

[Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit, including an ~~Illegal~~ Unauthorized Unit]

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether authorized legal or unauthorized illegal) and to exempt from the Conditional Use application requirement unauthorized illegal units where there is no legal path for legalization, and residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate order the filing of an application to legalize legalization of an unauthorized illegal unit unless infeasible under the Building Code, ~~or the Planning Commission approves its removal, or a serious and imminent hazard exists on the property and requiring re-issuance of unabated notices of violation to include the new requirement~~; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code Section 302, and the eight priority policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

1 (a) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. ~~450494~~ and is incorporated herein by reference. The Board affirms
5 this determination.

6 (b) On December 10, 2015, the Planning Commission, in Resolution No. 19532,
7 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
8 with the City's General Plan and the eight priority policies of Planning Code Section 101.1.
9 The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk
10 of the Board of Supervisors in File No. ~~450494~~ 160115, and is incorporated herein by
11 reference.

12 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning
13 Code amendments will serve the public necessity, convenience, and welfare for the reasons
14 set forth in Planning Commission Resolution No. 19532 and the Board incorporates such
15 reasons herein by reference.

16
17 Section 2. The Planning Code is hereby amended by revising Section 317 and
18 deleting Section 317.1, to read as follows:

19 **SEC. 317. LOSS OF ~~DWELLING~~ RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**
20 **DEMOLITION, MERGER AND CONVERSION.**

21 * * * *

22 (b) **Definitions.** For the purposes of this Section 317, the terms below shall be as
23 defined below as follows: Capitalized terms not defined below are defined in Section 102 of
24 this Code.

1 (1) "Residential Conversion" shall mean the removal of cooking facilities,
2 change of occupancy (as defined and regulated by the Building Code), or change of use (as
3 defined and regulated by the Planning Code), of any Residential Unit or Unauthorized Unit to a
4 ~~Non-Residential~~ or Student Housing use.

5 * * * *

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

14 * * * *

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

17 * * * *

18 (12) "Residential Unit" shall mean a legal conforming or legal nonconforming
19 Dwelling Unit, ~~or a legal nonconforming Live/Work Unit or Group Housing, which are defined~~
20 ~~in Section 102 of this Code.~~

21 (13) "Unauthorized Unit" shall mean one or more rooms within a building that have
22 been used, without the benefit of a building permit, as a separate and distinct living or sleeping space
23 independent from Residential Units on the same property. "Independent" shall mean that (i) the space
24 has independent access that does not require entering a Residential Unit on the property and (ii) there
25 is no open, visual connection to a Residential Unit on the property.

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

4 * * * *

5 (c) **Applicability; Exemptions.**

6 (1) ~~An Any application for a permit that would result in the loss Removal of one~~
7 ~~or more Residential Units or Unauthorized Units is required to obtain Conditional Use~~
8 ~~authorization; provided, however, that in the RTO, RTO-M, NCT, and Upper Market NCD Zoning~~
9 ~~Districts, as well as the loss of any residential unit above the ground floor in the C-3 Zoning District,~~
10 ~~only the Removal of a Residential Unit or Unauthorized Unit above the ground floor requires a~~
11 ~~Conditional Use authorization. The application for a replacement building or alteration permit~~
12 ~~shall also be subject to Conditional Use requirements. When considering whether to grant~~
13 ~~Conditional Use authorization for the loss of dwelling unit(s) in the C-3 districts, in lieu of the criteria~~
14 ~~set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the~~
15 ~~public health, safety, and general welfare of the loss of housing stock in the district and to any~~
16 ~~unreasonable hardship to the applicant if the permit is denied. Any application for a permit that would~~
17 ~~result in the loss or Removal of three or more Residential Units, notwithstanding any other sections of~~
18 ~~this Code, shall require a Conditional Use authorization for the Removal and replacement of the units.~~
19 ~~Approval of any other application that would result in the loss or Removal of up to two Residential~~
20 ~~Units is prohibited unless the Planning Commission approves such permit application and the~~
21 ~~replacement structure permit application at a Mandatory Discretionary Review hearing, with certain~~
22 ~~exceptions specified below.~~

23 (2) The Conditional Use requirement of Subsection (c)(1) shall apply to (A)
24 any building or site permit issued for Removal of an Unauthorized Unit on or after March 1,
25

2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March 1, 2016 that has been suspended by the City or in which the applicant's rights have not vested.

(23) The Removal of a Residential or Unauthorized Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through a Discretionary Review or Conditional Use authorization prior to the effective date of the Conditional Use requirement of Subsection (c)(1) is not required to apply for an additional approval under Subsection (c)(1).

(34) The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to Subsection (c)(1) if the Department of Building Inspection has determined that there is no legal path for legalization under Section 106A.3.1.3 of the Building Code.

(5) The Demolition of a Single-Family Residential Building that meets the requirements of Subsection (d)(3) below may be approved by the Department without requiring a Conditional Use authorization.

(d) Demolition.

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

(2) ~~If~~ Conditional Use authorization is required for approval of the permit for Residential Demolition ~~by other sections of this Code, and~~ the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use

1 application. ~~In either case, Mandatory Discretionary Review is not required, although the Commission~~
2 ~~shall apply appropriate criteria adopted under this Section 317 in addition to the criteria in Section~~
3 ~~303 of the Planning Code in its consideration of Conditional Use authorization. If neither permit~~
4 ~~application is subject to Conditional Use authorization, then separate Mandatory Discretion Review~~
5 ~~cases shall be heard to consider the permit applications for the demolition and the replacement~~
6 ~~structure.~~

7 (3) For those applications for a Residential Demolition in districts that require
8 Mandatory Discretionary Review, administrative review criteria shall ensure that only aAn
9 application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D)
10 District that is demonstrably not affordable or financially accessible housing, or Residential
11 Buildings of two units or fewer that are found to be unsound housing, is exempt from the Conditional
12 Use authorization requirement of Subsection (c)(1). Mandatory Discretionary Review hearings.
13 Specific numerical criteria for such analyses shall be adopted by the Planning Commission in
14 the Code Implementation Document, in accordance with this Section 317, and shall be
15 adjusted periodically by the Zoning Administrator based on established economic real estate
16 and construction indicators.

17 (A) The Planning Commission shall determine a level of affordability or
18 financial accessibility, such that Single-Family Residential Buildings on sites in RH-1 and RH-
19 1(D) Districts that are demonstrably not affordable or financially accessible, that is, housing
20 that has a value greater than at least 80% of the combined land and structure values of
21 single-family homes in San Francisco as determined by a credible appraisal, made within six
22 months of the application to demolish, are not subject to a Conditional Use hearing. The
23 demolition and replacement building applications shall undergo notification as required by
24 other sections of this Code. The Planning Commission, in the Code Implementation
25 Document, may increase the numerical criterion in this Subsection by up to 10% of its value

1 should it deem that adjustment is necessary to implement the intent of this Section 317, to
2 conserve existing housing and preserve affordable housing.

3 (B) The Planning Commission, in the Code Implementation Document,
4 shall adopt criteria and procedures for determining the soundness of a structure proposed for
5 demolition, where "soundness" is an economic measure of the feasibility of upgrading a
6 residence that is deficient with respect to habitability and Housing Code requirements, due to
7 its original construction. The "soundness factor" for a structure shall be the ratio of a
8 construction upgrade cost (i.e., an estimate of the cost to repair specific habitability
9 deficiencies) to the replacement cost (i.e., an estimate of the current cost of building a
10 structure the same size as the existing building proposed for demolition), expressed as a
11 percent. A building is unsound if its soundness factor exceeds 50%. A Residential Building
12 that is unsound may be approved for demolition.

13 (C) — The Planning Commission shall consider the following additional criteria
14 in the review of applications for Residential Demolition:

15 (i) — whether the property is free of a history of serious, continuing
16 Code violations;

17 (ii) — whether the housing has been maintained in a decent, safe, and
18 sanitary condition;

19 (iii) — whether the property is an "historical resource" under CEQA;
20 (iv) — whether the removal of the resource will have a substantial
21 adverse impact under CEQA;

22 (v) — whether the project converts rental housing to other forms of
23 tenure or occupancy;

24 (vi) — whether the project removes rental units subject to the Rent
25 Stabilization and Arbitration Ordinance or affordable housing;

(vii) — *whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;*

~~(viii)—whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;~~

~~(ix) whether the project protects the relative affordability of existing housing;~~

(x) whether the project increases the number of permanently affordable units as governed by Section 415;

(xi) ~~whether the project locates in-fill housing on appropriate sites in established neighborhoods;~~

~~(xii) whether the project increases the number of family-sized units on site;~~

~~(xiii) whether the project creates new supportive housing;~~

~~(xiv) whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;~~

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

~~(xvi) whether the project increases the number of on-site bedrooms.~~

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

(5) (4) Nothing in this Section is intended to exempt buildings or sites where demolition is proposed from undergoing review with respect to Articles 10 and 11 of the Planning Code, where the requirements of those articles apply. Notwithstanding the definition of "Residential Demolition" in this section and as further described in the Code

1 Implementation Document with regard to Residential Demolition, the criteria of Section 1005
2 shall apply to projects subject to review under the requirements of Article 10 with regard to the
3 structure itself.

4 (e) **Conversion to Student Housing.** The conversion of Residential Units to Student
5 Housing is prohibited. For the purposes of this subsection, Residential Units that have been defined as
6 such by the time a First Certificate of Occupancy has been issued by the Department of Building
7 Inspection for new construction shall not be converted to Student Housing.

8 (f) **Residential Merger.** The Merger of Residential Units, not otherwise subject to
9 Conditional Use authorization by this Code, shall be prohibited.

10 (g) **Conditional Use Criteria.**

11 (1) **C-3 Districts.** When considering whether to grant Conditional Use authorization
12 for the loss or Removal of Residential or Unauthorized Unit(s) in the C-3 districts, in lieu of the criteria
13 set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the
14 public health, safety, and general welfare of the loss of housing stock in the district and to any
15 unreasonable hardship to the applicant if the permit is denied.

16 * * * *

17 ~~(e)~~ (2) **Residential Merger.**

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

23 ~~(2)~~ The Planning Commission shall consider the following criteria in the
24 review of applications to merge Residential Units or Unauthorized Units:
25

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

4 (B) whether removal of the unit(s) and the merger with another is
5 intended for owner occupancy;

6 (C) whether ~~the~~ removal of the unit(s) will remove an affordable
7 housing unit as defined in Section ~~401 415~~ of this Code or housing subject to the Residential
8 Rent Stabilization and Arbitration Ordinance;

9 ~~(D) whether removal of the unit(s) will bring the building closer into~~
10 ~~conformance with prescribed zoning;~~

11 ~~(E) (D)~~ if removal of the unit(s) removes an affordable housing unit as
12 defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and
13 Arbitration Ordinance, whether replacement housing will be provided which is equal or greater
14 in size, number of bedrooms, affordability, and suitability to households with children to the
15 units being removed;

16 ~~(E)~~ how recently the unit being removed was occupied by a tenant or tenants;

17 (F) whether the number of bedrooms provided in the merged unit will
18 be equal to or greater than the number of bedrooms in the separate units;

19 (G) whether removal of the unit(s) is necessary to correct design or
20 functional deficiencies that cannot be corrected through interior alterations;

21 ~~(H)~~ the appraised value of the least expensive Residential Unit proposed for
22 merger only when the merger does not involve an Unauthorized Unit.

23 ~~(3) Administrative review criteria shall ensure that only those Residential Units~~
24 ~~proposed for Merger that are demonstrably not affordable or financially accessible housing are exempt~~
25 ~~from Mandatory Discretionary Review hearings. Applications for which the least expensive unit~~

1 ~~proposed for merger has a value greater than at least 80% of the combined land and structure values~~
2 ~~of single family homes in San Francisco, as determined by a credible appraisal, made within six~~
3 ~~months of the application to merge, are not subject to a Mandatory Discretionary Review hearing. The~~
4 ~~Planning Commission, in the Code Implementation Document, may increase the numerical criterion in~~
5 ~~this subsection by up to 10% of its value should it deem that adjustment is necessary to implement the~~
6 ~~intent of this Section 317, to conserve existing housing and preserve affordable housing.~~

7 (4) The Planning Commission shall not approve an application for Residential
8 ~~m~~Merger if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9)
9 through 37.9(a)(14) where the tenant was served with a notice of eviction after December 10,
10 2013 if the notice was served within ~~ten~~ (10) years prior to filing the application for merger.
11 Additionally, the Planning Commission shall not approve an application for Residential
12 ~~m~~Merger if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8)
13 where the tenant was served with a notice of eviction after December 10, 2013 if the notice
14 was served within five (5) years prior to filing the application for merger. This Subsection ~~(e)~~(4)
15 ~~(g)(2)(H)~~ shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and
16 the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the
17 temporary eviction or (B) have submitted to the Planning Commission a declaration from the
18 property owner or the tenant certifying that the property owner or the Rent Board notified the
19 tenant of the tenant's right to reoccupy the unit after the temporary eviction and that the tenant
20 chose not to reoccupy it.

21 ~~(f)~~ (3) **Residential Conversion.**

22 (1) ~~Residential Conversion not otherwise prohibited or subject to Conditional Use~~
23 ~~authorization by this Code, shall be prohibited, unless the Planning Commission approves the building~~
24 ~~permit application at a Mandatory Discretionary Review hearing, or is exempted from such approval~~
25 ~~as provided in subsections (f)(3) or (4) below. The conversion of Residential Units to Student Housing~~

1 ~~is prohibited. For the purposes of this subsection, Residential Units that have been defined as such by~~
2 ~~the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for~~
3 ~~new construction shall not be converted to Student Housing.~~

4 (2) The Planning Commission shall consider the following criteria in the
5 review of applications for Residential Conversion Conversation;

6 (A) whether conversion of the unit(s) would eliminate only owner
7 occupied housing, and if so, for how long the unit(s) proposed to be removed were owner
8 occupied;

9 (B) whether Residential Conversion Conversation would provide
10 desirable new ~~Non-Residential~~ Use(s) appropriate for the neighborhood and adjoining
11 district(s);

12 (C) in districts where Residential Uses are not permitted, whether
13 Residential Conversion will bring the building closer into conformance with the Uses
14 permitted in the zoning district;

15 (D) whether conversion of the unit(s) will be detrimental to the City's
16 housing stock;

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

19 (F) whether the Residential Conversion will remove Affordable
20 Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

21 * * * *

22 (4) (5) Residential Demolition. The Planning Commission shall consider the following
23 additional criteria in the review of applications for Residential Demolition:

24 (A) whether the property is free of a history of serious, continuing Code
25 violations:

1 (B) whether the housing has been maintained in a decent, safe, and sanitary
2 condition;

3 (C) whether the property is an "historical resource" under CEQA;

4 (D) whether the removal of the resource will have a substantial adverse
5 impact under CEQA;

6 (E) whether the project converts rental housing to other forms of tenure or
7 occupancy;

8 (F) whether the project removes rental units subject to the Residential Rent
9 Stabilization and Arbitration Ordinance or affordable housing;

10 (G) whether the project conserves existing housing to preserve cultural and
11 economic neighborhood diversity;

12 (H) whether the project conserves neighborhood character to preserve
13 neighborhood cultural and economic diversity;

14 (I) whether the project protects the relative affordability of existing housing;

15 (J) whether the project increases the number of permanently affordable units as
16 governed by Section 415;

17 (K) whether the project locates in-fill housing on appropriate sites in
18 established neighborhoods;

19 (L) whether the project increases the number of family-sized units on-site;

20 (M) whether the project creates new supportive housing;

21 (N) whether the project is of superb architectural and urban design, meeting
22 all relevant design guidelines, to enhance existing neighborhood character;

23 (O) whether the project increases the number of on-site Dwelling Units;

24 (P) whether the project increases the number of on-site bedrooms.

1 (Q) whether or not the replacement project would maximize density on the
2 subject lot; and

3 (R) if replacing a building not subject to the Residential Rent Stabilization
4 and Arbitration Ordinance, whether the new project replaces all of the existing units with new
5 Dwelling Units of a similar size and with the same number of bedrooms.

6 **(5) (6) Removal of Unauthorized Units.** In addition to the criteria set forth in
7 Subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria below
8 in the review of applications for removal of Unauthorized Units:

9 (A) whether the Unauthorized Unit or Units are eligible for legalization
10 under Section 207.3 of this Code;

11 (B) whether the costs to legalize the Unauthorized Unit or Units under the
12 Planning, Building, and other applicable Codes is reasonable based on how such cost compares to the
13 average cost of legalization per unit derived from the cost of projects on the Planning Department's
14 Master List of Additional Dwelling Units Approved required by Section 207.3(k) of this Code;

15 (C) whether it is financially feasible to legalize the Unauthorized Unit or
16 Units. Such determination will be based on the costs to legalize the Unauthorized Unit(s) under the
17 Planning, Building, and other applicable Codes in comparison to the added value that legalizing said
18 Units would provide to the subject property. The gain in the value of the subject property shall be based
19 on the current value of the property with the Unauthorized Unit(s) compared to the value of the
20 property if the Unauthorized Unit(s) is/are legalized. The calculation of the gain in value shall be
21 conducted and approved by a California licensed property appraiser. Legalization would be deemed
22 financially feasible if gain in the value of the subject property is equal to or greater than the cost to
23 legalize the Unauthorized Unit.

24 (D) If no City funds are available to assist the property owner with the
25 cost of legalization, whether the cost would constitute a financial hardship.

1 ~~(6)~~ (7) Denial of Application to Remove an Unauthorized Unit; Requirement to
2 Legalize the Unit. *If the Planning Commission denies an application to Remove an Unauthorized Unit,*
3 *the property owner shall file an application for a building permit to legalize the Unit. Failure to do so*
4 *within a reasonable period of time, as determined by the Zoning Administrator, shall be deemed to be a*
5 *violation of the Planning Code.*

6 (h) Notice of Conditional Use Hearing. *At least twenty days prior to any hearing to*
7 *consider a Conditional Use authorization under Subsection (g)(2), (g)(3), g(4), or (g)(5), the Zoning*
8 *Administrator shall cause a written notice containing the following information to be mailed to all*
9 *Residential Units and if known any Unauthorized Units in the building, in addition to any other notice*
10 *required under this Code:*

11 (1) Notice of the time, place, and purpose of the hearing; and
12 (2) An explanation of the process for demolishing, merging, or converting Residential
13 Units or Unauthorized Units, including a description of subsequent permits that would be required
14 from the Planning Department and Department of Building Inspection and how they could be appealed.

15 ~~(g)~~ (i) Additional Exemptions. This Section 317 shall not apply to property:

- 16 (1) Owned by the United States or any of its agencies;
- 17 (2) Owned by the State of California or any of its agencies, with the
18 exception of such property not used exclusively for a governmental purpose;
- 19 (3) Under the jurisdiction of the Port of San Francisco or the Successor
20 Agency to the Redevelopment Agency of the City and County ~~of~~ where the application of this
21 Section is prohibited by State or local law; or
- 22 (4) Where demolition of the building or Removal of a Residential Unit or
23 Unauthorized Unit is necessary to comply with a court order or City order that directs the
24 owner to demolish the building or remove the unit, due to conditions that present an imminent
25 threat to life safety.

1 **SEC. 317.1. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS IN C-3 DISTRICTS**
2 **THROUGH DEMOLITION, MERGER, AND CONVERSION.**

3 (a) — **Definitions.** For the purposes of this Section 317.1, the terms below shall be as
4 defined below. Capitalized terms not defined below are defined in Section 102 of this Code.

5 "Removal" shall mean, with reference to a Residential or Unauthorized Unit, its
6 Conversion, Demolition, or Merger.

7 "Residential Conversion" shall mean the removal of cooking facilities, change of
8 occupancy (as defined and regulated by the Building Code), or change of use (as defined and
9 regulated by the Planning Code), of any Residential Unit or Unauthorized Unit to a Non-
10 Residential or Student Housing use.

11 "Residential Demolition" shall have the meaning set forth in Section 317(b)(2) of this
12 Code.

13 "Residential Merger" shall mean the combining of two or more Residential or
14 Unauthorized Units, resulting in a decrease in the number of Residential Units and
15 Unauthorized Units within a building, or the enlargement of one or more existing units while
16 reducing the size of other units by more than 25% of their original floor area, even if the
17 number of units is not reduced. The Planning Commission may reduce the numerical element
18 of this criterion by up to 20% of its value should it deem that adjustment necessary to
19 implement the intent of this Section 317.1, to conserve existing housing and preserve
20 affordable housing.

21 "Residential Unit" shall mean a legal conforming or legal nonconforming Dwelling Unit,
22 or a legal nonconforming Live/Work Unit or Group Housing.

23 "Unauthorized Unit" shall mean one or more rooms within a building that have been
24 used, without the benefit of a building permit, as a separate and distinct living or sleeping
25 space independent from Residential Units on the same property. In this context,

1 "independent" shall mean that (A) the space has separate access that does not require
2 entering a Residential Unit on the property and (B) there is no open, visual connection to a
3 Residential Unit on the property.

4 ~~(b) — Applicability; Exemption for Unauthorized Unit.~~

5 ~~(1) — Any application for a permit that would result in the Removal of one or~~
6 ~~more Residential Units or Unauthorized Units in a C-3 (Downtown Commercial) District is~~
7 ~~required to obtain Conditional Use authorization. The application for a replacement building or~~
8 ~~alteration permit shall also be subject to Conditional Use requirements.~~

9 ~~(2) — The Conditional Use requirement of Subsection (b)(1) shall apply to (A)~~
10 ~~any building or site permit for Removal of an Unauthorized Unit issued on or after March 1,~~
11 ~~2016, and (B) any permit for Removal of an Unauthorized Unit issued prior to March 1, 2016,~~
12 ~~that has been suspended by the City or in which the applicant's rights have not vested.~~

13 ~~(3) — The Removal of a Residential Unit that has received approval from the~~
14 ~~Planning Department through administrative approval or the Planning Commission through~~
15 ~~Discretionary Review or Conditional Use authorization prior to the effective date of this~~
16 ~~Section 317.1 is not required to apply for an additional approval under Subsection (b)(1).~~

17 ~~(4) — The Removal of an Unauthorized Unit does not require a Conditional Use~~
18 ~~authorization pursuant to Subsection (b)(1) if the Department has determined that there is no~~
19 ~~legal path for legalization.~~

20 ~~(c) — Demolition.~~

21 ~~(1) — No permit to Demolish a Residential Building in a C-3 District shall be~~
22 ~~issued until a building permit for the replacement structure is finally approved, unless the~~
23 ~~building is determined to pose a serious and imminent hazard as defined in the Building Code.~~
24 ~~A building permit is finally approved if the Board of Appeals has taken final action for approval~~
25

1 on an appeal of the issuance or denial of the permit or if the permit has been issued and the
2 time for filing an appeal with the Board of Appeals has lapsed with no appeal filed.

3 (2) — Conditional Use authorization is required for approval of the permit for
4 Residential Demolition in a C-3 District, and the Commission shall consider the replacement
5 structure as part of its decision on the Conditional Use application. If Conditional Use
6 authorization is required for the replacement structure by other sections of this Code, the
7 Commission shall consider the demolition as part of its decision on the Conditional Use
8 application.

9 (3) — Nothing in this Section 317.1 is intended to exempt buildings or sites
10 where demolition is proposed from undergoing review with respect to Articles 10 and 11 of the
11 Planning Code, where the requirements of those Articles apply. Notwithstanding the definition
12 of "Residential Demolition" in this Section 317.1 and as further described in the Code
13 Implementation Document with regard to Residential Demolition, the criteria of Section 1005
14 shall apply to projects subject to review under the requirements of Article 10 with regard to the
15 structure itself.

16 (d) — **Conversion to Student Housing.** The conversion of Residential Units to
17 Student Housing is prohibited in C-3 Districts. For the purposes of this subsection (d),
18 Residential Units that have been defined as such by the time a First Certificate of Occupancy
19 has been issued by the Department of Building Inspection for new construction shall not be
20 converted to Student Housing.

21 (e) — **Conditional Use Criteria.** When considering whether to grant Conditional Use
22 authorization for the loss or Removal of Residential or Unauthorized Unit(s) in C-3 Districts, in
23 lieu of the criteria set forth in Planning Code Section 303, consideration shall be given to the
24 adverse impact on the public health, safety, and general welfare of the loss of housing stock
25 in the zoning district and to any unreasonable hardship to the applicant if the permit is denied.

1 (1) — **Residential Merger.** In addition to the criteria set forth in Section 317(e)
2 of this Code, the Planning Commission shall consider the following criteria in the review of
3 applications to merge Residential Units or Unauthorized Units in C-3 Districts:

4 (A) — how recently the unit being removed was occupied by a tenant or
5 tenants; and

6 (B) — the appraised value of the least expensive Residential Unit
7 proposed for merger, when the merger does not involve an Unauthorized Unit.

8 The Planning Commission shall not approve an application for Residential Merger if
9 any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through
10 37.9(a)(14) where the tenant was served with a notice of eviction after December 10, 2013, if
11 the notice was served within 10 years prior to filing the application for merger. Additionally, the
12 Planning Commission shall not approve an application for Residential Merger if any tenant
13 has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was
14 served with a notice of eviction after December 10, 2013, if the notice was served within five
15 years prior to filing the application for merger. The restriction of this paragraph shall not apply
16 if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either
17 (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B)
18 have submitted to the Planning Commission a declaration from the property owner or the
19 tenant certifying that the property owner or the Rent Board notified the tenant of the tenant's
20 right to reoccupy the unit after the temporary eviction and that the tenant chose not to
21 reoccupy it.

22 (2) — **Residential Conversion.** The Planning Commission shall consider the
23 criteria set forth in Section 317(f)(1) through (4) of this Code in the review of applications for
24 Residential Conversion in C-3 Districts.

1 (3) ~~Residential Demolition.~~ In addition to the criteria set forth in Section
2 317(d) of this Code, the Planning Commission shall also consider the following criteria in the
3 review of applications for Residential Demolition in C-3 Districts:

4 (A) ~~whether the replacement project would maximize density on the~~
5 ~~subject lot; and~~

6 (B) ~~if replacing a building not subject to the Residential Rent~~
7 ~~Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing~~
8 ~~units with new Dwelling Units of a similar size and with the same number of bedrooms or~~
9 ~~more.~~

10 (4) ~~Removal of Unauthorized Units.~~ In addition to the criteria set forth in
11 Subsections (e)(1) through (e)(3) above, the Planning Commission shall also consider the
12 criteria below in the review of applications for removal of Unauthorized Units:

13 (A) ~~whether the Unauthorized Unit or Units are eligible for legalization~~
14 ~~under Section 207.3 of this Code;~~

15 (B) ~~whether the costs to legalize the Unauthorized Unit or Units under~~
16 ~~the Planning, Building, and other applicable Codes is reasonable based on how such cost~~
17 ~~compares to the average cost of legalization per unit derived from the cost of projects on the~~
18 ~~Planning Department's Master List of Additional Dwelling Units Approved required by Section~~
19 ~~207.3(k) of this Code;~~

20 (C) ~~whether it is financially feasible to legalize the Unauthorized Unit or~~
21 ~~Units, based on the costs to legalize the Unauthorized Unit(s) under the Planning, Building,~~
22 ~~and other applicable Codes in comparison to the added value that legalizing said Units would~~
23 ~~provide to the subject property. The gain in the value of the subject property shall be based on~~
24 ~~the current value of the property with the Unauthorized Unit(s) compared to the value of the~~
25 ~~property if the Unauthorized Unit(s) is/are legalized. The calculation of the gain in value shall~~

1 be conducted and approved by a California licensed property appraiser. Legalization shall be
2 deemed financially feasible if the gain in the value of the subject property is equal to or greater
3 than the cost to legalize the Unauthorized Unit.

4 (5) — **Denial of Application to Remove an Unauthorized Unit; Requirement**
5 **to Legalize the Unit.** If the Planning Commission denies an application to Remove an
6 Unauthorized Unit, the property owner shall file an application for a building permit to legalize
7 the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning
8 Administrator, shall be deemed a violation of the Planning Code.

9 (f) — **Notice of Conditional Use Hearing.** At least 20 days prior to any hearing to
10 consider a Conditional Use authorization under Subsection (b) of this Section 317.1, the
11 Zoning Administrator shall cause a written notice containing the following information to be
12 mailed to all Residential Units and if known any Unauthorized Units in the building, in addition
13 to any other notice required under this Code:

14 (1) — Notice of the time, place, and purpose of the hearing; and

15 (2) — An explanation of the process for demolishing, merging, or converting
16 Residential Units or Unauthorized Units, including a description of subsequent permits that
17 would be required from the Planning Department and Department of Building Inspection and
18 how they could be appealed.

19 (g) — **Exemptions.** This Section 317.1 shall not apply to property:

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

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

23 (3) — Under the jurisdiction of the Port of San Francisco or the Successor
24 Agency to the Redevelopment Agency of the City and County of San Francisco where the
25 application of this Section is prohibited by State or local law; or

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

Section 3. The Planning Code is hereby amended by revising Zoning Control Tables 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3, 210.4, to read as follows:

**Table 209.1
ZONING CONTROL TABLE FOR RH DISTRICTS**

* * * *

<i>Zoning Category</i>	<i>§ References</i>	<i>RH-1(D)</i>	<i>RH-1</i>	<i>RH-1(S)</i>	<i>RH-2</i>	<i>RH-3</i>
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for	At least 125 square feet if private, and 166 square feet if common.	At least 100 square feet if private, and 133 square feet if common.

				the second unit if common.		
Parking Requirements	§§ 151, 161	Generally, a minimum of one space for every <i>dD</i> wellling <i>#U</i> nit required. Certain exceptions permitted per § 161.				
Residential Conversion, Demolition, or Merger	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units. Loss of 1-2 units Mandatory DR/Loss of 3 or more units C.</i>				

**Table 209.2
ZONING CONTROL TABLE FOR RM DISTRICTS**

<i>Zoning Category</i>	<i>§ References</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RM-3</i>	<i>RM-4</i>

RESIDENTIAL STANDARDS AND USES					
Development Standards					
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 100 square feet if private, and 133 square feet per <i>dD</i> wellling <i>#U</i> nit if common.	At least 80 square feet if private, and 106 square feet per <i>dD</i> wellling	At least 60 square feet if private and 80 square feet per <i>dD</i> wellling	At least 36 square feet if private, and 48 square feet per <i>dD</i> wellling <i>#U</i> nit if common.

			#Unit if common.	#Unit if common.	
Parking Requirements	§§ 151, 161	Generally one space for every #Dwelling #Unit minimum. Certain exceptions permitted per § 161.			
Residential Conversion, Demolition, or Merger	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u> <u>Loss of 1-2 units mandatory DR/Loss of 3 or more C.</u>			

**Table 209.3
ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

<i>Zoning Category</i>	<i>§ References</i>	<i>RC-3</i>	<i>RC-4</i>

RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 60 square feet if private, and 80 square feet per #Dwelling #Unit if common.	At least 36 square feet if private, and 48 square feet per #Dwelling #Unit if common.
Parking Requirements	§ 151.1	None Required. Up to one space for every two units permitted, and up to three spaces for every	

		four units permitted with Conditional Use per § 151.1.
Residential Conversion, Demolition, or Merger	§ 317	<i>Loss of 2 units or fewer DR/Loss of 3 or more C for Removal of one or more Residential Units or Unauthorized Units.</i>
****	****	****

**Table 209.4
ZONING CONTROL TABLE FOR RTO DISTRICTS**

<i>Zoning Category</i>	<i>§ References</i>	<i>RTO</i>	<i>RTO-M</i>
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 100 square feet if private, and 133 square feet per # Dwelling # Unit if common.	
Parking Requirements	§ 151.1, 151.1	None required. Maximum permitted per § 151.1	
Residential Conversion,	§ 317	<i>Loss of 2 units or fewer DR/Loss of 3 or more</i>	<i>C for Removal of one or more Residential</i>

Demolition, or Merger		<u>C for Removal of one or more Residential Units or Unauthorized Units.</u>	<u>Units or Unauthorized Units.</u>

**Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS**

<i>Zoning Category</i>	<i>§ References</i>	<i>C-2</i>

RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space for Dwelling Units and Group Housing	§ 135	Same as for the R District establishing the dwelling unit density ratio for the property. Group Housing requirement is 1/3 the amount required for a Dwelling Unit.
Residential Parking Requirements	§ 151, 161	Generally one space per Dwelling Unit. Exceptions permitted per § 161. None required in the Washington- Broadway Special Use District.
Rear Yard Setback	§§ 130, 134	25% of the total depth lot depth, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

Residential Conversion, Demolition, or Merger	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units. Loss of 2 units or fewer DR/Loss of 3 or more C.</i>

**Table 210.2
ZONING CONTROL TABLE FOR C-3 DISTRICTS**

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 36 square feet if private, and 48 square feet per d Dwelling u Unit if common.				
Residential Parking Requirements	§§ 150, 151.1, 161	None required. P up to one car for each two Dwelling Units; C up to three cars for each four Dwelling Units. NP above.				
Rear Yard Setback	§§ 130, 134	25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story. Exceptions are permitted by § 309.				
Residential Conversion,	§ 317.1 <u>317</u>	<i>C for Removal of one or more Residential Units or Unauthorized Units; in C-3, C only for Removal above the ground floor. Loss of 1-2 units mandatory DR/Loss of 3 or more units C.</i>				

Demolition, or Merger		

**Table 210.3
ZONING CONTROL TABLE FOR PDR DISTRICTS**

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
<p>****</p> <p>RESIDENTIAL STANDARDS AND USES</p> <p>Development Standards</p>					
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	N/A	N/A	N/A	N/A
Residential Parking Requirements	§§ 151.1, 161	N/A	N/A	N/A	N/A
Residential Conversion, Demolition, or Merger	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units; in C-3, only for Removal above the ground floor..</u> <u>Loss of 1-2 units mandatory DR/Loss of 3 or more units C.</u>			

**Table 210.4
ZONING CONTROL TABLE FOR M DISTRICTS**

Zoning Category	§ References	M-1	M-2
* * * *			
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 36 square feet if private, and 48 square feet per d Dwelling u Unit if public.	
Residential Parking Requirements	§§ 151, 161	None required. P up to one space for every two units. C up to three spaces for every four units. NP above.	
Rear Yard Setback	§§ 130, 134	25 percent of the total depth lot depth, but in no case less than 15 feet.	
Residential Conversion, Demolition, or Merger	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u> Loss of 1-2 units mandatory DR/Loss of 3 or more units C.	
* * * *			

Section 4. The Planning Code is hereby amended by revising Zoning Control Tables 710 through 748 and 810 through 818, to read as follows:

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-1 Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.36	Residential Conversion	§ 317	P		
710.37	Residential Demolition	§ 317	P	C	C

RESIDENTIAL STANDARDS AND USES

710.96	Removal of Residential and Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-2 Controls by Story		
		§ 790.118	1st	2nd	3rd+
711.36	Residential Conversion	§ 317	P	C	

711.37	Residential Demolition	§ 317	P	€	€
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RESIDENTIAL STANDARDS AND USES					

711.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	§ 317	C	C	NP
711.97	<u>Removal of Residential or Unauthorized Units through Demolition, or Merger</u>	§ 317	C		
****	****	****	****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
712.36	Residential Conversion	§ 317	P	€	€#
712.37	Residential Demolition	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES					

	<u>Removal of Residential or</u>		
	<u>Unauthorized Units through</u>		<u>C</u>
<u>712.96</u>	<u>Conversion, Demolition, or</u>	<u>§ 317</u>	
	<u>Merger</u>		
*****	*****	*****	*****

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

	<u>Removal of Residential or</u>				
<u>713.96</u>	<u>Unauthorized Units through</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
	<u>Conversion</u>				
	<u>Removal of Residential or</u>		<u>C</u>		
<u>713.97</u>	<u>Unauthorized Units through</u>	<u>§ 317</u>			
	<u>Demolition, or Merger</u>				
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Broadway Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
714.36	<i>Residential Conversion</i>	§ 317	P	€	
714.37	<i>Residential Demolition</i>	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

714.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	C	NP
714.97	<i>Residential Conversion, Demolition, or Merger</i>	§ 317	C		
*****	*****	*****	*****		

**Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Castro Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

715.36	Residential Conversion	§ 317	P	€	
715.37	Residential Demolition	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

715.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	§ 317	C	C	NP
715.97	<u>Removal of Residential or Unauthorized Units through Conversion,, Demolition, or Merger</u>	§ 317	C		
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
716.36	Residential Conversion	§ 317	P		
716.37	Residential Demolition	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

716.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
716.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>		
****	****	****	****		

Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

717.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>

717.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>
*****	*****	*****	*****

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

718.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>NP</u>
718.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Haight Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
719.36	<i>Residential Conversion</i>	§ 317	P		
719.37	<i>Residential Demolition</i>	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

	<i>Removal of Residential or</i>				
719.96	<i>Unauthorized Units through</i>	§ 317	C	NP	NP
	<i>Conversion</i>				
	<i>Removal of Residential or</i>		C		
719.97	<i>Unauthorized Units through</i>	§ 317			
	<i>Conversion, Demolition, or</i>				
	<i>Merger</i>				
****	****	****	****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Hayes-Gough Transit Controls by Story		
			1st	2nd	3rd+
720.36	<i>Residential Conversion</i>	§ 317	C	C	
720.37	<i>Residential Demolition</i>	§ 317	C	C	C
720.38	<i>Residential Division</i>	§ 207.8	P	P	P

RESIDENTIAL STANDARDS AND USES

720.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	C	NP
720.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
720.98	<i>Residential Division</i>	§ 207.8	P	P	P
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

721.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	C	NP
721.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
721.98	<i>Residential Division</i>	§ 207.8	P	P	P
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	North Beach Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
722.36	<i>Residential Conversion</i>	§ 317	P		
722.37	<i>Residential Demolition</i>	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

722.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	NP	NP
722.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

723.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>		C	C	NP
723.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Sacramento Street Controls by Story
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		§ 790.118	1st	2nd	3rd+
724.36	<i>Residential Conversion</i>	§ 317	P		
724.37	<i>Residential Demolition</i>	§ 317	P	€	€

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
724.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>		C	NP	NP
724.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.		
* * * *	* * * *	* * * *	* * * *		

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

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Union Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
725.36	<i>Residential Conversion</i>	§ 317	P	€	€
725.37	<i>Residential Demolition</i>	§ 317	P	€	€

* * * *

RESIDENTIAL STANDARDS AND USES					

725.96	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>Cf</u>		
****	****	****	****		

**Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES					

726.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>

726.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>		
726.98	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
*****	*****	*****	*****		

**Table 727. 24th STREET - MISSION NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

727.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>

727.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>		
727.98	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES					

728.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>NP</u>	<u>NP</u>
728.97	<u>Removal of Residential or Unauthorized Units through</u>	<u>§ 317</u>	<u>C</u>		

	<u>Conversion, Demolition, or</u>		
	<u>Merger</u>		
*****	*****	*****	*****

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

	<u>Removal of Residential or</u>				
729.96	<u>Unauthorized Units through</u>	§ 317	C	NP	NP
	<u>Conversion</u>				
	<u>Removal of Residential or</u>				
729.97	<u>Unauthorized Units through</u>	§ 317	C		
	<u>Conversion, Demolition, or</u>				
	<u>Merger</u>				
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Inner Sunset Controls by Story		
			1st	2nd	3rd+
730.36	Residential Conversion	§ 317	P		
730.37	Residential Demolition	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

730.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	NP	NP
730.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
*****	*****	*****	*****		

**Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

731.96	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	§ 317	C		
731.97	<u>Residential Division</u>	§ 207.8	P	P	P
*****	*****	*****	*****		

**Table 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Pacific Avenue Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
732.36	<i>Residential Conversion</i>	§ 317	€		
732.37	<i>Residential Demolition</i>	§ 317	€		€

RESIDENTIAL STANDARDS AND USES

732.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	NP	NP
732.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	C	NP
733.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units.</i>		
733.98	<i>Residential Division</i>	§ 207.8	P	P	P
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NCT-1 Controls by Story		
		§ 790.118	1st	2nd	3rd+
733A.36	<i>Residential Conversion</i>	§ 317	<i>P</i>		
733A.37	<i>Residential Demolition</i>	§ 317	<i>C</i>	<i>C</i>	<i>C</i>
733A.38	<i>Residential Division</i>	§ 207.8	<i>P</i>	<i>P</i>	<i>P</i>
733A.39	<i>Residential Merger</i>	§ 317	<i>C</i>	<i>C</i>	<i>C</i>

RESIDENTIAL STANDARDS AND USES

733A.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	<i>C</i>	<i>NP</i>	<i>NP</i>
733A.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	<i>C</i>		
733A.98	<i>Residential Division</i>	§ 207.8	<i>P</i>	<i>P</i>	<i>P</i>
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NCT-2 Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
734.36	<i>Residential Conversion</i>	§ 317	€	€	
734.37	<i>Residential Demolition</i>	§ 317	€	€	€
734.38	<i>Residential Division</i>	§ 207.8	P	P	P
734.39	<i>Residential Merger</i>	§ 317	€	€	€

RESIDENTIAL STANDARDS AND USES					

734.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>		C	C	NP
734.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
734.98	<i>Residential Division</i>	§ 207.8	P	P	P
*****	*****	*****	*****		

**Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	SoMa Transit Controls by Story		
			1st	2nd	3rd+
735.36	<i>Residential Conversion</i>	§ 317	C	C	
735.37	<i>Residential Demolition</i>	§ 317	C	C	C
735.38	<i>Residential Division</i>	§ 207.8	P	P	P
735.39	<i>Residential Merger</i>	§ 317	C	C	C

RESIDENTIAL STANDARDS AND USES

735.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	C	NP
735.96	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
735.97	<i>Residential Division</i>	§ 207.8	P	P	P
*****	*****	*****	*****		

Table 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

736.96	<i>Residential Conversion, Demolition, or Merger</i>	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units.</i>		
736.97	<i>Residential Division</i>	§ 207.8	P	P	P

Table 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES

737.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	C	C	NP
737.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	C		
737.98	<i>Residential Division</i>	§ 207.8	P	P	P

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Glen Park Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
738.36	<i>Residential Conversion</i>	§ 317	€	€	

738.37	<i>Residential Demolition</i>	<u>§ 317</u>	<u>€</u>	<u>€</u>	<u>€</u>
738.38	<i>Residential Division</i>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
738.39	<i>Residential Merger</i>	<u>§ 317</u>	<u>€</u>	<u>€</u>	<u>€</u>

RESIDENTIAL STANDARDS AND USES					

738.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>NP</u>
738.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	<u>§ 317</u>	<u>C</u>		
738.98	<i>Residential Division</i>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Noriega Street Controls by Story		
		<u>§ 790.118</u>	1st	2nd	3rd+
739.36	<i>Residential Conversion</i>	<u>§ 317</u>	<u>P</u>	<u>€</u>	
739.37	<i>Residential Demolition</i>	<u>§ 317</u>	<u>P</u>	<u>€</u>	<u>€</u>

RESIDENTIAL STANDARDS AND USES					

	<i>Removal of Residential or</i>				
739.96	<i>Unauthorized Units through</i>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>NP</u>
	<i>Conversion</i>				
	<i>Residential Conversion,</i>		<u>C</u>		
739.97	<i>Demolition, or Merger</i>	<u>§ 317</u>			
*****	*****	*****	*****		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

RESIDENTIAL STANDARDS AND USES					

	<i>Removal of Residential or</i>				
740.96	<i>Unauthorized Units through</i>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>NP</u>
	<i>Conversion</i>				

740.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>
*****	*****	*****	*****

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Taraval Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
741.36	<u>Residential Conversion</u>	<u>§ 317</u>	<u>P</u>	<u>C</u>	
741.37	<u>Residential Demolition</u>	<u>§ 317</u>	<u>P</u>	<u>C</u>	<u>C</u>

RESIDENTIAL STANDARDS AND USES

741.96	<u>Removal of Residential or Unauthorized Units through Conversion</u>	<u>§ 317</u>	<u>C</u>	<u>C</u>	<u>NP</u>
741.97	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u>		

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

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Judah Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
742.36	<i>Residential Conversion</i>	§ 317	P	€	
742.37	<i>Residential Demolition</i>	§ 317	P	€	€

RESIDENTIAL STANDARDS AND USES

	<i>Removal of Residential or</i>				
742.96	<i>Unauthorized Units through</i>	§ 317	C	C	NP
	<i>Conversion</i>				
	<i>Removal of Residential or</i>		C		
742.96	<i>Unauthorized Units through</i>	§ 317			
	<i>Conversion, Demolition, or</i>				
	<i>Merger</i>				
*****	*****	*****	*****		

**Table 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Folsom Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
743.37	<i>Residential Conversion</i>	§§ 207.7, 317, 790.84	€	€	
743.38	<i>Residential Demolition</i>	§§ 207.7, 317, 790.86	€	€	€
743.39	<i>Residential Division</i>	§ 207.8, 317	€	€	€

RESIDENTIAL STANDARDS AND USES

743.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>		<u>C</u>	<u>C</u>	<u>NP</u>
743.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	<u>C</u>		
743.98	<i>Residential Division</i>	§ 207.8, 317	<u>C</u>	<u>C</u>	<u>C</u>
*****	*****	*****	*****		

**Table 744. REGIONAL COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Regional Commercial Controls by Story		
			1st	2nd	3rd+
		§ 790.118			
744.37	<i>Residential Conversion</i>	§§ 207.7, 317, 790.84	€	€	
744.38	<i>Residential Demolition</i>	§§ 207.7, 317, 790.86	€	€	€
744.39	<i>Residential Division</i>	§ 207.8, 317	€	€	€

RESIDENTIAL STANDARDS AND USES

744.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>	§ 317	<u>C</u>	<u>C</u>	<u>NP</u>
744.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	<u>C</u>		
744.98	<i>Residential Division</i>	§ 207.8	<u>C</u>	<u>C</u>	<u>C</u>
*****	*****	*****	*****		

**Table 745. EXCELSIOR OUTER MISSION STREET
NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Excelsior Outer Mission Controls by Story		
			1st	2nd	3rd+
745.36	<i>Residential Conversion</i>	§§ 317, 790.84	€	€	€
745.37	<i>Residential Demolition</i>	§§ 317, 790.86	€	€	€

RESIDENTIAL STANDARDS AND USES

745.96	<i>Residential Conversion, Demolition, or Merger</i>	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units.</i>		
*****	*****	*****	*****		

**Table 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Divisadero Street Transit Controls by Story		
			1st	2nd	3rd+
746.36	<i>Residential Conversion</i>	§ 317	P	€	

746.37	<i>Residential Demolition</i>	<u>§ 317</u>	<i>P</i>	<i>€</i>	<i>€</i>
746.38	<i>Residential Division</i>	<u>§ 207.8</u>	<i>P</i>	<i>P</i>	<i>P</i>
746.39	<i>Residential Merger</i>	<u>§ 317</u>	<i>€</i>	<i>€</i>	<i>€</i>

RESIDENTIAL STANDARDS AND USES					

746.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>		<i>C</i>	<i>C</i>	<i>NP</i>
746.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	<u>§ 317</u>	<i>C</i>		
746.98	<i>Residential Division</i>	<u>§ 207.8</u>	<i>P</i>	<i>P</i>	<i>P</i>
****	****	****	****	****	****

**Table 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Fillmore Street Transit Controls by Story		
			1st	2nd	3rd+
		<u>§ 790.118</u>			
747.36	<i>Residential Conversion</i>	<u>§ 317</u>	<i>P</i>	<i>NP</i>	<i>NP</i>
747.37	<i>Residential Demolition</i>	<u>§ 317</u>	<i>P</i>	<i>€</i>	<i>€</i>

747.38	<i>Residential Division</i>	§ 207.8	<i>P</i>	<i>P</i>	<i>P</i>
747.39	<i>Residential Merger</i>	§ 317	<i>€</i>	<i>€</i>	<i>€</i>

RESIDENTIAL STANDARDS AND USES					

747.96	<i>Removal of Residential or Unauthorized Units through Conversion</i>		<i>C</i>	<i>NP</i>	<i>NP</i>
747.97	<i>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</i>	§ 317	<i>C</i>		
747.98	<i>Residential Division</i>	§ 207.8	<i>P</i>	<i>P</i>	<i>P</i>
*****	*****	*****	*****	*****	*****

Table 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Japantown Controls by Story		
		§ 790.118	1st	2nd	3rd+
748.36	<i>Residential Conversion</i>	§§ 317	<i>P</i>	<i>€</i>	<i>€</i>
748.37	<i>Residential Demolition</i>	§§ 317	<i>P</i>	<i>€</i>	<i>€</i>

RESIDENTIAL STANDARDS AND USES					

748.96	<u>Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>		
****	****	****	****		

Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES

No.	Zoning Category	§ References	Chinatown Community Business Controls by Story		
			1st	2nd	3rd+
38a	Residential Conversion, Residential Hotels	Ch. 41 Admin. Code			
38b	Residential Demolition, Residential Hotels	Ch. 41 Admin. Code			
39a	Residential Conversion	§ 317			
39b	Residential Demolition	§ 317			
RESIDENTIAL STANDARDS AND USES					

97	<u>Residential Conversion</u> <u>or Demolition,</u> <u>Residential Hotels</u>	<u>Ch. 41</u> <u>Admin. Code</u>			
98	<u>Removal of Residential</u> <u>or Unauthorized Units</u> <u>through Conversion,</u> <u>Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>		
* * * *	* * * *	* * * *	* * * *		

Table 811
CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES

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

RESIDENTIAL STANDARDS AND USES

* * * *					
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97	<u>Residential Conversion</u> <u>or Demolition,</u> <u>Residential Hotels</u>	Ch. 41 Admin. Code			
98	<u>Removal of Residential</u> <u>or Unauthorized Units</u> <u>through Conversion,</u> <u>Demolition, or Merger</u>	§ 317	C		
****	****	****	****		

Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES

No.	Zoning Category	§ References	Chinatown Residential Neighborhood Commercial Controls by Story		
			1st	2nd	3rd+
38a	Residential Conversion, Residential Hotels	Ch. 41 Admin. Code			
38b	Residential Demolition, Residential Hotels	Ch. 41 Admin. Code			
39a	Residential Conversion	§ 317			
39b	Residential Demolition	§ 317			
RESIDENTIAL STANDARDS AND USES					

97	<u>Residential Conversion</u> <u>or Demolition,</u> <u>Residential Hotels</u>	Ch. 41 Admin. Code			
98	<u>Residential Conversion,</u> <u>Demolition, or Merger</u>	§ 317	<u>C for Removal of one or more Residential</u> <u>Units or Unauthorized Units.</u>		
*****	*****	*****	*****		

Table 813
RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential Enclave Controls

USE STANDARDS			
*****	*****	*****	*****
813.04	Non-Residential Density <u>Limit</u>	§§ 102-9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
*****	*****	*****	*****
813.13	Residential Demolition <u>or</u> <u>Merger</u>	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>

Table 814
SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Park District Controls
*****	*****	*****	*****
814.05	Non-Residential <u>Density Limit</u>	§§ 102-9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio
*****	*****	*****	*****
814.12	Residential Conversion <u>or</u> <u>Merger</u>	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u>
814.13	Residential Demolition	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u>

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

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
*****	*****	*****	*****

815.04	Non-Residential Density <u>Limit</u>	§§ 102- 9 , 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.5(j)
* * * *	* * * *	* * * *	* * * *
815.12	Residential Conversion <u>or</u> <u>Merger</u>	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>
815.13	Residential Demolition	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>

* * * *

Table 816
SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Light Industrial/Residential Mixed Use District Controls
* * * *	* * * *	* * * *	* * * *
816.04	Non-Residential Density Limit	§§ 102- 9 , 123, 124, 127	Generally, 2.5 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *

816.12	Residential Conversion <u>or</u> <u>Merger</u>	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>
816.13	Residential Demolition	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>

* * * *

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

No.	Zoning Category	§ References	Service/Light Industrial District Controls
* * * *	* * * *	* * * *	* * * *
817.04	Non-Residential Density Limit	§§ 102- 9 , 123, 124, 127	Generally, 2.5 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *
817.12	Residential Conversion <u>or</u> <u>Merger</u>	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>
817.13	Residential Demolition	§ 317	<u>C for Removal of one or more</u> <u>Residential Units or</u> <u>Unauthorized Units.</u>

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Table 818
SSO – SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Secondary Office District Controls
* * * *	* * * *	* * * *	* * * *
818.04	Non-Residential Density Limit	§§ 102- 9 , 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
* * * *	* * * *	* * * *	* * * *
818.12	Residential Conversion <u>or</u> <u>Merger</u>	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u>
818.13	Residential Demolition	§ 317	<u>C for Removal of one or more Residential Units or Unauthorized Units.</u>

* * * *

1 Section 5. The Building Code is hereby amended by revising Section 102A, to read as
2 follows:

3 **SECTION 102A – UNSAFE BUILDINGS, STRUCTURES OR PROPERTY**

4 All buildings, structures, property, or parts thereof, regulated by this code that are
5 structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or
6 are otherwise dangerous to human life, safety or health of the occupants or the occupants of
7 adjacent properties or the public by reason of inadequate maintenance, dilapidation,
8 obsolescence or abandonment, or by reason of occupancy or use in violation of law or
9 ordinance, or were erected, moved, altered, constructed or maintained in violation of law or
10 ordinance are, for the purpose of this chapter, unsafe.

11 * * * *

12 **102A.3 Inspections and Complaints.** The Building Official is hereby authorized to
13 inspect or cause the inspection of any building, structure or property for the purpose of
14 determining whether or not it is unsafe in any of the following circumstances:

15 1. Whenever the Building Official, with reasonable discretion, determines that such
16 inspection is necessary or desirable.

17 2. Whenever any person files with the Building Official a complaint from which
18 there is, in the Building Official's opinion, probable cause to believe that the building, structure
19 or property or any portion thereof, is unsafe.

20 3. Whenever an agency or department of the City and County of San Francisco
21 transmits to the Building Official a written report from which there is, in the opinion of the
22 Building Official, probable cause to believe that the building, structure or property, or any
23 portion thereof, is unsafe.

24 Upon the completion of any such inspection and the finding by the Building Official of
25 any condition which renders the building, structure or property unsafe, the Building Official

1 shall, within 15 days thereafter, serve a written notice of violation upon the building owner
2 which shall contain specific allegations, setting forth each condition the Building Official has
3 found which renders the building, structure or property unsafe. The Building Official shall,
4 within three days of mailing of such notice of violation, post a copy thereof in a conspicuous
5 place in or upon such building, structure or property and make available a copy of the notice
6 of violation to each tenant thereof. Such notice shall also set forth the penalties for violation
7 prescribed in Section 103A of this code. In addition to the civil penalties prescribed in Section
8 103A, the Department's cost of preparation for and appearance at the hearing required by
9 Section 102A.4, and all prior and subsequent attendant and administrative costs, shall be
10 assessed upon the property owner monthly, after failure to comply with a written notice of
11 violation that has been served upon the property owner. Said violations will not be deemed
12 legally abated until the property owner makes full payment of the assessment of costs to the
13 Department of Building Inspection. See Section 110A, Table 1A-D – Standard Hourly Rates
14 and Table 1A-K – Penalties, Hearings, Code Enforcement Assessments – for the applicable
15 rate. Failure to pay the assessment of costs shall result in tax lien proceedings against the
16 property per Section 102A.18.

17 If the unsafe conditions observed on the property have not been corrected within the
18 time period provided, the matter shall be set for hearing within 60 days from the compliance
19 date specified on the notice of violation, if not substantial progress in abating the Code
20 violations has commenced.

21 102A.3.1. Dwelling Units constructed or installed without required permit(s). In the case of an
22 unauthorized Dwelling Unit constructed or installed in an existing building without the required permit
23 or permits, in addition to the above requirements the written notice of violation shall order the property
24 owner to file an application for a building and other permits required to legalize the unit pursuant to
25 Building Code Section 106A.3.1.3 and Planning Code Section 207.3.

1 **EXCEPTIONS:**

2 1. ~~unless~~ Removal of the unit is has been approved by the Planning Commission pursuant to
3 Planning Code Section 317; or

4 2. After performing a screening under Section 106A.3.1.3(a) of this Code, the
5 Department has determined that the unauthorized Dwelling Unit is not able to be legalized
6 under Section 106A.3.1.3 of this Code; or

7 3. The Building Official has determined that a serious and imminent hazard under
8 Section 102A.16 of this Code exists on the subject property.

9 ~~102A.3.1.1. Re-issuance of an unabated notice of violation. Any notice of violation~~
10 ~~issued prior to the effective date of Section 102A.3.1 and that remains unabated shall be re-~~
11 ~~issued in compliance with the requirements of Section 102A.3.1.~~

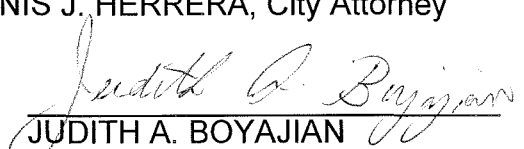
12 Upon submission of an application for legalization or removal of an unauthorized
13 Dwelling Unit by the owner or the owner's authorized agent, the Department will suspend a
14 notice of violation issued pursuant to this Section 102A.3.1 pending a decision on the
15 application unless the Building Official has determined that a serious and imminent hazard
16 exists on the property. If approval of either legalization or removal of the unauthorized
17 Dwelling Unit occurs within one year of issuance of the notice of violation, the notice of
18 violation and any liens recorded against the property with respect to the violation will be
19 rescinded. The Building Official may extend this time if a delay in obtaining approval is not the
20 fault of the property owner.

21
22 Section 6. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

1
2 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
3 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
4 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
5 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
6 additions, and Board amendment deletions in accordance with the "Note" that appears under
7 the official title of the ordinance.
8

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

11 By:


12 JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160115

Date Passed: March 08, 2016

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether authorized or unauthorized) and to exempt from the Conditional Use application requirement unauthorized units where there is no legal path for legalization, residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation order the filing of an application to legalize an unauthorized unit unless infeasible under the Building Code, the Planning Commission approves its removal, or a serious and imminent hazard exists on the property; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

February 08, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 08, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 08, 2016 Land Use and Transportation Committee - CONTINUED AS AMENDED

February 22, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 22, 2016 Land Use and Transportation Committee - DUPLICATED AS AMENDED

February 22, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 01, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 01, 2016 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Wiener

Noes: 2 - Tang and Yee

March 08, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Wiener

Noes: 1 - Yee

File No. 160115

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
3/8/2016 by the Board of Supervisors of the
City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor

3/11/2016

Date Approved