

REVISED LEGISLATIVE DIGEST

(12/10/2013, Amended in Board)

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

Ordinance amending the Planning Code to revise the criteria for residential demolition, merger and conversion, and to standardize those definitions across use districts and prohibit residential mergers where certain evictions of tenants have occurred; establish a strong presumption in favor of preserving dwelling units in enforcement of Code requirements; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Existing Law

Planning Code Section 180 sets forth requirements applicable to nonconforming uses, noncomplying structures, and substandard lots of record. Sections 207.7, 212, and 317 establish restrictions on the demolition, merger and conversion of existing dwelling units and residential uses. Articles 7 and 8 and their Zoning Control Tables establish and regulate the uses in Neighborhood Commercial Districts and Mixed Use Districts, respectively. Sections 790.84, 790.86, 890.84, and 890.86 define Residential Conversion and Residential Demolition.

Amendments to Current Law

Section 180 is amended to establish a strong presumption in favor of preserving Dwelling Units in the enforcement of the Code. Definitions for Residential Demolition, Residential Merger and Residential Conversion are consolidated into Section 317 and the criteria are modified to prioritize preservation of housing and encourage the replacement of housing. Sections 212, 703.2, 803.8, and the Zoning Control Tables in Articles 7 and 8 are amended to refer to the definitions of and criteria for Residential Demolition, Residential Merger and Residential Conversion in Section 317 and obsolete Code provisions are deleted. All the existing conditional use requirements or prohibitions on residential conversion, demolition, and merger in specific zoning districts are retained unchanged, except that an owner who has evicted any tenants after December 10, 2013 under the "owner move-in" provision of the Rent Ordinance will not be permitted to merge dwelling units for 5 years following such eviction, and an owner who has evicted any tenants after December 10, 2013 under the other "no fault" provisions of the Rent Ordinance will not be permitted to merge dwelling units for 10 years following such eviction.

Background Information

The 2009 Housing Element of the General Plan includes several policies which call for the preservation of existing housing, including discouraging the demolition of sound housing (Policy 2.1), controlling the merger of existing units (Policy 2.2), preserving existing affordable housing (Policy 3.1), and which call for considering whether replacement housing is affordable (Policy 2.1). The Planning Code amendments in this ordinance are intended to bring the

provisions of the Planning Code into harmony with the housing policies of the General Plan. The restrictions on merger are intended to reduce the possibility that more tenants will be evicted in order to be able to merge dwelling units under these provisions of the Planning Code. The ordinance also improves the organization and usability of the Code by consolidating definitions and controls, updating zoning control tables to include applicable controls, and deleting obsolete provisions.

This Legislative Digest includes amendments to the tenant eviction provisions adopted by the Board at its regular meeting on December 10, 2013.

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