

## **LEGISLATIVE DIGEST**

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

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

### Existing Law

Planning Code Sections 180 and 181 set forth requirements applicable to nonconforming uses, noncomplying structures, and substandard lots of record. Sections 207.7, 212, and 317 establish restrictions on the demolition, conversion, and merger 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. Section 181 is amended to permit alterations to noncomplying structures in order to comply with disabled access requirements and provide secure bicycle parking. Section 181 is further amended to allow enlargements, alterations, or reconstruction of housing in districts where a dwelling unit is a permitted use so long as any enlargement, alteration, or reconstruction does not increase any nonconformity in height, bulk, or required yards or setbacks.

Definitions for Residential Demolition, Residential Conversion, and Residential Merger are consolidated into Section 317 and the criteria are modified to prioritize preservation of housing and encourage the replacement of housing. Sections 207.7, 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 Conversion, and Residential Merger in Section 317

and deleted obsolete language. All the existing conditional use requirements or prohibitions on residential conversion, demolition, and merger in specific zoning districts are retained unchanged.

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 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.