the 50% calculation made

Under previous Commissioner(s) 50% demolition was calculated using a somewhat complex formula which divided the house into 3 sections, the roof, the walls, and the floor/ceiling assemblies. Each of the three sections made up a 1/3 of the total calculation. Our sub-committee sought to simplify this calculation.

We recommend that in place of the existing formula an applicant is entitled to exceed the FAR, under this section/footnote, when he/she is demolishing less than 50% of the total square footage of the exterior walls and gables, plus the total square footage of the roof as if it were flat and ending at the building perimeter (the square footage of the previous floor's ceiling). In no event, however, will the roof comprise more than 33% of the calculation.

(Insert graphic here)

For example, in a single story house with 900 square feet of wall space, and with a 900 square feet roof calculation, removal of the roof will be 33% total demolition rather than 50%.

(Insert graphic here)

In a two story house with the same foot print, there would be 1800 square feet of exterior wall space and 900 square feet of roof, in this case, removal of the roof constitutes 33% total demolition.

The sub-committee has determined that any interior demolitions, including the floor ceiling assemblies, should be irrelevant to demolition calculation under this rule.

The sub-committee decided to limit the weight given to roofs in the calculation by use of a cap (i.e. complete removal of a roof will constitute no more than 33% demolition

regardless of it's relationship to the square footage of the exterior walls) due to the harsh results that occur when dealing with a ranch style house. Without capping the roof it is possible that a single family home owner would be unable to do more than add a second story to their home.

What happens when an exterior wall becomes an interior wall?

A majority of the sub-committee decided that converting an exterior wall into an interior wall would constitute demolition of that wall for purposes of the 50% calculation. The committee also determined that the same would hold true for the roof.

Other Issues

A. The Sub-committee would further recommend that any single family home which seeks to construct an addition under the provisions of this section/footnote may have an "as built" structure, including both the addition and the remaining portion of the existing structure with an FAR of up to 40% greater than the FAR of the zone in which the structure is located. The Structure, as built, must comply with all other dimensional controls applicable in the zone in which the structure is located.

This recommendation is, essentially, a cap on the size of the construction permitted under this rule. A table is attached hereto to demonstrate the FAR cap.

Zone	Existing FAR	50% Demolition FAR
SR1—new lot	.2	.28
SR1—old lot	.25	.35
SR2—new lot	.3	.42
SR2—old lot	.3	.42
SR3—new lot	.35	.49
SR3—old lot	.35	.49

B. If in the course of construction an applicant determines that a wall/roof that was not to be demolished is structurally unsound, the applicant may seek permission from the

building inspector to replace the existing wall with an identical wall, without loosing his/her rights under this section. The applicant **must** obtain a determination from the building inspector that the wall is structurally unsound and unsalvageable **prior** to being permitted to replace the wall/roof, or portion thereof, that was to remain intact according to the building permit application.

This recommendation is being made to help with enforcement of this rule. There have been multiple occurrences of applicants submitting plans showing that less than 50% of the structure was to be demolished but which ended up with more than 50% of the building being demolished.

While there are occasions where a wall, or the roof, is discovered to be unsound during construction, this has become an excuse of sorts which some applicants have used to exceed 50% demolition.

It is the intent of the sub-committee that the building inspector be given some leeway to allow for the replacement of walls when there truly is a question of their structural soundness, while preventing applicants from removing walls, constructing new walls, either in the same location or elsewhere, without getting prior approval of the building inspector.

C. The Sub-committee also recommends that this rule be moved from footnote 7 of the table of dimensional controls to it's own free standing section of the ordinances.

D. The sub-committee discussed, but did not endorse or recommend, the elimination of this rule in it's entirety. The sub-committee **does not** recommend the removal of this rule. While no consensus was reached about the underlying purpose of the rule some committee members felt that the rule serves to preserve existing homes and

neighborhoods while allowing homeowners to expand their living space. Other's felt that while the above was not the purpose of the rule, the rule is necessary to allow homeowners to make improvements and expansions to their home.

Elimination of this rule would only be advisable at such time as a comprehensive review and revisions to the Ordinances are made, specifically, if and when the FAR restrictions are revised. Until such time, the committee recommends keeping the 50% Rule with the modifications/definitions out lined above.

ATTACHMENT B

City of Newton

Inspectional Services Department

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David B. Cohen
Mayor

MEMORANDUM

TO: All Interested Persons

FROM: Commissioner Mark A. Gilroy

DATE: April 1, 2002

SUBJECT: Calculating Percentage Of Demolition To Determine Whether Proposed Work Is Subject To The Floor Area Ratio Requirement

Clause 6 of Ordinance V-112, Board of Aldermen Order No. 457-96, provided that, for single-family and two-family dwellings, the floor area ratio requirement [hereafter referred to as the "FAR" requirement] was to apply only in certain circumstances. One of those circumstances is: "(3) reconstruction where more than fifty (50) per cent of an existing structure is demolished".

The purpose of this memorandum is to provide guidance on how the percentage of demolition is to be calculated.

For this purpose only, the term "area" shall mean "the sum of the floor area within the perimeter of the outside walls of the buildings without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells or other vertical open spaces, or other features, but not including the building's interior walls, foundation, or basement." The term "basement" shall mean what it is defined to mean in Section 30-1 of the Zoning Ordinance. As used here, the term "full story" excludes a "half story" as that term is defined in Section 30-1 of the Zoning Ordinance.

For this purpose, the building is to be considered as having three (3) components:

- The area of floor space under each roof section.
- The area of the floor/ceiling assembly for each full story.
- The perimeter of the exterior walls, measured separately for each full story.

(OVER)

Calculate the total square footage of floor space under each roof section of the building as it exists before the start of the proposed work. Calculate the total square footage of that existing floor space that is to be demolished (even if that floor space is to be replaced). Divide the second number by the first and multiply that result by 100 to obtain the percentage of existing floor space under each roof section that is to be demolished. The plans submitted for ISD review must clearly identify all of the existing floor space that is to be demolished.

Calculate the total square footage of area of the floor/ceiling assembly for each full story of the building as it exists before the start of the proposed work. Calculate the total square footage of that portion of the area that is to be demolished (even if that area is to be replaced). Divide the second number by the first and multiply that result by 100 to obtain the percentage of existing area of the floor/ceiling assembly that is to be demolished. The plans submitted for ISD review must clearly identify all of the areas that are to be demolished.

Calculate the total length in feet of the perimeter of the exterior walls for each full story of the building as it exists before the start of the proposed work. Calculate the total length in feet of that portion of the perimeter that is to demolished (even if that portion of the exterior wall is to be replaced). Divide the second number by the first and multiply that result by 100 to obtain the percentage of perimeter of exterior walls to be demolished. The plans submitted for ISD review must clearly identify all of the wall perimeters that are to be demolished.

Add the three (3) percentages calculated pursuant to the three preceding paragraphs. Divide the result by three (3) (i.e. the number of components). This is the percentage of "existing structure" that is to be demolished pursuant to Clause 6(3) of Ordinance #V-112, quoted above. If the percentage is less than or equal to 50%, the FAR requirement does not apply because of Clause 6(3) of Ordinance #V-112. If the percentage is more than 50%, the FAR requirement does apply.

Please note the following:

- If the percentage is less than or equal to 50%, the FAR requirement will apply anyway if either (1) the building was first constructed after publication in early 1997 of the first hearing notice on the first proposal to amend the Zoning Ordinance to include FAR as a requirement, or (2) a result of the proposed work is conversion of a 1-family dwelling to a 2-family dwelling.

- These calculations only apply to proposed additions to existing single-family and two-family dwellings. Regardless of the amount of demolition involved, the FAR requirements specified in Table 2 or Table 3 of Section 30-15 of the Zoning Ordinance apply to all additions to all other buildings.

- These calculations only apply to determining whether the FAR requirement applies. Regardless of the amount of demolition involved, the lot coverage and open space requirements specified in Table 1, 2, or 3 of Section 30-15 of the Zoning Ordinance applies.

AG/PRB