

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Acting Director, Department of Building Inspection

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: January 22, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Avalos on January 15, 2013. This matter is being referred to your department for informational purposes.

File No. 130041

Ordinance amending the Planning Code, by repealing Sections 790.84, 790.86, 890.84, and 890.86, and amending Section 317, and various other sections, to revise the criteria for the residential demolition, conversion, and merger; standardize definitions of residential demolition, conversion, and merger across various use districts; permit the enlargement or alteration of dwelling units which are nonconforming as to density in districts where dwelling units are principally permitted if there is no increase in nonconformity of height, bulk, or required rear yards or setbacks; permit alterations to nonconforming uses or noncomplying structures to comply with disabled access requirements or to provide secure bicycle parking; establish a strong presumption in favor of preserving dwelling units in enforcement of requirements for nonconforming uses, structures, and lots; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

If you do wish to submit any additional reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: William Strawn, Legislative & Public Affairs, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

1 [Planning Code - Conversion, Demolition, Merger, and Conformity of Residential Uses]

2
3 **Ordinance amending the Planning Code, by repealing Sections 790.84, 790.86, 890.84,**
4 **and 890.86, and amending Section 317, and various other sections, to revise the criteria**
5 **for the residential demolition, conversion, and merger; standardize definitions of**
6 **residential demolition, conversion, and merger across various use districts; permit the**
7 **enlargement or alteration of dwelling units which are nonconforming as to density in**
8 **districts where dwelling units are principally permitted if there is no increase in**
9 **nonconformity of height, bulk, or required rear yards or setbacks; permit alterations to**
10 **nonconforming uses or noncomplying structures to comply with disabled access**
11 **requirements or to provide secure bicycle parking; establish a strong presumption in**
12 **favor of preserving dwelling units in enforcement of requirements for nonconforming**
13 **uses, structures, and lots; and making environmental findings, Planning Code, Section**
14 **302, findings, and findings of consistency with the General Plan and the Priority**
15 **Policies of Planning Code, Section 101.1.**

16 NOTE: Additions are *single-underline italics Times New Roman*;
17 deletions are ~~*strike-through italics Times New Roman*~~.
18 Board amendment additions are double-underlined;
19 Board amendment deletions are ~~strikethrough normal~~.

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. _____ and is incorporated herein by reference.

1 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
2 amendments will serve the public necessity, convenience, and welfare for the reasons set
3 forth in Planning Commission Resolution No. _____ and the Board hereby incorporates
4 such reasons herein by reference. A copy of Planning Commission Resolution No. _____ is
5 on file with the Clerk of the Board of Supervisors in File No. _____.

6 (c) This Board finds that these Planning Code amendments are consistent with the
7 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
8 forth in Planning Commission Resolution No. _____ and the Board hereby incorporates
9 such reasons herein by reference.

10
11 Section 2. The San Francisco Planning Code is hereby amended by repealing
12 Sections 790.84, 790.86, 890.84, and 890.86, to read as follows:

13 ~~**SEC. 790.84. RESIDENTIAL CONVERSION.**~~

14 ~~*The change in occupancy (as defined and regulated by the Building Code) of any residential use*~~
15 ~~*to a nonresidential use. This definition shall not apply to conversions of residential hotels, as defined*~~
16 ~~*and regulated in Chapter 41 of the San Francisco Administrative Code.*~~

17 ~~**SEC. 790.86. RESIDENTIAL DEMOLITION.**~~

18 ~~*The demolition (as defined by the Building Code) of any building or structure or portion thereof*~~
19 ~~*containing a residential use. This definition shall not apply to demolitions of residential hotels, as*~~
20 ~~*regulated in Chapter 41 of the San Francisco Administrative Code.*~~

21 ~~**SEC. 890.84. RESIDENTIAL CONVERSION.**~~

22 ~~*The change in occupancy (as defined and regulated by the Building Code) of any residential use*~~
23 ~~*to a nonresidential use. This definition shall not apply to conversions of residential hotels, as defined*~~
24 ~~*and regulated in Chapter 41 of the San Francisco Administrative Code.*~~

25 ~~**SEC. 890.86. RESIDENTIAL DEMOLITION.**~~

1 *The demolition (as defined by the Building Code) of any building or structure or portion thereof*
2 *containing a residential use. This definition shall not apply to conversions of residential hotels, as*
3 *regulated in Chapter 41 of the San Francisco Administrative Code.*

4 Section 3. The San Francisco Planning Code is hereby amended by amending
5 Sections 180, 181, 207.7, 212, 317, 703.2 and the Zoning Control Tables of Sections 710
6 through 742, 803.8, and the Zoning Control Tables of Sections 803.2, 810 through 818 and
7 827, to read as follows:

8 **SEC. 180. NONCONFORMING USES, NONCOMPLYING STRUCTURES AND**
9 **SUBSTANDARD LOTS OF RECORD: GENERAL.**

10 The following provisions shall apply to ~~non-conforming~~ nonconforming uses,
11 noncomplying structures and substandard lots of record:

12 (a) Definitions. Such uses, structures and lots are hereby defined as follows:

13 (1) A "nonconforming use" is a use which existed lawfully at the effective date of
14 this Code, or of amendments thereto, or a live/work unit which existed on the effective date of
15 Ordinance No. 412-88 (effective October 10, 1988) (other than a live/work unit wholly or partly
16 occupying space whose legal occupancy under the Building Code was then limited to a
17 residential occupancy) and which fails to conform to one or more of the use limitations under
18 Articles 2, 6, 7 and 8 of this Code that then became applicable for the district in which the
19 property is located.

20 (2) A "noncomplying structure" is a structure which existed lawfully at the
21 effective date of this Code, or of amendments thereto, and which fails to comply with one or
22 more of the regulations for structures, including requirements for off-street parking and
23 loading, under Articles 1.2, 1.5, 2.5, 6, 7 and 8 of this Code, that then became applicable to
24 the property on which the structure is located.

1 (3) A "substandard lot of record" is a lot which existed lawfully at the effective
2 date of any requirement of this Code applicable thereto for minimum lot width or area (on
3 December 26, 1946, or through subsequent amendments), and which fails to meet one or
4 more of such requirements. Any lot existing and recorded as a separate parcel in the office of
5 the Assessor or the Recorder at such effective date shall be deemed to be a lot of record
6 under this Code as of such date. Any lot created by merger of such existing lots of record or
7 parts thereof in such a manner as to establish a lesser number of lots, each having an
8 increased area with no reduction in width, or an increased width with no reduction in area, or
9 both an increased area and an increased width, shall also be deemed to be a lot of record
10 under this Code as of the date of such merger.

11 (b) Timely compliance with the Code. Such uses, structures and lots, in failing to meet
12 applicable requirements of this Code, are incompatible with the purposes of this Code and
13 with other uses, structures and lots in the City, and it is intended that these uses, structures
14 and lots shall be brought into compliance with this Code as quickly as the fair interests of the
15 parties will permit.

16 (c) Continuation of nonconforming uses, structures, and lots. Notwithstanding any other
17 provision of this Code, such uses, structures and lots may be continued, except as otherwise
18 provided in Sections 180 through 189, and subject to the limitations of this Article 1.7.

19 (d) Change in ownership. A mere change of title or possession or right of possession of
20 property, without any other change that is relevant to the restrictions of this Code, shall not
21 terminate the status of a nonconforming use, noncomplying structure or substandard lot of
22 record.

23 (e) Lawfully existing structures and uses. Any structure or use for which a permit was
24 lawfully granted prior to May 2, 1960, pursuant to the ~~City~~ Planning Code provisions in effect
25 on that date, and which was thereafter commenced and completed in accordance with such

1 provisions, shall be deemed to have been a lawfully existing structure or use on that date. Any
2 structure or use for which a permit has been lawfully granted pursuant to the provisions of this
3 Code relating to amendments, and which has thereafter been commenced and completed in
4 accordance with such provisions, shall be deemed to be a lawfully existing structure or use at
5 the time of the amendment that causes it to become a noncomplying structure or a
6 nonconforming use.

7 (f) Compliance with other requirements of the Planning Code. Except as specifically
8 provided in this Code to the contrary, every nonconforming use, noncomplying structure and
9 substandard lot of record shall comply with the applicable requirements of this Code, other
10 than those requirements from which such uses, structures and lots are exempted by this
11 Section 180.

12 (g) Nonconforming signs. Section 606(c) and other provisions of Article 6 of this Code
13 shall regulate the signs permitted for nonconforming uses. In addition, signs which are
14 themselves classified as nonconforming uses and noncomplying structures under this Code
15 shall be governed by Section 604 and other provisions of Article 6 of this Code.

16 (h) Preserving Dwelling Units. In enforcing this Section 180, there shall be a strong
17 presumption in favor of preserving Dwelling Units.

18 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**
19 **RECONSTRUCTION.**

20 The following provisions shall apply to ~~non-conforming~~ nonconforming uses with respect
21 to enlargements, alterations and reconstruction:

22 (a) Increases in nonconformity. A nonconforming use, and any structure occupied by
23 such use, shall not be enlarged, intensified, extended, or moved to another location, with the
24 exception of the construction of a mezzanine within a live/work unit and expansion of dwelling
25 units in PDR Districts, unless the result will be elimination of the nonconforming use, except

1 as provided in Paragraph (b)(3) and (i) below and Section 186.1 of this Code. A
2 nonconforming use shall not be extended to occupy additional space in a structure, or
3 additional land outside a structure, or space in another structure, or to displace any other use,
4 except as provided in Sections 182 and 186.1 of this Code.

5 (b) Permitted alterations. A structure occupied by a nonconforming use shall not be
6 constructed, reconstructed or altered, unless the result will be elimination of the
7 nonconforming use, except as provided in Section 186.1 of this Code and in Subsections (a)
8 above and (d), (e), (f) ~~and (g)~~, (h) and (i) below, and except as follows:

9 (1) Ordinary maintenance and minor repairs shall be permitted where necessary
10 to keep the structure in sound condition, as well as minor alterations, where such work is
11 limited to replacement of existing materials with similar materials placed in a similar manner.

12 (2) Minor alterations shall be permitted where ordered by an appropriate public
13 official to correct immediate hazards to health or safety, or to carry out newly enacted
14 retroactive requirements essential to health or safety.

15 (3) Alterations otherwise allowed by this Code shall be permitted for any portion
16 of the structure that will not thereafter be occupied by the nonconforming use, provided the
17 nonconforming use is not enlarged, intensified, extended, or moved to another location.

18 (4) All other alterations of a structural nature shall be permitted only to the extent
19 that the aggregate total cost of such other structural alterations, as estimated by the
20 Department of Building Inspection ~~Public Works~~, is less than ½ of the assessed valuation of the
21 improvements prior to the first such alteration, except that structural alterations required to
22 reinforce the structure to meet the standards for seismic loads and forces of the Building Code
23 shall be permitted without regard to cost.

24 (5) Alterations necessary to bring uses and structures into conformity with disabled
25 access requirements or to provide secure bicycle parking shall be permitted.

1 (c) Dwellings nonconforming as to density. A dwelling or other housing structure
2 exceeding the permitted density of dwelling units or other housing units set forth in Sections
3 207.5, 208, 209.1, 209.2, or 215 of this Code for the district in which it is located shall be
4 classified as a nonconforming use under Section 180 of this Code, but only to the extent that
5 such dwelling or other housing structure exceeds the permitted density. In Districts where a
6 Dwelling Unit is a principally permitted use, this ~~This~~ Section 181 shall not apply with respect to
7 enlargements, alterations and reconstruction of the nonconforming portion of such dwelling or
8 other housing structure, consisting of those dwelling units or other housing units which exceed
9 the permitted density, so long as such enlargements, alterations, or reconstruction do not otherwise
10 increase nonconformity in permitted height, bulk, or required rear yards or setbacks. Any dwelling
11 unit or other housing unit coming within the density limit shall not be affected by this Section
12 181. Except as provided in Sections 181(h) and 182(e), no dwelling or other housing structure
13 exceeding the permitted density of dwelling units or other housing units shall be altered to
14 increase the number of dwelling units or other housing units therein, or to increase or create
15 any other nonconformity with respect to the dwelling unit or other housing unit density
16 limitations of Section 209.1 or Section 209.2.

17 (d) Structures damaged or destroyed by calamity. Notwithstanding the foregoing provisions
18 of this Section 181, a structure occupied by a nonconforming use that is damaged or
19 destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored
20 to its former condition and use; provided that such restoration is permitted by the Building
21 Code, and is started within eighteen months and diligently prosecuted to completion. The age
22 of such a structure for the purposes of Sections 184 and 185 shall nevertheless be computed
23 from the date of the original construction of the structure. Except as provided in Subsection (e)
24 below, no structure occupied by a nonconforming use that is voluntarily razed or required by
25

1 law to be razed by the owner thereof may thereafter be restored except in full conformity with
2 the use limitations of this Code.

3 For purposes of this Subsection (d), "started within eighteen months" shall mean that
4 within eighteen months of the fire or other calamity or Act of God, the structure's owner shall
5 have filed a building permit application to restore the structure to its former condition and use.

6 (e) Unreinforced masonry buildings. In order that major life safety hazards in structures
7 may be eliminated as expeditiously as possible, a structure containing nonconforming uses
8 and constructed of unreinforced masonry that is inconsistent with the requirements of the
9 UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished and
10 reconstructed with the same nonconforming use or a use as permitted by Planning Code
11 Section 182; provided that:

12 (1) there is no increase in any nonconformity, or any new nonconformity, with
13 respect to the use limitations of this Code;

14 (2) ~~provided further that~~ the current requirements of the Building Code, the
15 Housing Code and other applicable portions of the Municipal Code are met; and

16 (3) ~~provided further that~~ such restoration or reconstruction is started within one
17 year after razing or other demolition work on the structure and diligently prosecuted to
18 completion.

19 (f) Nighttime Entertainment Uses in certain Mixed-Use Districts. A nighttime entertainment
20 use within the RSD, MUG, MUR, or SLR Districts may be enlarged, intensified, extended or
21 expanded, including the expansion to an adjacent lot or lots, provided that:

22 (1) the enlargement, intensification, extension or expansion is approved as a
23 conditional use pursuant to Sections 303 and 316 of this Code;

1 (2) the use as a whole meets the parking and signage requirements, floor area
2 ratio limit, height and bulk limit, and all other requirements of this Code which would apply if
3 the use were a permitted one; and

4 (3) the provisions of Section 803.5(b) of this Code are satisfied.

5 (g) Automotive Sales and Service Signs in the Automotive Special Use District. Automotive
6 sales and service signs within the Automotive Special Use District which have all required
7 permits but which do not comply with the controls for new signs established in Section 607.3
8 of this Code shall be permitted to remain as nonconforming uses and shall be permitted to
9 modify the signage text to describe new automobile ownerships and dealerships that may
10 occur from time to time.

11 (h) Dwellings in PDR and M-2 Districts. In PDR and M-2 Districts, no building containing
12 a residential use shall be altered to increase the number of dwelling units or other housing
13 units therein. However, individual dwelling units or other housing units may be expanded,
14 subject to height, bulk, and all other provisions of this Code which would otherwise be
15 applicable to dwelling units or other housing units in the Urban Mixed Use District.

16 (i) Nonconforming Non-Residential Uses in the Eastern Neighborhoods Mixed Use, PDR-1-
17 D, and PDR-1-G Districts. In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G
18 Districts, a non-residential nonconforming use may expand in gross floor area by no more
19 than 25 percent with eConditional #Use authorization pursuant to Section 303 of this Code.
20 Such conditional use authorization may not be granted for any subsequent or additional
21 expansion beyond the initial 25 percent.

22 **SEC. 207.7. RESTRICTIONS ON DEMOLITION, CONVERSION, AND MERGER OF**
23 **EXISTING DWELLING UNITS IN RTO AND RTO-M, NCT, AND THE UPPER MARKET**
24 **NEIGHBORHOOD-COMMERCIAL DISTRICTS.**

1 (a) **Purpose.** The controls governing the RTO ~~and RTO-M, NCT, and the Upper Market~~
2 ~~Neighborhood Commercial~~ Districts are flexible with regard to dwelling unit density and parking,
3 and intended to foster creative infill housing of moderate to high density while maintaining the
4 character of the district. The intent of this flexibility, however, is not to encourage the
5 demolition or removal of existing housing stock, particularly units in older buildings.

6 (b) **Controls.** Demolition of any dwelling unit, merger of any two or more dwelling units,
7 or conversion of a dwelling unit to a non-residential use (herein all generally referred to as
8 "demolition") in an RTO ~~or RTO-M, NCT, or the Upper Market Neighborhood Commercial~~ District
9 shall be permitted only with Conditional Use authorization from the Planning Commission
10 ~~under Sections 313 and 317 of this Code . Under no circumstance may the Commission grant a~~
11 ~~Conditional Use for demolition of a dwelling unit absent consideration of a replacement Code-~~
12 ~~complying project on the same lot. In granting any Conditional Use, the Commission shall consider~~
13 ~~each of the following characteristics of the dwelling unit(s) proposed for demolition and of the~~
14 ~~proposed replacement project, and shall approve such demolition if, on balance, the proposal meets~~
15 ~~these criteria, and serves the public interest:~~

16 (1) ~~the assessed value of the units proposed for demolition exceed that which is~~
17 ~~affordable to households earning 100% of median income;~~

18 (2) ~~the units proposed for demolition are unsound, in accord with the Planning~~
19 ~~Commission's adopted definition of "unsound";~~

20 (3) ~~there is no history of poor maintenance or Code violations;~~

21 (4) ~~the property is not a historic resource under CEOA;~~

22 (5) ~~the proposed replacement project results in a net increase in the number of units on-~~
23 ~~site;~~

24 (6) ~~the proposed replacement project is of superb architectural and urban design, meets~~
25 ~~or exceeds all relevant design guidelines and Area Plan policies;~~

1 (7) *the proposed replacement project preserves rental housing on site from conversion*
2 *to other forms of occupancy or tenure;*

3 (8) *the proposed replacement project restores rent control to equivalent number of units*
4 *on the site;*

5 (9) *the proposed replacement project features affordability at least equivalent to the*
6 *existing units;*

7 (10) *the proposed replacement project represents no net loss in the number of family-*
8 *sized units;*

9 (11) *the proposed replacement project serves as supportive housing or serves a special*
10 *or underserved population;*

11 (12) *the proposed project seeks to convert a ground floor, street facing residential use*
12 *to a commercial use in a neighborhood commercial district where such commercial uses are desirable;*
13 *and*

14 (13) *the proposed replacement project serves a public interest or public use that cannot*
15 *be met without the proposed demolition.*

16 **SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS.**

17 In the following C and M Districts, the permitted uses indicated in Sections 215 through
18 227 shall be subject to the additional requirements contained in this Section 212.

19 (a) **Uses in enclosed buildings.** In ~~C-1~~ and C-2 Districts, all permitted uses, and all
20 storage, servicing, fabricating, processing or repair uses accessory thereto, shall be
21 conducted within enclosed buildings, with the exceptions of:

- 22 (1) Those uses indicated by an asterisk (*) in the column for the district;
- 23 (2) Accessory off-street parking and loading areas where permitted;
- 24 (3) Accessory outdoor dining areas where permitted;
- 25 (4) Accessory recreation areas where permitted; and,

1 (5) Mobile Food Facilities as defined in Section 102.34 ~~102.31~~.

2 (b) **Drive-up Facilities. Drive-in uses.** In ~~C-1~~ and C-3 Districts, a Drive-up Facility, as
3 defined in Section 790.30 of this Code, shall not be ~~no permitted use shall include an establishment of~~
4 ~~the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of~~
5 ~~automobile service stations and automobile washes where permitted.~~

6 (c) **Required ground-floor commercial frontage in ~~the~~ C-3 Districts.**

7 (1) **Purpose.** The purpose of this section is to assure continuity of retail and
8 consumer service uses in the C-3-R ~~district~~ District, and in other important commercial streets
9 in C-3 Districts.

10 (2) **Applicability.**

11 (A) In the C-3-R District, along any block frontage that is entirely within
12 such district or partly in such district and partly in the C-3-O District, where such block
13 frontage faces a street 40 feet or more in width;

14 (B) On building frontages facing Destination Alleyways, as defined in the
15 Downtown Streetscape Plan;

16 (C) Along any street frontage facing Market Street in all C-3 Districts
17 except the Van Ness and Market Downtown Residential Special Use District.

18 (3) **Controls.**

19 ~~(e)(1)~~ (A) **Ground story.** Only those permitted uses listed in Sections 218 and
20 ~~227~~ 221 shall be located facing such street in the ground story of any building. At least 1/2 the
21 total width of any new or reconstructed building, parallel to and facing such street, shall be
22 devoted at the ground story to entrances, show windows or other displays of such uses.

23 ~~(e)(2)~~ (B) **All levels.** All other permitted uses shall be located either on stories
24 above or below the ground story or at a distance of not less than 20 feet behind ~~the front of the~~
25

1 *building each street frontage* at the ground story. No more than 1/3 the width of any lot, parallel
2 to and facing such street, shall be devoted to entrances to such other permitted uses.

3 (d) **Hazardous, noxious, or offensive uses prohibited.** No use listed as permitted in any C
4 District or M-1 District shall include any use that is hazardous, noxious or offensive for
5 reasons described in Section 202(c) of this Code.

6 (e) **Loss of ~~H~~ousing in C-3 Districts.** In C-3 Districts, all Residential Conversion and
7 Residential Demolition, as those terms are defined in Section 317, above the ground floor shall be
8 subject to Conditional Use authorization under Sections 303 and 317 of this Code ~~demolitions of~~
9 ~~residential buildings and all conversions to nonresidential use of residential uses above the ground~~
10 ~~floor shall be permitted only if authorized as a conditional use under Section 303 of this Code, unless~~
11 ~~the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention~~
12 ~~and Public Safety determines that the building is unsafe or dangerous and that demolition is the only~~
13 ~~feasible means to secure the public safety. When considering whether to grant a conditional use permit~~
14 ~~for the demolition or conversion, in lieu of the criteria set forth in Planning Code Section 303,~~
15 ~~consideration shall be given to the adverse impact on the public health, safety and general welfare of~~
16 ~~the loss of housing stock in the district and to any unreasonable hardship to the applicant if the permit~~
17 ~~is denied.~~

18 **SEC. 317. LOSS OF DWELLING UNITS THROUGH MERGER, CONVERSION, AND**
19 **DEMOLITION.**

20 (a) **Findings.** San Francisco faces a continuing shortage of affordable housing. There
21 is a high ratio of rental to ownership tenure among the City's residents. The General Plan
22 recognizes that existing housing is the greatest stock of rental and financially accessible
23 residential units, and is a resource in need of protection. Therefore, a public hearing will be
24 held prior to approval of any permit that would remove existing housing, with certain
25 exceptions, as described below. The Planning Commission shall develop a Code

1 Implementation Document setting forth procedures and regulations for the implementation of
2 this Section 317 as provided further below. The Zoning Administrator shall modify economic
3 criteria related to property values and construction costs in the Implementation Document as
4 warranted by changing economic conditions to meet the intent of this Section.

5 (b) **Definitions.** For the purposes of this Section 317, the terms below shall be defined
6 as follows:

7 (1) "Residential Conversion of Residential Unit" shall mean the removal of cooking
8 facilities in a Residential Unit or the change of occupancy (as defined and regulated by the
9 Building Code), or the change of use (as defined and regulated by the Planning Code), of any
10 Residential Use or Live-Work Unit to a non-residential use. This definition shall not apply to
11 conversions of residential hotels, as defined and regulated in Chapter 41 of the San Francisco
12 Administrative Code. The change of occupancy from a dwelling unit, group housing, or SRO to
13 Student Housing is also considered a conversion of a ~~R~~Residential ~~u~~Unit. Notwithstanding the
14 foregoing, the change of use or occupancy of a dwelling unit, group housing, or SRO to
15 Student Housing is not considered a conversion of a ~~R~~Residential ~~u~~Unit if the dwelling unit,
16 group housing or SRO will be Student Housing owned, operated or otherwise controlled by a
17 not for profit post-secondary Educational Institution and

18 (i) ~~(A)~~ (A) it was built by the post-secondary Educational Institution;

19 (ii) ~~(B)~~ (B) it is in a convent, monastery, or similar religious order facility;

20 (iii) ~~(C)~~ (C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-
21 secondary Educational Institution, so long as the lot has been owned by the post-secondary
22 Educational Institution for at least ten years as of the effective date of ~~this o~~Ordinance 188-12;
23 or

24 (iv) ~~(D)~~ (D) as of August 10, 2010, it was owned, operated or otherwise
25 controlled by a post-secondary Educational Institution that had an Institutional Master Plan on

1 file with the Planning Commission, and where the occupancy by those other than students at
2 that date was less than 20% of the total occupants. For purposes of determining occupancy,
3 the post-secondary Educational Institution shall present to the Planning Department verified
4 information regarding its rental or lease of units as of that date.

5 (2) "Residential Demolition of Residential Buildings" shall mean any of the
6 following:

7 (A) Any work on a Residential Building for which the Department of
8 Building Inspection determines that an application for a demolition permit is required, or

9 (B) A major alteration of a Residential Building that proposes the
10 Removal of more than 50% of the sum of the Front Facade and Rear Facade and also
11 proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal
12 feet at the foundation level, or

13 (C) A major alteration of a Residential Building that proposes the
14 Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the
15 Horizontal Elements of the existing building, as measured in square feet of actual surface
16 area.

17 (D) The Planning Commission may reduce the above numerical elements
18 of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it
19 deem that adjustment is necessary to implement the intent of this Section 317, to conserve
20 existing sound housing and preserve affordable housing.

21 (3) "Facade" shall mean an entire exterior wall assembly, including but not
22 limited to all finishes and siding, fenestration, doors, recesses, openings, bays, parapets,
23 sheathing and framing.

24 (4) "Front Facade" shall mean the portion of the Facade fronting a right-of-way,
25 or the portion of the Facade most closely complying with that definition, as in the case of a

1 flag lot. Where a lot has more than one frontage on rights-of-way. all ~~such~~ such frontages shall
2 be considered Front Facades except where a facade meets the definition of "Rear Facade."

3 (5) "Horizontal Elements" shall mean all roof areas and all floor plates, except
4 floor plates at or below grade.

5 (6) "Mandatory Discretionary Review" shall mean a hearing before the Planning
6 Commission that is required by this Section 317 at which the Commission will determine
7 whether to approve, modify or disapprove a permit application.

8 (7) "Residential Merger" shall mean the combining of two or more legal
9 Residential Units, resulting in a decrease in the number of Residential Units within a building,
10 or the enlargement of one or more existing units while substantially reducing the size of others
11 by more than 25% of their original floor area, even if the number of units is not reduced. The
12 Planning Commission may reduce the numerical element of this criterion by up to 20% of its
13 value should it deem that adjustment is necessary to implement the intent of this Section 317,
14 to conserve existing housing and preserve affordable housing.

15 (8) "Rear Facade" shall mean that portion of the Facade facing the part of a lot
16 that most closely complies with the applicable Planning Code rear yard requirements.

17 (9) "Removal" shall mean, with reference to a wall, roof or floor structure, its
18 dismantling, its relocation or its alteration of the exterior function by construction of a new
19 building element exterior to it. Where a portion of an exterior wall is removed, any remaining
20 wall with a height less than the Building Code requirement for legal head room shall be
21 considered demolished. Where exterior elements of a building are removed and replaced for
22 repair or maintenance, in like materials, with no increase in the extent of the element or
23 volume of the building, such replacement shall not be considered Removal for the purposes of
24 this Section. The foregoing does not supersede any requirements for or restrictions on
25 noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

1 (10) "Removal" shall mean, with reference to a Residential Unit, its Conversion,
2 Demolition, or Merger.

3 (11) "Residential Building" shall be mean any structure containing one or more
4 Residential Uses or Live-Work Units as a principal use, regardless of any other uses present in
5 the building.

6 (12) "Residential Unit" shall mean a legal conforming or *non-conforming*
7 *nonconforming* dwelling unit as defined in Planning Code Section 102.7, or a legal *non-*
8 *conforming nonconforming* Live/Work Unit as defined in Planning Code Section 102.13.

9 (13) "Residential Use" shall mean a Dwelling Unit or Group Housing as a principal
10 use.

11 (14) "Vertical Envelope Elements" shall mean all exterior walls that provide
12 weather and thermal barriers between the interior and exterior of the building, or that provide
13 structural support to other elements of the building envelope.

14 (c) **Applicability.** Where an application for a permit that would result in the loss of one
15 or more Residential Units is required to obtain Conditional Use authorization by other sections
16 of this Code, the application for a replacement building or alteration permit shall also be
17 subject to Conditional Use requirements. Any application for a permit that would result in the
18 loss or Removal of three or more Residential Units, notwithstanding any other sections of this
19 Code, shall require a Conditional Use authorization for the Removal and replacement of the
20 units. Approval of any other application that would result in the loss or Removal of up to two
21 Residential Units is prohibited unless the Planning Commission approves such permit
22 application and the replacement structure permit application at a Mandatory Discretionary
23 Review hearing, with certain exceptions specified below.

24 (d) ~~Loss of Residential Units Through Demolitions.~~

1 (1) No permit to Demolish a Residential Building in any zoning district shall be
2 issued until a building permit for the replacement structure is finally approved, unless the
3 building is determined to pose a serious and imminent hazard as defined in the Building Code.
4 A building permit is finally approved if the Board of Appeals has taken final action for approval
5 on an appeal of the issuance or denial of the permit or if the permit has been issued and the
6 time for filing an appeal with the Board of Appeal has lapsed with no appeal filed.

7 (2) If Conditional Use authorization is required for approval of the permit ~~to~~
8 ~~Demolish a~~ for Residential Demolition Building by other sections of this Code, the Commission
9 shall consider the replacement structure as part of its decision on the Conditional Use
10 application. If Conditional Use authorization is required for the replacement structure by other
11 sections of this Code, the Commission shall consider the demolition as part of its decision on
12 the Conditional Use application. In either case, Mandatory Discretionary Review is not
13 required, although the Commission shall apply appropriate criteria adopted under this Section
14 317 in addition to the criteria in Section 303 of the Planning Code in its consideration of
15 Conditional Use authorization. If neither permit application is subject to Conditional Use
16 authorization, then separate Mandatory Discretion Review cases shall be heard to consider
17 the permit applications for the demolition and the replacement structure.

18 (3) For those applications ~~to Demolish for~~ a Residential Demolition Building in
19 districts that require Mandatory Discretionary Review, administrative review criteria shall
20 ensure that only applications to demolish Single-Family Residential Buildings that are
21 demonstrably not affordable or financially accessible housing, or Residential Buildings of two
22 units or fewer that are found to be unsound housing, are exempt from Mandatory
23 Discretionary Review hearings. Specific numerical criteria for such analyses shall be adopted
24 by the Planning Commission in the Code Implementation Document, in accordance with this
25

1 Section 317, and shall be adjusted periodically by the Zoning Administrator based on
2 established economic real estate and construction indicators.

3 (A) The Planning Commission shall determine a level of affordability or
4 financial accessibility, such that Single-Family Residential Buildings on sites in RH-1 Districts
5 that are demonstrably not affordable or financially accessible, that is, housing that has a value
6 greater than at least 80% of the combined land and structure values of single-family homes in
7 San Francisco as determined by a credible appraisal, made within six months of the
8 application to demolish, are not subject to a Mandatory Discretionary Review hearing. The
9 demolition and replacement building applications shall undergo notification as required by
10 other sections of this Code. The Planning Commission, in the Code Implementation
11 Document, may increase the numerical criterion in this subsection by up to 10% of its value
12 should it deem that adjustment is necessary to implement the intent of this Section 317, to
13 conserve existing housing and preserve affordable housing.

14 (B) The Planning Commission, in the Code Implementation Document,
15 shall adopt criteria and procedures for determining the soundness of a structure proposed for
16 demolition, where "soundness" is an economic measure of the feasibility of upgrading a
17 residence that is deficient with respect to habitability and Housing Code requirements, due to
18 its original construction. The "soundness factor" for a structure shall be the ratio of a
19 construction upgrade cost (i.e., an estimate of the cost to repair specific habitability
20 deficiencies) to the replacement cost (i.e., an estimate of the current cost of building a
21 structure the same size as the existing building proposed for demolition), expressed as a
22 percent. A building is unsound if its soundness factor exceeds 50%. A Residential Building
23 that is unsound may be approved for demolition.

24 (C) The Planning Commission shall consider the following additional
25 criteria in the review of applications *to demolish for Residential Demolition Buildings*:

- 1 (i) whether the property is free of a history of serious, continuing
2 Code violations;
- 3 (ii) whether the housing has been maintained in a decent, safe,
4 and sanitary condition;
- 5 (iii) whether the property is an "historical resource" under CEQA;
6 (iv) whether the removal of the resource will have a substantial
7 adverse impact under CEQA;
- 8 (v) whether the project converts rental housing to other forms of
9 tenure or occupancy;
- 10 (vi) whether the project removes rental units subject to the Rent
11 Stabilization and Arbitration Ordinance;
- 12 (vii) whether the project conserves existing housing to preserve
13 cultural and economic neighborhood diversity;
- 14 (viii) whether the project conserves neighborhood character to
15 preserve neighborhood cultural and economic diversity;
- 16 (ix) whether the project protects the relative affordability of existing
17 housing;
- 18 (x) whether the project increases the number of permanently
19 affordable units as governed by Article 4 Section 315;
- 20 (xi) whether the project locates in-fill housing on appropriate sites
21 in established neighborhoods;
- 22 (xii) whether the project creates Quality, new family housing;
23 (xiii) whether the project creates new supportive housing;
24 (xiv) whether the ~~protect~~ project promotes construction of well-
25 designed housing to enhance existing neighborhood character;

1 (xv) whether the project increases the number of on-site dwelling
2 units;

3 (xvi) whether the project increases the number of on-site
4 bedrooms;

5 (xvii) if the Residential Demolition removes Affordable Housing or
6 housing subject to the Rent Stabilization and Arbitration Ordinance, whether replacement housing will
7 be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to
8 households with children to the housing to be demolished.

9 (4) Nothing in this Section is intended to permit ~~the~~ Residential Demolition of
10 Residential Buildings in those areas of the City where other sections of this Code prohibit such
11 demolition or replacement structure.

12 (5) Nothing in this Section is intended to exempt buildings or sites where
13 demolition is proposed from undergoing review with respect to Articles 10 and 11 of the Code,
14 where the requirements of those articles apply. Notwithstanding the definition of "Demolition of
15 Residential Demolition Buildings" in this section and as further described in the Code
16 Implementation Document with regard to ~~the loss of~~ Residential Demolition Units, the criteria of
17 Section 1005 shall apply to projects subject to review under the requirements of Article 10
18 with regard to the structure itself.

19 (e) ***Loss of Residential Units Through Merger.***

20 (1) The Merger of Residential Units not otherwise subject to Conditional Use
21 authorization by this Code, shall be prohibited, unless the Planning Commission approves the
22 building permit application at a Mandatory Discretionary Review hearing, applying the criteria
23 in subsection (2) below, or the project qualifies for administrative approval and the Planning
24 Department approves the project administratively in accordance with subsections (3) ~~or (4)~~
25 below.

1 (2) The Planning Commission shall consider ~~these~~ the following criteria in the
2 review of applications to merge Residential Units:

3 ~~(i) (A)~~ whether removal of the unit(s) would eliminate only owner occupied
4 housing, and if so, for how long the unit(s) proposed to be removed have been owner
5 occupied;

6 ~~(ii) (B)~~ whether removal of the unit(s) and the merger with another is
7 intended for owner occupancy;

8 ~~(iii) (C) whether the removal of the unit(s) will remove Affordable Housing, or~~
9 ~~housing subject to the Rent Stabilization and Arbitration Ordinance whether removal of the unit(s) will~~
10 ~~bring the building closer into conformance with the prevailing density in its immediate area and in the~~
11 ~~same zoning district;~~

12 ~~(iv) (D) if removal of the unit(s) removes Affordable Housing or units subject to~~
13 ~~the Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which~~
14 ~~is equal or greater in size, number of bedrooms, affordability, and suitability to households with~~
15 ~~children to the units being removed whether removal of the unit(s) will bring the building closer into~~
16 ~~conformance with prescribed zoning;~~

17 ~~(v) (E)~~ whether removal of the unit(s) is necessary to correct design or
18 functional deficiencies that cannot be corrected through interior alterations.

19 (3) Administrative review criteria shall ensure that only those Residential Units
20 proposed for Merger that are demonstrably not affordable or financially accessible housing
21 are exempt from Mandatory Discretionary Review hearings. Applications for which the least
22 expensive unit proposed for merger has a value greater than at least 80% of the combined
23 land and structure values of single-family homes in San Francisco, as determined by a
24 credible appraisal, made within six months of the application to merge, are not subject to a
25 Mandatory Discretionary Review hearing. The Planning Commission, in the Code

1 Implementation Document, may increase the numerical criterion in this subsection by up to
2 10% of its value should it deem that adjustment is necessary to implement the intent of this
3 Section 317, to conserve existing housing and preserve affordable housing.

4 ~~(4) Projects that meet a supermajority of the merger criteria, in subsection (d)(2) above,~~
5 ~~may be approved administratively by the Planning Department, consistent with this Section 317.~~

6 **(f) ~~Loss of Residential Units Through Conversion.~~**

7 (1) ~~Conversion of Residential Conversion Units~~ not otherwise prohibited or subject
8 to Conditional Use authorization by this Code, shall be prohibited, unless the Planning
9 Commission approves the building permit application at a Mandatory Discretionary Review
10 hearing. The conversion of ~~r~~Residential ~~u~~Units to Student Housing is prohibited. For the
11 purposes of this subsection, ~~r~~Residential ~~u~~Units that have been defined as such by the time a
12 First Certificate of Occupancy has been issued by the Department of Building Inspection for
13 new construction shall not be converted to Student Housing.

14 (2) The Planning Commission shall consider ~~these~~ the following criteria in the
15 review of applications for Residential Conversion ~~Conversion of Residential Units~~;

16 ~~(i)~~ (A) whether conversion of the unit(s) would eliminate only owner
17 occupied housing, and if so, for how long the unit(s) proposed to be removed were owner
18 occupied;

19 ~~(ii)~~ (B) whether Residential Conversion ~~conversion of the unit(s)~~ would
20 provide desirable new non-residential use(s) appropriate for the neighborhood and adjoining
21 district(s);

22 ~~(iii)~~ (C) in districts where Residential Uses are not permitted, whether
23 Residential Conversion ~~conversion of the unit(s)~~ will bring the building closer into conformance
24 with the uses permitted prevailing character of its immediate area and in the same zoning district;

1 ~~(iv)~~ (D) whether conversion of the unit(s) will be detrimental to the City's
2 housing stock;

3 ~~(v)~~ (E) whether conversion of the unit(s) is necessary to eliminate design,
4 functional, or habitability deficiencies that cannot otherwise be corrected;

5 (F) whether the Residential Conversion will remove Affordable Housing, or units
6 subject to the Rent Stabilization and Arbitration Ordinance;

7 (G) if the Residential Conversion removes Affordable Housing or units subject to
8 the Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which
9 is equal or greater in size, number of bedrooms, affordability, and suitability to households with
10 children to the units being converted.

11 (g) Exemptions. This Section 317 Shall Not Apply to Property:

12 (1) Owned by the United States or any of its agencies;

13 (2) Owned by the State of California or any of its agencies, with the exception of
14 such property not used exclusively for a governmental purpose;

15 (3) Under the jurisdiction of the Port of San Francisco or the Successor Agency to
16 the San Francisco Redevelopment Agency of the City and County of where the application of this
17 ordinance Section is prohibited by State or local law; or

18 (4) Where demolition of the building or Removal of a Residential Unit is
19 necessary to comply with a court order or City order that directs the owner to demolish the
20 building or remove the unit, due to conditions that present an imminent threat to life safety.

21 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

22 A use is the specific purpose for which a property or building is used, occupied,
23 maintained, or leased. Whether or not a use is permitted in a specific district is set forth or
24 summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each
25 district class.

(a) **Use Categories.** The uses, functions, or activities, which are permitted in each Neighborhood Commercial District class include those listed below by zoning control category and number and cross-referenced to the Code Section containing the definition.

No.	Zoning Control Categories for Uses	Section Number of Use Definition
...		
.38 <u>.36</u>	Residential Conversion	§ <u>317 790.84</u>
.39 <u>.37</u>	Residential Demolition	§ <u>317 790.86</u>
<u>.38</u>	<i>Residential Division</i>	§ <u>207.8</u>
<u>.39</u>	<i>Residential Merger</i>	§ <u>317</u>

**SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>710.36</u> <u>710.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>710.39</u> <u>710.37</u>	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>711.36</u> <u>711.38</u>	Residential Conversion	§ <u>317.790.84</u>	P	C	
<u>711.37</u> <u>711.39</u> ...	Residential Demolition	§ <u>317.790.86</u>	P	C	C

**SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>712.36</u> <u>711.38</u>	Residential Conversion	§ <u>317.790.84</u>	P	C	C#
<u>712.37</u> <u>712.39</u> ...	Residential Demolition	§ <u>317.790.86</u>	P	C	C

**SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>713.36</u> <u>713.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>713.37</u> <u>713.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>714.36</u> <u>714.38</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>714.37</u> <u>714.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 715. CASTRO NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Castro Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>715.36</u> <i>715.38</i>	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>715.37</u> <i>715.39</i> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Inner Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>716.36</u> <i>716.38</i>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>716.37</u> <i>716.39</i> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 717. OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Outer Clement Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>717.36</u> <u>717.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>717.37</u> <u>717.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>718.36</u> <u>718.38</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>718.37</u> <u>718.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Haight Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>719.36</u> <u>719.38</u>	Residential Conversion	§ 317.790.84	P		
<u>719.37</u> <u>719.39</u> ...	Residential Demolition	§ 317.790.86	P	C	C

**SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Hayes-Gough <i>Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>720.36</u> <u>720.38</u>	Residential Conversion	§ 317.207.7, 790.84	C	C	
<u>720.37</u> <u>720.39</u>	Residential Demolition	§ 317.207.7, 790.86	C	C	C
<u>720.38</u> <u>720.39a</u> ...	Residential Division	§ 207.8	P	P	P

**SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>721.36</u> <u>721.38</u>	Residential Conversion	§ <u>317.790.84</u>	<u>P</u> <u>C</u>	C	
<u>721.37</u> <u>721.39</u>	Residential Demolition	§ <u>317.790.86</u>	<u>P</u> <u>C</u>	C	C
<u>721.38</u> <u>721.39a</u>	Residential Division	§ 207.8	P	P	P
<u>721.39</u> ...	<u>Residential Merger</u>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	North Beach		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>722.36</u> <u>722.38</u>	Residential Conversion	§ <u>317.790.84</u>	P		
<u>722.37</u> <u>722.39</u> ...	Residential Demolition	§ <u>317.790.86</u>	P	C	C

**SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Polk Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>723.36</u> 723.38	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>723.37</u> 723.39 ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Sacramento Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>724.36</u> 724.38	Residential Conversion	§ <u>317 790.84</u>	P		
<u>724.37</u> 724.39 ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Union Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>725.36</u> <u>725.38</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	C
<u>725.37</u> <u>725.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Valencia Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>726.36</u> <u>726.37</u>	Residential Conversion	§ <u>317 207.7, 790.84</u>	C		
<u>726.37</u> <u>726.38</u>	Residential Demolition	§ <u>317 207.7, 790.86</u>	C	C	C
<u>726.38</u> <u>726.39</u>	Residential Division	§ 207.8	P	P	P
<u>726.39</u> ...	<u>Residential Merger</u>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>

SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	24 th Street – Mission Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>727.36</u> <u>727.37</u>	Residential Conversion	§ <u>317 207.7, 790.84</u>	C		
<u>727.37</u> <u>727.38</u>	Residential Demolition	§ <u>317 207.7, 790.86</u>	C	C	C
<u>727.38</u> <u>727.39</u>	Residential Division	§ 207.8	P	P	P
<u>727.39</u> ...	<i>Residential Merger</i>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>

SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	24 th Street – Noe Valley		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>728.36</u> <u>728.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>728.37</u> <u>728.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	West Portal Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>729.36</u> <u>729.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>729.37</u> <u>729.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Inner Sunset		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>730.36</u> <u>730.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>730.37</u> <u>730.39</u> ...	Residential Demolition	§ <u>317 790.86</u>	P	C	C

1 **SEC. 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 2 **NCT-3 ZONING CONTROL TABLE**

3 ...

No.	Zoning Category	§ References	NCT-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>731.36</u> <u>731.38</u>	Residential Conversion	§ 317 207.7, 790.84	C	C	C
<u>731.37</u> <u>731.39</u>	Residential Demolition	§ 317 207.7, 790.86	C	C	C
<u>731.38</u> <u>731.39a</u>	Residential Division	§ 207.8	P	P	P
<u>731.39</u> ...	<i>Residential Merger</i>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>

15 **SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 16 **ZONING CONTROL TABLE**

17 ...

No.	Zoning Category	§ References	Pacific Avenue <i>NCD</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>732.36</u> <u>732.38</u>	Residential Conversion	§ 317 790.84	C		
<u>732.37</u> <u>732.39</u> ...	Residential Demolition	§ 317 790.86	C		

**SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Market Street <i>Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>733.36</u> <u>733.38</u>	Residential Conversion	§ <u>317 207.7, 790.84</u>	C	C	-
<u>733.37</u> <u>733.39</u>	Residential Demolition	§ <u>317 207.7, 790.86</u>	C	C	C
<u>733.38</u> <u>733.39a</u>	Residential Division	§ 207.8	P	P	P
<u>733.39</u> ...	<i>Residential Merger</i>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>

**SEC. 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	NCT-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>733A.36</u> <u>733A.38</u>	Residential Conversion	§ <u>317 790.84</u>	P		
<u>733A.37</u> <u>733A.39</u>	Residential Demolition	§ <u>317 790.86</u>	C	C	C

1	<u>733A.38</u>	Residential Division	§ 207.8	P	P	P
2	<u>733A.39a</u>					
3	<u>733.39</u>	<u>Residential Merger</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
4	...					

SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE

No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
<u>734.36</u>	Residential Conversion	§ <u>317 207.7, 790.84</u>	C	C	
<u>734.37</u>					
<u>734.37</u>	Residential Demolition	§ <u>317 207.7, 790.86</u>	C	C	C
<u>734.38</u>					
<u>734.38</u>	Residential Division	§ 207.8	P	P	P
<u>734.39</u>					
<u>734.39</u>	<u>Residential Merger</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
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SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SoMa <u>Transit</u>		
			Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
<u>735.36</u>	Residential Conversion	§ <u>317 207.7, 790.84</u>	C	C	-

1	<u>735.37</u>					
2	<u>735.37</u>	Residential Demolition	§ <u>317 207.7, 790.86</u>	C	C	C
3	<u>735.38</u>					
4	<u>735.38</u>	Residential Division	§ 207.8	P	P	P
5	<u>735.39</u>					
6	<u>735.39</u>	<u>Residential Merger</u>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>
7	...					

**SEC. 736. MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mission Street <u>Transit</u>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>736.36</u>	Residential Conversion	§ <u>317 207.7, 790.84</u>	C	C	C
<u>736.37</u>					
<u>736.37</u>	Residential Demolition	§ <u>317 207.7, 790.86</u>	C	C	C
<u>736.38</u>					
<u>736.38</u>	Residential Division	§ 207.8	P	P	P
<u>736.39</u>					
<u>736.39</u>	<u>Residential Merger</u>	§ <u>317</u>	<u>C</u>	<u>C</u>	<u>C</u>
...					

**SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	<i>Ocean Ave. Avenue Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
737.36 737.38	Residential Conversion	§ 317 790.84	C	C	
737.37 737.39	Residential Demolition	§ 317 790.86	C	C	C
737.38 737.39a	Residential Division	§ 207.8	P	P	P
737.39	<i>Residential Merger</i>	§ 317	<u>C</u>	<u>C</u>	<u>C</u>

**SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	<i>Glen Park NCT Transit</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
738.36 738.38	Residential Conversion	§ 317 790.84	C	C	
738.37 738.39	Residential Demolition	§ 317 790.86	C	C	C

1	<u>738.38</u>	Residential Division	§ 207.8	P	P	P
2	<u>738.39a</u>					
3	<u>738.39</u>	<u>Residential Merger</u>	§ 317	<u>C</u>	<u>C</u>	<u>C</u>
4	...					

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**SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Noriega Street <i>Neighborhood</i> <i>Commercial District</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>739.36</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>739.38</u>					
<u>739.37</u>	Residential Demolition	§ <u>317 790.86</u>	P	C	C
<u>739.39</u>					
...					

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**SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Irving Street <i>Neighborhood</i> <i>Commercial District</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>740.36</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	

1	<u>740.38</u>				
2	<u>740.37</u>	Residential Demolition	§ <u>317 790.86</u>	P	C
3	<u>737.39</u>				
4	...				

**SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Taraval Street <i>Neighborhood</i> <i>Commercial District</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>741.36</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>741.38</u>					
<u>741.37</u>	Residential Demolition	§ <u>317 790.86</u>	P	C	C
<u>741.39</u>					
...					

**SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Judah Street <i>Neighborhood</i> <i>Commercial District</i>		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
<u>742.36</u>	Residential Conversion	§ <u>317 790.84</u>	P	C	
<u>742.38</u>					

1	742.37	Residential Demolition	§ 317.790.86	P	C	C
2	742.39					
3	...					

4 **TABLE 803.2**
5 **USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE DISTRICTS**

6	...		
7	803.2.38a	Residential Conversion, Residential Hotels	§ 890.84 Chapter 41, Admin. <u>Code</u>
8	803.2.38b	Residential Demolition, Residential Hotels	§ 890.86 Chapter 41, Admin. <u>Code</u>
9	803.2.39a	Residential Conversion, Apartments	§ 890.84 <u>317</u>
10	803.2.39b	Residential Demolition, Apartments	§ 890.86 <u>317</u>
11	...		

14 **SEC. 803.8. HOUSING IN MIXED USE DISTRICTS.**

15 (a) ~~Demolition or Conversion of Group Housing or Dwelling Units in South of Market Mixed~~
16 ~~Use Districts. Demolition, or conversion to any other use, of a group housing unit or dwelling unit or~~
17 ~~any portion thereof, in any South of Market Mixed Use District shall be allowed only subject to Section~~
18 ~~233(a) and only if approved as a conditional use pursuant to Sections 303 and 316 of this Code,~~
19 ~~notwithstanding any other provision of this Code. This provision shall extend to any premises whose~~
20 ~~current use is, or last use prior to a proposed conversion or demolition was, in fact as a group housing~~
21 ~~unit or dwelling unit as well as any premises whose legal use as shown in the records of the Bureau of~~
22 ~~Building Inspection is that of a group housing or dwelling unit.~~

23 (b) **Low-Income Affordable Housing Within the Service/Light Industrial District.**

24 Dwelling units and SRO units may be authorized in the SLI District as a conditional use

1 pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided that such dwellings
2 units shall be rented, leased or sold at rates or prices affordable to a household whose
3 income is no greater than 80 percent of the median income for households in San Francisco
4 ("lower income household"), as determined by Title 25 of the California Code of Regulations
5 Section 6932 and implemented by the Mayor's Office of Housing.

6 (1) "Affordable to a household" shall mean a purchase price that a lower income
7 household can afford to pay based on an annual payment for all housing costs of 33 percent
8 of the combined household annual net income, a 10-percent down payment, and available
9 financing, or a rent that a household can afford to pay, based on an annual payment for all
10 housing costs of 30 percent of the combined annual net income.

11 (2) The size of the dwelling unit shall determine the size of the household in
12 order to calculate purchase price or rent affordable to a household, as follows:

- 13 (A) For a one-bedroom unit, a household of two persons;
- 14 (B) For a two-bedroom unit, a household of three persons;
- 15 (C) For a three-bedroom unit, a household of four persons;
- 16 (D) For a four-bedroom unit, a household of five persons.

17 (3) No conditional use permit will be approved pursuant to this Subsection
18 803.8(b) unless the applicant and City have agreed upon enforcement mechanisms for the
19 provisions of this Subsection which are acceptable to the City Attorney. Such enforcement
20 mechanisms may include, but not be limited to, a right of first refusal in favor of the City, or a
21 promissory note and deed of trust.

22 (4) The owner(s) of dwelling units authorized pursuant to this Subsection shall
23 submit an annual enforcement report to the City, along with a fee whose amount shall be
24 determined periodically by the ~~City~~ Planning Commission to pay for the cost of enforcement of
25 this Subsection. The fee shall not exceed the amount of such costs. The annual report shall

1 provide information regarding rents, mortgage payments, sales price and other housing costs,
2 annual household income, size of household in each dwelling unit, and any other information
3 the City may require to fulfill the intent of this Subsection.

4 (b) ~~(e)~~ **Housing Requirement in the Residential/Service District.**

5 (1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28,
6 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in
7 new construction in the Residential/Service District only if the ratio between the amount of
8 occupied floor area for residential use to the amount of occupied floor area of the above-
9 referenced nonresidential use is three to one or greater.

10 (2) Means of Satisfying the Housing Requirement.

11 (A) ~~Live/work units may satisfy the residential requirement pursuant to this~~
12 ~~Subsection and, when applicable, shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code;~~
13 ~~or~~

14 ~~(B)~~ The residential space required pursuant to this Subsection may be satisfied by
15 payment of a one-time in-lieu fee equal to \$30 per square foot of residential space required by
16 this Subsection and not provided on-site payable to the City's Affordable Housing Fund
17 administered by the Mayor's Office of Housing; or

18 (B) ~~(C)~~ The residential space requirement may be satisfied by providing
19 the required residential space elsewhere within the South of Market Mixed Use District where
20 housing is permitted or conditional and is approved as a conditional use.

21 (c) ~~(d)~~ **Housing Requirement in the Mixed Use – Residential (MUR) District.** In new
22 construction in the MUR District, three square feet of gross floor area for residential use is
23 required for every one gross square foot of permitted nonresidential use, subject to Section
24 841 of this Code.

**Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

			Chinatown Community Business District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion, Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition, Residential Hotels	Ch. 41 Admin. Code			
.39a	Residential Conversion <i>Apartments</i>	<u>§ 317</u>			
.39b	Residential Demolition <i>Apartments</i>	<u>§ 317</u>			

**Table 811
CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion, Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition, <i>Apartments</i>	Ch. 41 Admin.			

	Residential Hotels	Code			
.39a	Residential Conversion <i>Apartments</i>	<u>§ 317</u>			
.39b	Residential Demolition <i>Apartments</i>	<u>§ 317</u>			

**Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
CONTROL TABLE**

			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion, Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition, Residential Hotels	Ch. 41 Admin. Code			
.39a	Residential Conversion <i>Apartments</i>	<u>§ 317</u>			
.39b	Residential Demolition <i>Apartments</i>	<u>§ 317</u>			

**Table 813
RED - RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

			Residential Enclave Districts
No.	Zoning Category	§ References	Controls

...			C
813.12	Residential Conversion	§ <u>317 803.9(a)</u>	
813.13	Residential Demolition	§ <u>317 803.9(a)</u>	C
...			

**Table 814
SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE**

			South Park District
No.	Zoning Category	§ References	Controls
...			
814.12	Residential Conversion	§ <u>317 803.8(a)</u>	C
814.13	Residential Demolition	§ <u>317 803.8(a)</u>	C
...			

**Table 815
RSD - RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE**

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
...			
815.12	Residential Conversion	§ <u>317 803.5(b)</u>	C
815.13	Residential Demolition	§ <u>317 803.5(b)</u>	C
...			

Table 816
SLR - SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Light Industrial/ Residential Mixed Use District Controls
...			
816.12	Residential Conversion	§ <u>317.803.5(b)</u>	C
816.13	Residential Demolition	§ <u>317.803.5(b)</u>	C
...			

Table 817
SLI - SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Light Industrial District Controls
...			
817.12	Residential Conversion	§ <u>317.803.5(b)</u>	C
817.13	Residential Demolition	§ <u>317.803.5(b)</u>	C
...			

Table 818
SSO - SERVICE/SECONDARY OFFICE ZONING CONTROL TABLE

			Service/Light Industrial District
No.	Zoning Category	§ References	Controls
...			
818.12	Residential Conversion	§ 317 803.5(b)	C
818.13	Residential Demolition	§ 317 803.5(b)	C
...			

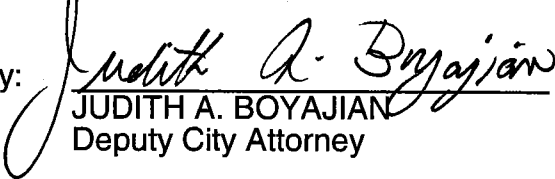
Table 827
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
...			
.51	Residential Conversions	§ 317 790.84, Ch. 41 Admin. Code	C
.52	Residential Demolition	§ 317	C
...			

Section 4. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

1 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
3 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
4 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
5 Board amendment deletions in accordance with the "Note" that appears under the official title
6 of the legislation.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 JUDITH A. BOYAJIAN
12 Deputy City Attorney