File No. 160115 Committee Item No. 4
Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Alisa Somera **Date** February 18, 2016
Completed by: Alisa Somera **Date** February 25, 2016

FILE NO. 160115 AMENDED IN BOARD. 3/1/2016 ORDINANCE NO.

[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 uncodified 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 ~~strikethrough 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.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ~~150494~~ and is incorporated herein by reference. The Board affirms this determination.

(b) On December 10, 2015, the Planning Commission, in Resolution No. 19532, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. ~~150494~~ 160115, and is incorporated herein by reference.

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

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

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

* * * *

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

(1) "Residential Conversion" shall mean the removal of cooking facilities, change of occupancy (as defined and regulated by the Building Code), or change of use (as defined and regulated by the Planning Code), of any Residential Unit *or Unauthorized Unit* to a ~~n~~*N*on-~~r~~*R*esidential or Student Housing use.

* * * *

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

* * * *

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

* * * *

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

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

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

* * * *

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

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

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

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

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

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

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

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

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

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

~~*(i) whether the property is free of a history of serious, continuing Code violations;*~~

~~*(ii) whether the housing has been maintained in a decent, safe, and sanitary condition;*~~

~~*(iii) whether the property is an "historical resource" under CEQA;*~~

~~*(iv) whether the removal of the resource will have a substantial adverse impact under CEQA;*~~

~~*(v) whether the project converts rental housing to other forms of tenure or occupancy;*~~

~~*(vi) whether the project removes rental units subject to the Rent 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

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

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

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

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

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

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) whether Residential *Conversion* ~~*Conversation*~~ would provide desirable new ~~*n*~~*N*on-~~*r*~~*R*esidential ~~*u*~~*U*se(s) appropriate for the neighborhood and adjoining district(s);

(C) in districts where Residential Uses are not permitted, whether Residential Conversion will bring the building closer into conformance with the ~~*u*~~*U*ses permitted in the zoning district;

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

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

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

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

(M) whether the project creates new supportive housing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Under the jurisdiction of the Port of San Francisco or the Successor Agency to the Redevelopment Agency of the City and County ~~of~~ where the 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 City order that directs the owner to demolish the building or remove the unit, due to conditions that present an imminent threat to life safety.

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

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

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

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

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

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

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

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

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

~~(b) **Applicability; Exemption for Unauthorized Unit.**~~

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

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

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

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

~~(c) **Demolition.**~~

~~(1) No permit to Demolish a Residential Building in a C-3 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) Conditional Use authorization is required for approval of the permit for Residential Demolition in a C-3 District, 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 application.~~

~~(3) Nothing in this Section 317.1 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 317.1 and as further described in the Code Implementation Document with regard to Residential Demolition, the criteria of Section 1005 shall apply to projects subject to review under the requirements of Article 10 with regard to the structure itself.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Under the jurisdiction of the Port of San Francisco or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco where the 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

* * * *

Zoning Category	*§ References*	*RH-1(D)*	*RH-1*	*RH-1(S)*	*RH-2*	*RH-3*
* * * *						
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 ~~d~~Dwelling ~~u~~Unit required. Certain exceptions permitted per § 161.				
Residential Conversion, Demolition, or Merger	§ 317	*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.*~~				
* * * *						

Table 209.2
ZONING CONTROL TABLE FOR RM DISTRICTS

* * * *

Zoning Category	*§ References*	*RM-1*	*RM-2*	*RM-3*	*RM-4*
* * * *					
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 ~~d~~Dwelling ~~u~~Unit if common.	At least 80 square feet if private, and 106 square feet per ~~d~~Dwelling	At least 60 square feet if private and 80 square feet per ~~d~~Dwelling	At least 36 square feet if private, and 48 square feet per ~~d~~Dwelling ~~u~~Unit if common.

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

Table 209.3
ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

* * * *

Zoning Category	*§ References*	*RC-3*	*RC-4*
* * * *			
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 ~~d~~Dwelling ~~u~~Unit if common.	At least 36 square feet if private, and 48 square feet per ~~d~~Dwelling ~~u~~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	~~*Loss of 2 units or fewer DR/Loss of 3 or more*~~ C *for Removal of one or more Residential Units or Unauthorized Units.*
* * * *	* * * *	* * * *

Table 209.4
ZONING CONTROL TABLE FOR RTO DISTRICTS

* * * *

Zoning Category	*§ References*	*RTO*	*RTO-M*
* * * *			
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 ~~*d*~~*D*welling ~~*u*~~*U*nit if common.	
Parking Requirements	§ 151.1, 151.1	None required. Maximum permitted per § 151.1	
Residential Conversion,	§ 317	~~*Loss of 2 units or fewer DR/Loss of 3 or more*~~	*C for Removal of one or more Residential*

Demolition, or Merger		C *for Removal of one or more Residential Units or Unauthorized Units.*	*Units or Unauthorized Units.*
* * * *			

* * * *

Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	*§ References*	*C-2*
* * * *		
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	*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.*~~
* * * *		

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*~~*D*welling ~~*u*~~*U*nit 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~~ 317	*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.*~~				

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*
* * * *					
RESIDENTIAL STANDARDS AND USES					
Development Standards					
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	*C for Removal of one or more Residential Units or Unauthorized Units; in C-3, only for Removal above the ground floor..* ~~*Loss of 1-2 units mandatory DR/Loss of 3 or more units C.*~~			
* * * *					

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~~*D*welling ~~u~~*U*nit 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	*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.*~~	
* * * *			

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

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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*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
711.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
711.97	*Removal of Residential or Unauthorized Units through Demolition, or Merger*	*§ 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*~~	~~*C*~~	~~*C#*~~
~~*712.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					

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

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+
~~*713.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*713.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
713.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
713.97	*Removal of Residential or Unauthorized Units through Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Broadway Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~714.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~714.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
714.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	C	NP
714.97	*Residential Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

~~715.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~715.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
715.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
715.97	Removal of Residential or Unauthorized Units through Conversion,, Demolition, or Merger	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

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

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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~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES

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

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Outer Clement Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*717.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*717.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
717.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*

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

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
718.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
718.97	*Removal of Residential or Unauthorized Units through Conversion ,Demolition, or Merger*	*§ 317*	*C*		

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Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Haight Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~719.36~~	~~*Residential Conversion*~~	~~§ 317~~	~~P~~		
~~719.37~~	~~*Residential Demolition*~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
719.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	NP	NP
719.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

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		
		§ 790.118	1st	2nd	3rd+
~~720.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	
~~720.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~720.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
720.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
720.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
720.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
721.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
721.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
721.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	North Beach Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~722.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~722.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
722.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	NP	NP
722.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Polk Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~723.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~723.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
723.96	Removal of Residential or Unauthorized Units through Conversion		C	C	NP
723.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 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

		§ 790.118	1st	2nd	3rd+
~~724.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~724.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

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

Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Union Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~725.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	~~C~~
~~725.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
725.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*Cf*		
* * * *	* * * *	* * * *	* * * *		

Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
726.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*

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

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
727.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*

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

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
728.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
728.97	*Removal of Residential or Unauthorized Units through*	*§ 317*	*C*		

	Conversion, Demolition, or Merger		
* * * *	* * * *	* * * *	* * * *

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	West Portal Avenue Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~729.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~729.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
729.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	NP	NP
729.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Inner Sunset Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~730.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~730.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
731.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
731.97	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Pacific Avenue Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~732.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~		
~~732.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~		~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
732.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
732.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
733.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
733.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.		
733.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
733A.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	NP	NP
733A.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
733A.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
734.96	*Removal of Residential or Unauthorized Units through Conversion*		*C*	*C*	*NP*
734.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
734.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	SoMa Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*735.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	
~~*735.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~
~~*735.38*~~	~~*Residential Division*~~	~~*§ 207.8*~~	~~*P*~~	~~*P*~~	~~*P*~~
~~*735.39*~~	~~*Residential Merger*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
735.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
735.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
735.97	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Mission Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~736.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~736.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~736.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~736.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
736.96	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		
736.97	*Residential Division*	*§ 207.8*	*P*	*P*	*P*

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Ocean Avenue Transit Controls by Story

		§ 790.118	1st	2nd	3rd+
~~*737.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~C~~	~~C~~	
~~*737.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~C~~	~~C~~	~~C~~
~~*737.38*~~	~~*Residential Division*~~	~~*§ 207.8*~~	~~P~~	~~P~~	~~P~~
~~*737.39*~~	~~*Residential Merger*~~	~~*§ 317*~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
737.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
737.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
737.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Glen Park Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*738.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~C~~	~~C~~	

~~738.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~738.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~738.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
738.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	C	NP
738.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
738.98	*Residential Division*	§ 207.8	P	P	P

Table 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Noriega Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~739.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~739.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
739.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
739.97	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Irving Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*740.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	
~~*740.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
740.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*

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

Table 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
741.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
741.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		

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Table 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Judah Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*742.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	
~~*742.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
742.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
742.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
743.96	*Removal of Residential or Unauthorized Units through Conversion*		*C*	*C*	*NP*
743.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
743.98	*Residential Division*	*§ 207.8, 317*	*C*	*C*	*C*
* * * *	* * * *	* * * *	* * * *		

Table 744. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

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

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
744.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
744.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
744.98	Residential Division	§ 207.8	C	C	C
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Excelsior Outer Mission Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~745.36~~	~~*Residential Conversion*~~	~~§§ 317, 790.84~~	~~C~~	~~C~~	~~C~~
~~745.37~~	~~*Residential Demolition*~~	~~§§ 317, 790.86~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
745.96	*Residential Conversion, Demolition, or Merger*	§ 317	*C for Removal of one or more Residential Units or Unauthorized Units.*		
* * * *	* * * *	* * * *	* * * *		

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Divisadero Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~746.36~~	~~*Residential Conversion*~~	~~§ 317~~	~~P~~	~~C~~	

~~746.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~
~~746.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~746.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
746.96	Removal of Residential or Unauthorized Units through Conversion		C	C	NP
746.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
746.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

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

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Fillmore Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~747.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~NP~~	~~NP~~
~~747.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

~~747.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~747.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
747.96	Removal of Residential or Unauthorized Units through Conversion		C	NP	NP
747.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
747.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Table 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Japantown Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~748.36~~	~~Residential Conversion~~	~~§§ 317~~	~~P~~	~~C~~	~~C~~
~~748.37~~	~~Residential Demolition~~	~~§§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
748.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

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

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*~~	~~*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	*Residential Conversion or Demolition, Residential Hotels*	Ch. 41 Admin. Code			
.98	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 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	*Residential Conversion or Demolition, Residential Hotels*	Ch. 41 Admin. Code			
98	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		
* * * *	* * * *	* * * *	* * * *		

Table 813
RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential Enclave Controls
* * * *			
USE STANDARDS			
* * * *	* * * *	* * * *	* * * *
813.04	Non-Residential Density *Limit*	§§ 102~~.9~~, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *
813.13	Residential Demolition *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
* * * *			

Table 814
SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

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

* * * *

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

* * * *

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 *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
816.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

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 *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
817.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

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 *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
818.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

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

SECTION 102A – UNSAFE BUILDINGS, STRUCTURES OR PROPERTY

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

* * * *

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

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

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

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

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

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

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

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

EXCEPTIONS:

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

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

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

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

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

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

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

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

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FILE NO. 160115

REVISED LEGISLATIVE DIGEST

(3/1/2016, Amended in Board)

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

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.

Existing Law

Planning Code Section 317 regulates the removal of "Residential Units," as defined, through demolition, merger, or conversion. A Conditional Use authorization is required for the removal of any Residential Unit in RTO, RTO-M, NCT, and Upper Market NCD zoning districts, for the loss of any Residential Unit above the ground floor in C-3 districts, and for the loss or removal of three or more Residential Units in other zoning districts. A Conditional Use authorization is also required for a replacement building. Section 317.1, recently approved by the Board, enacted demolition, merger, and conversion requirements for the C-3 Districts.

Building Code Section 102A.3 establishes the process for the Department of Building Inspection's investigation and citation of code violations.

Amendments to Current Law

Planning Code Section 317 is amended to require Conditional Use authorization for the loss or removal of any Residential Unit, whether or not the unit is authorized and legal or is unauthorized and illegal. If the Planning Commission denies an application to remove an Unauthorized Unit, the property owner is required to apply for a building permit to legalize the unit. Section 317.1 is deleted and the requirements for C-3 Districts included in Section 317.

The Conditional Use requirement applies to (1) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 2016 and (2) 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. The Conditional Use requirement does not apply if (1)

Removal of a Residential Unit received Planning approval prior to the effective date of this ordinance, (2) the Department of Building Inspection has determined that there is no legal basis for legalization of an Unauthorized Unit under Section 106A.3.1.3 of the Building Code, or (3) the Demolition of a single-family home meets the definition of housing that is demonstrably unaffordable or financially inaccessible.

The Planning Code defines an "Unauthorized Unit" as "one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property." "Independent" means that (1) the space has independent access that does not require entering a Residential Unit on the property and (2) there is no open, visual connection to a Residential Unit on the property. Twenty days before the Conditional Use hearing, notice of the hearing must be mailed to all Residential Units and, if known, to any Unauthorized Units in the building. The prohibitions against conversion to Student Housing and the merger of Residential Units not subject to a Conditional Use requirement have been retained and relocated. Conditional Use criteria are all in one subsection; the existing criteria have been retained and new criteria added for the removal of Unauthorized Units.

The Building Code is also amended to require a Notice of Violation for an Unauthorized Unit to order the property owner to apply for a building permit to legalize the unit unless (1) removal of the Unit has been approved by the Planning Commission, (2) the Department has determined, after performing the screening prescribed by Section 106A.3.1.3(a), that legalization of the unit is not permitted under the Building Code, or (3) the Building Official has determined that a serious and imminent hazard under Section 102A.16 of the Building Code exists on the subject property. Upon submission of an application for legalization or removal of an Unauthorized Unit, the Department of Building Inspection will suspend the Notice of Violation pending a decision on the application unless the Building Official has determined that a serious and imminent hazard exists. If approval of either legalization or removal of the Unauthorized Unit occurs within one year of issuance of the Notice of Violation, the Notice of Violation and any associated liens recorded against the property with be rescinded.

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Somera, Alisa (BOS)

From: Wong, Linda (BOS)
Sent: Monday, February 01, 2016 2:00 PM
Subject: FW: File 150494 FW: Conditional Use Requirement for Removal of an Illegal Housing Unit: Economic Impact Report

From: Khan, Asim (CON)
Sent: Monday, February 01, 2016 1:12 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Kawa, Steve (MYR) <steve.kawa@sfgov.org>; Elliott, Jason (MYR) <jason.elliott@sfgov.org>; Steeves, Asja (CON) <asja.steeves@sfgov.org>; Campbell, Severin (BUD) <severin.campbell@sfgov.org>; Newman, Debra (BUD) <debra.newman@sfgov.org>; Rose, Harvey (BUD) <harvey.rose@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; Rydstrom, Todd (CON) <Todd.Rydstrom@sfgov.org>; Lane, Maura (CON) <maura.lane@sfgov.org>; gmetcalf@spur.org; bob@sfchamber.com; jballesteros@sanfancisco.travel; SF Docs (LIB) <sfdocs@sfpl.org>; Howard, Kate (MYR) <kate.howard@sfgov.org>; Falvey, Christine (MYR) <christine.falvey@sfgov.org>; Tsang, Francis <francis.tsang@sfgov.org>; CON-Finance Officers <CON-Finance_Officers@SFGOV.org>; Elliott, Nicole (MYR) <nicole.elliott@sfgov.org>
Subject: Conditional Use Requirement for Removal of an Illegal Housing Unit: Economic Impact Report

This report from the Office of Economic Analysis assesses the impact of requiring a Conditional Use authorization to remove an illegal housing unit. Currently, no such permit is required.

The report finds that if the legislation results in the preservation of more illegal units, it would likely put downward pressure on housing prices at the low end of the private housing market, where most low-income households obtain housing. Prices in that sub-market could be up to 1% lower as a result of the legislation. While prices in the upper-end of the market could rise, the price inflation would likely be significantly smaller.

The full report may be viewed here: http://openbook.sfgov.org/webreports/details3.aspx?id=2269

For questions about the report, please contact Ted Egan at ted.egan@sfgov.org or Asim Khan at asim.khan@sfgov.org

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Todd Rydstrom
Deputy Controller

February 1, 2016

The Honorable Board of Supervisors
City and County of San Francisco
Room 244, City Hall

Angela Calvillo
Clerk of the Board of Supervisors
Room 244, City Hall

Re: Office of Economic Analysis Impact Report for File Number 150494

Dear Madam Clerk and Members of the Board:

The Office of Economic Analysis is pleased to present you with its economic impact report on file number 150494, "Conditional Use Requirement for Removal of an Illegal Housing Unit: Economic Impact Report." If you have any questions about this report, please contact me at (415) 554-5268.

Best Regards,

Ted Egan
Chief Economist

cc Alisa Somera, Committee Clerk, Land Use and Transportation

Conditional Use Requirement for Removal of an Illegal Housing Unit: Economic Impact Report

Office of Economic Analysis
Item # 150494
February 1st, 2016

Introduction

- The proposed legislation would amend the Section 317 of the Planning Code to require a conditional use (CU) authorization for the removal of an illegal housing unit. Currently, only the removal of a legal housing unit requires a conditional use.
- A Notice of Violation for an illegal unit, from the Department of Building Inspection, would require a property owner to file a permit to legalize the unit, unless it is infeasible under the building code, or the Planning Commission approves removal of the unit under CU authorization.
- The legislation would also require compliance with landscaping and permeable surface requirements for residential merger and where addition to a building structure increases the existing gross floor areas by 20%.
- The office of Economic Analysis has prepared this report because the proposal could have material economic impact on the city's economy.
- In particular, limitation on demolition of illegal units could reduce the housing burden of low-income households, by maintaining a greater supply of housing at the low end of the private market.

Economic Impact Factors

- Building permit data suggests that illegal units are most often removed to expand an existing, larger, housing unit on the same parcel.
- By placing new restrictions on the removal of illegal units, the legislation would effectively expand the housing supply at the low end of the private housing market. This conclusion is based on the assumption that a CU authorization to remove an illegal unit would be no more likely to be granted than a CU authorization to remove an authorized unit.
- The result of that would be to put downward pressure on housing prices facing low-income households seeking housing in the city.
- On the other hand, limiting the removal of unauthorized units would inhibit the expansion of large units which are in demand at the upper end of the market. The resulting supply constraint at the upper end would tend to inflate prices at the upper end of the market. To the extent that supply is not expanded elsewhere (by increasing the attractiveness of upper-end properties in other ways, for example), then the price increase will be felt throughout the market.

Impact on Housing Prices

- The impact on citywide housing prices will depend on the number of illegal units removed each year. Unfortunately, since illegal units are unpermitted, data on the removal (and creation) of illegal units is indirect, and likely understates the extent of the activities.
- By analyzing building permit applications, the Planning Department has estimated that an average of 23 illegal units have been removed annually, over the 2004-14 period (see next page).
- If this trend is accurate and continues, the proposed legislation would lead to a decline in housing prices of 1% per year for 1-room housing units, on average over the next 20 years. This estimate is based on the total number of 1 room housing units currently in the city, as reported by the Census.
- On the other hand, the price increase at the upper end of the market is highly uncertain, because we lack data on the size of units that have been merged with an illegal unit, and how the supply constraint would ripple through the housing market. If these units would generally have 6 rooms or above after merger, then prices for those largest housing units in the city could increase by 0.02 to 0.04%, on average over the next 20 years.
- The net impact on citywide housing prices depends on how property owners react to the legislation and whether they make alternative actions to improve the value of their property. We are unable to estimate that impact with the available data.

Trends in the Demolition of Illegal Housing Units in San Francisco, 2004-14

Year	Illegal Units Removed
2004	22
2005	38
2006	12
2007	10
2008	19
2009	8
2010	6
2011	39
2012	2
2013	70
2014	24
Average	23

Source: Housing Element 2014, Planning Department

Staff Contacts

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(415) 554-5268

Asim Khan, Ph.D., Principal Economist
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(415) 554-5369

BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection Voice (415) 558-6164 - Fax (415) 558-6509
1660 Mission Street, San Francisco, California 94103-2414

January 28, 2016

MEMO

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

RE: File No. 150494-2 – Ordinance amending the Planning Code to require Conditional use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirement for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal.

Dear Ms. Calvillo:

On January 20, 2016 the Building Inspection Commission held a public hearing on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners had some additional concerns regarding the legislation, so they unanimously voted to continue the item to the next Regular Building Inspection Commission meeting on February 17, 2016.

Commissioners McCarthy, Clinch, Konstin, Lee, McCray, Melgar, and Walker voted unanimously to continue the item to February 17, 2016.

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Sonya Harris

Sonya Harris
Commission Secretary

cc: Tom C. Hui, S.E., C.B.O., Director

City and County of San Francisco
artment of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

NOTICE OF MEETING

Regular Meeting of the
CODE ADVISORY COMMITTEE

DATE: **February 10, 2016**

TIME: **9:30 a.m. to 11:00 a.m.**

LOCATION: **1650 Mission Street, Room 431**
(Thru Room 400, Planning Dept. Forth floor)

This Committee meets regularly every second Wednesday of the month at 1650 Mission Street, Room 431, 4th Floor (City Planning Department). If you wish to be placed on a mailing list for agendas, please call (415) 575-6832.

Note: Public comment is welcome and will be heard during each item. Reference documents relating to agenda are available for review at the 1660 Mission Street, 1st floor. For information, please call Kirk Means at (415) 575-6832.

AGENDA

1.0 Call to Order, Roll Call and confirmation of quorum.

2.0 Discussion and possible action regarding a proposed ordinance (file #150732) amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage. The possible action would be to make a recommendation to the full Code Advisory Committee for their further action. (20 minutes)

3.0 Discussion and possible action regarding a proposed ordinance (file# 160024) amending the Police Code to mandate that businesses and places of public accommodation designate single-user toilet facilities that are available to the public or employees as all-gender and accessible to persons of any gender identity, and require enforcement of the signage requirements by the Department of Building Inspection; amending the Administrative Code to require buildings on land that the City owns or leases to provide all-gender toilet facilities; and affirming the Planning Department's determination under the California Environmental Quality Act. The possible action would be to make a recommendation to the full Code Advisory Committee for their further action. (10 minutes)

4.0 Discussion and possible action regarding a proposed ordinance (file# 150494-2) amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; 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. The possible action is to make a recommendation to the Building Inspection Commission for their further action. (20 minutes)

5.0 Discussion and possible action regarding a proposed ordinance (file141118) amending the Building Code to require that 1) the facades of certain buildings having five or more stories be inspected periodically by a licensed architect or engineer; 2) inspection reports be submitted to the owner and the Department of Building Inspection according to an inspection and reporting schedule; 3) maintenance of the facades be conducted in accordance with an Administrative Bulletin that is based on a notional standard; 4) establishing a fee to compensate the Department for review and related evaluation processing; 5) making findings , including environmental findings, and findings under the California Health and Safety Code; and 6) directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage (20 minutes).

6.0 Discussion and possible action regarding a proposed change to Section 4 (g) (2) (i) and update of other sections of existing Administrative Bulletin AB-047, Specific Submittal Criteria for Reports, Special Inspections and Final Acceptance Testing of Smoke Control Systems. The possible action would be to make a recommendation to the Building Inspection Commission for their further action. (10 minutes)

7.0 Discussion and possible action regarding propose code changes to California Plumbing Code Sections 606.3 Multi-dwelling Units, 606.5 Control Valves, and 606.2 Fullway valve. The possible action is to make a recommendation to the Building Inspection Commission for their further action. (10 minutes)

8.0 Public Comments on items not on this agenda but within the jurisdiction of the Code Advisory Committee. Comment time is limited to 3 minutes or as determined by of the Chairperson

9.0 Committee comments on items not on this agenda

10.0 Subcommittee Reports: (Discussion & possible action) (5 minutes)

a. Housing Code Subcommittee:
Subcommittee Chair: Jim Reed
Subcommittee Members: Ira Dorter; Henry Karnilowicz

b. Mechanical Electrical Plumbing & Fire Subcommittee:
Subcommittee Chair: Jim Reed
Subcommittee Members: Robert Wong, M.E., Henry Karnilowicz, Brian Salyers, F.P.E.

c. Administrative & General Design and Disability Access Subcommittee
Subcommittee Chair: Tony Sanchez-Corea

Subcommittee Members: Arnie Lerner, FAIA, CASp, Zachary Nathan, AIA, CASp, Henry Karnilowicz, Jonathan Rodriguez

d. Structural Subcommittee:
Subcommittee Chair: Stephen Harris, S.E.
Subcommittee Members: Rene' Vignos, S.E., LEED A.P., Marc Cunningham, Ned Fennie, AIA

e. Green Building Subcommittee:
Subcommittee Chair: Zachary Nathan, AIA, CASp
Subcommittee Members: Arnie Lerner, FAIA, CASp, Ilene Dick; Kevin Wallace, Henry Karnilowicz, Robert Wong, M.E., Michael Chavez

11.0 Review of communication items. The Committee may discuss or acknowledge communication items received for discussion.

12.0 Committee Member's and Staff's identification agenda items for the next meeting, as well as current agenda items to be continued to another CAC regular meeting or special meeting, or a subcommittee meeting. CAC discussion and possible action regarding administrative issues related to building codes.

13.0 Adjournment.

Note to Committee Members: Please review the appropriate material and be prepared to discuss at the meeting. If you are unable to attend, please call Chairperson Ned Fennie at (415) 278-9596 or Building Inspector Kirk Means at (415) 575-6832. The meeting will begin promptly.

BOARD of SUPERVISORS

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

February 11, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On February 11, 2016, the Land Use and Transportation Committee **duplicated** the following legislation from the original File No. 150494 (same subject) and further amended the Ordinance:

File No. 160115-2,3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where is no legal path for legalization, residential units that have received prior Planning approval, and single family structures that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b). On December 10, 2015, the Planning Commission held a public hearing on the original File No. 150494 and recommended "approval with modifications."

Please forward any additional comments or recommendations to me for consideration with the proposed legislation.

Angela Calvillo, Clerk of the Board

Alisa Somera

By: Alisa Somera, Assistant Clerk

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
AnMarie Rodgers, Senior Policy Manager
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

Not considered a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning, ou=Environmental Planning, email=joy.navarrete@sfgov.org, c=US

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December 9, 2015

File No. 150494

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On December 1, 2015, Supervisor Avalos introduced the following substitute legislation:

File No. 150494

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

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BOARD of SUPERVISORS

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May 22, 2015

File No. 150494

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 12, 2015, Supervisor Avalos introduced the following legislation:

File No. 150494

Ordinance amending the Planning Code to require conditional use authorization for all residential mergers and to require compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
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Date: 2015.06.04 15:53:33 -07'00'

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

SAN FRANCISCO
PLANNING DEPARTMENT

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December 15, 2015

Ms. Angela Calvillo, Clerk
Honorable Supervisor John Avalos
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2015.006712PCA:
Requiring Conditional Use Authorization for Residential Unit Removals
Including Unauthorized Units
Board File No. 150494
Planning Commission Recommendation: *Approval with Modification*

Dear Ms. Calvillo and Supervisor Avalos,

On December 10, 2015, the San Francisco Planning Commission conducted duly noticed public hearing at a regularly scheduled meeting to consider the proposed amendments to the Planning Code introduced by Supervisors Avalos. At the hearing, the Planning Commission recommended approval with modification of this Ordinance.

The Commission's proposed modifications were as follows:

1. **Amend the findings related to unit removal through demolition.** The commission proposes adding the following two findings: 1) whether or not the replacement project would maximize density on the subject lot; and 2) If replacing a residential building not subject to the Rent Ordinance, whether the new projects replaces all of the existing units with new dwelling units with the same number of bedrooms and of similar size.
2. **Amend the finding related to cost of legalization when removing unauthorized unit** by using the average cost of legalization per unit instead of the proposed per square footage in the legislation.
3. **Amend the tables within Article 2, Article 7, and 8 of the Planning Code to reflect the proposed changes in Section 317.**
4. **Encourage Staff to reform the definition of "demolition" in Section 317 of the Planning Code.**

The proposed amendments are exempt from environmental review under Section 15060(c)(2) and 15378 of the CEQA Guidelines.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions by the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc:
Supervisor Jane Kim
Judy Boyajian, City Attorney
Jeremy Pollock, Legislative aid to Supervisor John Avalos
April Veneracion, Legislative aid to Supervisor Jane Kim
Andrea Ausberry, Office of the Clerk of the Board

Attachments
Planning Commission Resolution
Planning Department Executive Summary

SAN FRANCISCO
PLANNING DEPARTMENT

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Planning Commission Resolution No. 19532

Planning, and Building Code Text Change

HEARING DATE: DECEMBER 10TH, 2015

Project Name:	Requiring Conditional Use Authorization to Remove Residential Units Including Unauthorized Units
Case Number:	2015-006712PCA [Board File No. 150494]
Initiated by:	Supervisor Avalos / Introduced May 12, 2015
Staff Contact:	Kimia Haddadan, Legislative Affairs Kimia.haddadan@sfgov.org , 415-575-9068
Reviewed by:	Aaron Starr, Manager Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	Recommend Approval with Modification

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE CONDITIONAL USE AUTHORIZATION FOR THE REMOVAL OF ANY RESIDENTIAL UNIT, WHETHER LEGAL OR ILLEGAL, AND COMPLIANCE WITH LANDSCAPING AND PERMEABLE SURFACES REQUIREMENTS FOR BUILDING ADDITIONS AND RESIDENTIAL MERGERS; AMENDING THE BUILDING CODE TO REQUIRE THAT NOTICES OF VIOLATION MANDATE LEGALIZATION OF AN ILLEGAL UNIT UNLESS INFEASIBLE UNDER THE BUILDING CODE OR THE PLANNING COMMISSION APPROVES ITS REMOVAL; 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.

WHEREAS, on May 12, 2015 Supervisor Avalos introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150494, which would amend the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; and would amend the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 10, 2015; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve/approve with modifications the proposed ordinance. The proposed modifications include:

1. **Amend the findings related to unit removal through demolition.** The commission proposes adding the following two findings: 1) whether or not the replacement project would maximize density on the subject lot; and 2) If replacing a residential building not subject to the Rent Ordinance, whether the new projects replaces all of the existing units with new dwelling units with the same number of bedrooms and of similar size.
2. **Amend the finding related to cost of legalization when removing unauthorized unit** by using the average cost of legalization per unit instead of the proposed per square footage in the legislation.
3. **Amend the tables within Article 2, Article 7, and 8 of the Planning Code to reflect the proposed changes in Section 317.**
4. **Encourage Staff to reform the definition of "demolition" in Section 317 of the Planning Code.**

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The proposed CU authorization would allow the highest level of scrutiny for applications to remove any units whether legal or unauthorized. Strict protection of the existing housing stock would first and foremost help prevent evictions and displacement due to unwarranted demolition and merger of dwelling units. Secondly, it would also help the City to retain the housing stock, especially given the current housing crisis when demand for housing increasingly surpasses new housing development.

2. The proposed Ordinance would require a CU authorization for unit loss consistently across all zoning districts and building types. A CU authorization is preferred over a Mandatory DR because:

    - A Mandatory DR application is deemed approved unless the Planning Commission makes a decision. A CU authorization however would not be approved unless the Planning Commission reaches consensus.

- For a Mandatory DR application, the Planning Commission only relies on specified findings for unit removal listed in Section 317 of the Planning Code while a CU authorization also includes findings from Section 303 which would determine whether the proposed unit removal is necessary and desirable to the neighborhood.
- A CU authorization can be appealed to the Board of Supervisors while a Mandatory DR is part of a building permit and can only be appealed to the Board of Appeals. The Board of Supervisors would provide a better opportunity to the tenant to justify their case as only a majority vote can overturn the building permit compared to the Board of Appeals where 4 out of 5 votes is necessary to overturn an issued building permit for removing a dwelling unit.

3. As for unauthorized units, the proposed legislation would create necessary controls for retaining this important portion of our housing stock. Many of these units are tenant occupied at lower rates of rent due to the illegal status of the unit. Removing these units only exacerbates the already critical state of evictions and displacement in San Francisco. These units can be retained and brought up to safety standards generally with small investments. To abate the cost burden on property owners, the City has also waived the required fees for legalization in order to encourage more owners to legalize their units. The proposed findings for the CU authorization would create flexibility for the Planning Commission to allow removal of units that are financially infeasible to legalize.

4. The proposed legislation would also expand the type of permits that would result in landscaping and permeable pavers in front yards. The proposed new triggers include expansion of building by 20% as well as unit merger. Staff supports this proposal as it aligns with the City's policies on green landscaping and storm water management.

5. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are is consistent with the following Objectives and Policies of the General Plan:

Housing Element

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

POLICY 2.1

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

The proposed Ordinance would provide the highest scrutiny for removal of residential units through demolition-whether legal or unauthorized. This would help discourage demolition of existing housing unless necessary findings warrant the demolition.

POLICY 2.2

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

The proposed Ordinance would provide the highest scrutiny for removal of residential units through merger-whether legal or unauthorized. This would help discourage merger of two residential units or merging an unauthorized units unless necessary findings warrant the merger.

6. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

   The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

   The proposed Ordinance would encourage retaining the existing housing stock and would help preserve the neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

   The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing and would help retain existing housing stock.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

   The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

   The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 10, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Johnston, Fong, Hillis, Moore, Richards,

NOES: Antonini

ABSENT: Wu

ADOPTED: December 10, 2015

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning, and Building Code Text Change
HEARING DATE: DECEMBER 10TH, 2015

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Project Name:	**Requiring Conditional Use Authorization to Remove Residential Units Including Unauthorized Units**
Case Number:	2015-006712PCA [Board File No. 150494]
Initiated by:	Supervisor Avalos / Introduced May 12, 2015
Staff Contact:	Kimia Haddadan, Legislative Affairs Kimia.haddadan@sfgov.org , 415-575-9068
Reviewed by:	Aaron Starr, Manager Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Recommendation:	**Recommend Approval with Modification**

PLANNING & BUILDING CODE AMENDMENTS

The Proposed Ordinance would amend the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal.

The Way It Is Now:

1. The loss of one or more Residential Units requires Conditional Use authorization in the RTO, RTO-M, NCT, and Upper Market NCD Zoning Districts, and above the ground floor of the C-3 Zoning Districts.
2. In all other districts, the loss of three or more Residential Units requires Conditional Use authorization, and the loss of one to two Residential Units requires Mandatory Discretionary Review; however, interim controls require a Conditional Use authorization in case of loss through merger.
3. For Residential Units that are demonstrably not affordable or financially accessible housing, the Planning Code allows administrative approval for loss of the unit through merger, demolition, or conversion; however, interim controls require CU authorization for loss of any unit through merger regardless of affordability.
4. Unauthorized Units - units constructed without proper permits - are not defined in the Planning Code.
5. Loss of Unauthorized Units in buildings of three or more legal units requires a Mandatory Discretionary Review per the Mayor's Executive Directive in January 2014. Loss of such units in buildings of one or two legal units is permitted administratively over the counter.

6. The requirements for landscaping and permeable surfaces in front setback are triggered in cases of new construction, the addition of a new dwelling unit, or the addition of parking.

Building Code

7. A Department of Building Inspection (DBI) Notice of Violation (NOV) for an Unauthorized Unit requires the property owner to remove the unit. The property owner can also voluntarily legalize the unit but the discretion is up to the owner.

The Way It Would Be:

1. The loss of one or more Residential Units would still require Conditional Use authorization in the RTO, RTO-M, NCT, and Upper Market NCD Zoning Districts, and above the ground floor of the C-3 Zoning Districts.
2. CU authorization would be required in all zoning districts for loss of any Residential Units, through all three ways of removal(demolition, conversion, or merger),
3. Administrative approval would no longer be available for Residential Units that are demonstrably unaffordable. Such Units would be subject to similar requirements for removal as all other Residential Units.
4. The Ordinance would create a definition for Unauthorized Units.
5. In zoning districts where residential use is allowed, CU authorization would be required for the loss of any Unauthorized Units through demolition, conversion, or merger. Establish criteria for CU authorization when removing Unauthorized Units.
6. Add new triggers for requiring landscaping and permeable surfaces in the front setback when the Gross Floor Area is increased by 20% and when a Residential Merger occurs.

Building Code Modifications:

7. A DBI NOV for an Unauthorized Unit would require the property owner to file a permit to legalize the unit unless the Planning Commission approves removal of the unit through CU authorization.

BACKGROUND

San Francisco has been experiencing a boom in development in the past couple years. Over 3,500 units were completed in 2014; approximately 70% over the 10-year average of 2,075 units added per year. Additionally, over 7,000 units are currently either under construction or are entitled by the Planning Department. Despite this increase in development, housing production has not kept up with population growth and the rising demand for housing due to an economic boom in the

Bay Are as a region. Rental prices in San Francisco remained the most expensive market in the country with median 1-bedroom rents rising to $3,670 according to Zumper[1].

In the midst of such housing shortage, since 2010, the City has lost an average of about 240[2] units a year due to demolition, conversion, or merger of legal units or removal of Unauthorized Units.

The City's Housing Element calls for preserving the existing housing stock and promoting the safety standards of residential buildings. In several policies the Housing Element discourages demolition or merger of existing residential units. Responding to this policy direction, the Planning Code generally requires a public process for removing residential units through either a Conditional Use authorization or a Mandatory Discretionary review.

Interim Controls for Restricting Unit Loss

In early 2015, Supervisor Avalos proposed interim controls to further restrict the loss of existing residential units. Effective July 3, 2015, the interim controls require Conditional Use authorization for the merger of all residential units regardless of the zoning district or the affordability level of units being merged. Since then, the Department was tasked with looking into additional controls to help retain our existing housing stock and address the loss of what are referred to as Unauthorized Units, units added without the benefit of a permit. The goal is 1) to prevent eviction of tenants due to demolition and removal of units and 2) to retain the existing housing stock.

Legalizing Unauthorized Units

Anecdotally, Unauthorized Units constitute a large portion of San Francisco's housing stock. While the City does not maintain any database on these units, estimates range between 30,000 to 50,000 of such units in San Francisco. These units are generally affordable to lower income households as they offer lower rates of rent.[3] In May 2014, the City established a new program that created a path to legalize Unauthorized Units. This voluntary program provides waivers from many of the Planning Code requirements, including exceeding density limits to legalize one Unauthorized Unit per lot. Since then the City has received 238 applications of which about 130 permits are issued and the rest are under review.

This program was a turning point in the City's approach towards Unauthorized Units. Previously, if the City was made aware of such unit, DBI would issue a NOV requiring removal of the unit. In the past ten years (2004-2014), over 225 of such units were removed[4]. Given the housing crisis in San Francisco the City is shifting its approach to instead encourage the retention of Unauthorized Units.

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[1] Zumper National Rent Report: February 2015, Retrieved at https://www.zumper.com/blog/2015/11/zumper-national-rent-report-november-2015/ on November 19th

[2] Ranging from 140 units in 2014 to 539 in 2013 (San Francisco 2014 Housing Inventory Published by the San Francisco Planning Department)

[3] Karen Chapple, Jake Wegmann, Alison Nemirow, Colin Dentel-Post; *Yes to My Back Yard, Mobilizing the Market for Secondary Units*; Center for Community Innovation at the Institute of Urban and Regional Development, June 2012.

[4] San Francisco Housing Element 2014 Part I (Table I-54) and Housing Inventory 2014(Table 8)

The Mayor's Executive Directive

In December 2013, the Mayor published an Executive Directive to all Departments, to implement processes for protecting existing residential units as well as prioritizing affordable housing. One new process established in response to this direction called for requiring a Mandatory Discretionary Review for removal of Unauthorized Units in buildings of three units or more. This new process aimed to ensure that property owners have made every effort to maintain a housing unit before pursuing removal of the unit.

ISSUES AND CONSIDERATIONS

Loss of residential units: Implications

San Francisco has about 379,600 residential units, representing a valuable resource in addressing housing demand in the city and region. Analysis of a one year data indicates a 3.5% turnover for sales and over 10% turnover for rental[5], both of which are higher than the net increase in number of housing units over the last year[6] (1%). This indicates a stronger role for the existing housing stock to address the housing demand compared to the new housing developed.

With the rising demand for housing in the region, protecting our existing housing stock remains a crucial long-term housing strategy. The high cost of construction makes replacing units lost through demolition or merger extremely expensive incurring additional financial burden on the City's resources. Higher construction costs also translate into higher rental and sales prices for the replacement unit and a wider gap in housing available to low to middle income households.

Removal of residential units is also a major cause of tenant eviction in those units. Eviction rates have increased by 45% Citywide from 2010-2014. Of approximately 4,500 no-fault evictions from 2005-2015, about 500 (11%) were due to demolition[7].

Preserving the housing stock is also an effective tool for neighborhood stabilization. The tenants in the existing rental housing stock- especially in rent controlled units- pay much lower rents compared to current asking rent on the market. If these tenants were to be evicted due to removal of the unit, finding replacement housing at the same affordability rate in the same neighborhood could prove infeasible. The displacement of tenants would transform the neighborhoods and weaken the social ties and resources that people shape during the years of living in one place.

Types of Approval for Unit Loss

Currently, for applications to remove residential units, the Planning Code requires different types of approval decisions in different zoning districts and based on the number of units being removed. The table below summarizes the existing, interim, and proposed controls:

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[5] Analysis of Zillow data, April 2014 to March 2015 for sales, March 2014 to April 2015 for rentals, and 2013 households by tenure from an analysis of Census Public Use Microdata Sample (PUMS) data, accessed via IPUMS USA.

[6] From 2013 to 2014, Housing Inventory 2014, SF Planning

[7] Housing Balance Report, September 2015, SF Planning

Subcategories of Controls	Existing Planning Code Requirements	Existing Interim Controls	Proposed Controls
RTO, RTO-M, NCT, and Upper Market NCD Zoning Districts, and above the ground floor of the C-3 Zoning Districts	CU	CU	CU
All Other Zoning Districts	* CU for three or more units * Mandatory DR for one or two units	* CU for all mergers * CU for demolition or conversion of three or more units * Mandatory DR for demolition or conversion of one or two units	CU
Single Family buildings and condos that are demonstrably unaffordable or financially inaccessible or Buildings of two or less units that are unsound	* Administrative approval for loss through demolition or merger	* Administrative approval for loss through demolition * CU for loss through merger	CU
Loss of Unauthorized Units	Mandatory DR for buildings with three or more legal units	N/A	CU

The interim controls in place since July aimed to apply stricter levels of scrutiny for unit removal applications. The CU authorization requirement per the interim controls only applies to unit removal as a result of unit merger. The interim controls did not change the controls for loss of residential units through demolition or conversion; the controls also did not regulate loss of Unauthorized Units. The proposed legislation would make the interim controls permanent and expand its scope to apply the controls consistently based on different types of unit loss: demolition, merger, or conversion.

Loss of Residential Units: Administrative Approval

As listed in the table above, the Planning Code currently allows administrative approval for removal of a single family building that is demonstrably unaffordable or financially inaccessible, and also for buildings of two or less units that are unsound. The Planning Code further defines demonstrably unaffordable as "housing that has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco as determined by a credible appraisal" The Department defines a numerical value for this threshold through an appraisal process every year.

The interim controls removed the administrative approval process in cases of a unit merger, subjecting all unit merger application to a CU authorization. The Planning Code still allows administrative approval for removal applications through demolition. The proposed legislation would expand the stricter review process to demolition applications even for buildings that may be demonstrably unaffordable. The goal for this proposal is to ensure retaining the existing housing stock for two main reasons: 1) the existing residential units are generally larger in size compared to the newly constructed residential units. Of the rental units built since 2010, only about 10% are 3 or more bedrooms, while about 33% of rental units built before 2010 are 3 or more bedrooms[8]; 2) the existing housing stock is generally more affordable than the new residential units being built. Newly constructed rental units on the market (since 2005) ask for higher rent premium of about $300 to $600 compared to the rental units built before 2005[9].

By entirely removing the administrative approval process from the Planning Code, the proposed Ordinance aims to achieve the goal of retaining the housing stock but may also subject development projects that would not inherently override this goal to the CU authorization. Examples are when a single family unit not subject to rent control is being replaced by more than one residential units to maximize the allowable density; or the a rundown single family unit not subject to rent control is being replaced by another single family unit of similar size. Additional finding criteria for the CU authorization for demolition would help evaluate the net gain that a replacement project would provide for demolition permits.

Loss of Unauthorized Units: Challenges of Existing Controls

The only existing control to regulate loss of Unauthorized Units was established as a response to the Mayor's Executive Directive discussed above: the City required a Mandatory Discretionary review for removal of Unauthorized Units in buildings of three or more legal units. However, to date the Department has not received any such application even though many Unauthorized Units have been removed or are slated for removal.

This challenge is due to the narrow scope of this policy. A snapshot of the Department's alteration permits filed since May 2014[10] includes over 180 permits filed for removal of illegal units of which at least 120 are located in single family or two unit buildings. Similar pattern is also present in permits to legalize Unauthorized Units: approximately 75% of the applications received are one or two unit buildings. Based on this data, it is safe to assume that Unauthorized Units in the City are mostly in one or two unit buildings not in building with three or more, which are the buildings covered under the Mayor's Executive Order.

Approval for removing Unauthorized Units in buildings with one or two legal units is administrative and can be approved at the Department's Planning Information Center (The PIC).

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[8] San Francisco Planning Housing Database, made summer 2015

[9] Analysis of Padmapper rental listings, collected January to August 2015 and San Francisco Assessor-Recorder office data.

[10] The program that allows legalizing Unauthorized Units was adoped in May 2014. The reason staff chose this date to create the snapshot is to look at a window in time that the City did allow legalization and the property owners chose to remove their unit despite the available voluntary program to legalize.

Most of these permits seek to remove an illegal kitchen on the ground floor of a single family or duplex building, merging the Unauthorized Unit with an existing legal unit. The proposed legislation would rely on the intent of the Mayor's Executive Directive, but would expand unit removal controls to apply to all Unauthorized Units. The proposed legislation would require any application to remove Unauthorized Units, regardless of the number of the legal units in the building, to seek a Conditional Use Authorization at the Planning Commission.

Another challenge with the exiting controls is related to notification of tenants residing in the Unauthorized Units slated for removal. Removing an unwarranted unit often results in eviction of the tenant. Currently there is no requirement to notify the tenant that their home is slated for removal. Therefore, often the tenant is not aware of such permit and only finds out when the eviction notice is served after the permit is approved and the appeal period for the permit (15 days) has ended. Staff is aware of at least eight cases, dating back only to May of this year, filed with the Board of Appeals for a Jurisdiction Request[11] by tenants that were evicted because of the removal of an Unauthorized Unit. Most of these cases were denied by the Board of Appeals. Currently there is a pending ordinance[12], sponsored by Supervisor Weiner, that would require mailed notification as well as on site notice when removing an Unauthorized Unit in order to allow adequate time for the tenant to appeal or secure an alternative housing option. The proposed legislation would also require notification for at least 20 days before the CU authorization is heard at the Planning Commission. This legislation will become effective by the end of the year.

Lastly, another challenge in the existing controls relates to the enforceability of the Planning Commission decisions with regards to retaining Unauthorized Units. If a tenant appeals a permit for removal to the Planning Commission through a Discretionary Review, the Planning Commission can determine that the unit shall not be removed. However, the existing controls do not require the property owner to legalize the unit which would raise a challenge if the property owner is not willing to legalize the unit. The proposed legislation would amend the Building Code so that the Notice of Violation to a property owner would require legalization of the Unauthorized Unit unless the Planning Commission approves removal of the unit.

Loss of Unauthorized Units: Section 317 Findings

Section 317 of the Planning Code includes a list of findings for each type of removal: demolition, conversion, or merger. The proposed legislation would subject the merger applications of Unauthorized Units to the same findings as merger of Residential units. It would also define additional findings for removal of Unauthorized Units. These include three new findings:

First is whether or not the Unauthorized Unit is eligible to be legalized. The existing program that allows legalization of Unauthorized Units includes certain limitations. For example only one Unauthorized Unit per lot can be legalized above the density limits.

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[11] After the appeal period has expired, the Board of Appeals would hear the matter only in extraordinary cases where the Board finds that the City intentionally or inadvertently caused the requestor to be late in filing the appeal.

[12] Board File 150587 "Building and Planning Codes - Notice to Tenants of Dwelling Unit Merger or Demolition"

The second finding is whether the cost of legalization is reasonable. The cost for legalizing Unauthorized Units ranges significantly from $2000 to $150,000 per unit according to the applications that the City has received so far. The proposed legislation defines "reasonable cost for legalization" as cost that falls within this range, which is frequently updated based on new applications the Department receives.

The third and last finding relates to whether or not the cost for legalization is offset by the added value to the property. The proposed legislation would require an appraisal of the property for when the unit is legalized compared with when the unit remains unauthorized. If the value added to the property is equal or greater than the costs, legalization would be found financially feasible.

It is also worth noting that the proposed legislation would remove one of the findings for Residential Unit merger that determines "whether removal of the unit(s) will bring the building closer into conformance with prescribed zoning." Since 2014, the City has increasingly emphasized the need to retain the existing residential units, even if the unit exceeds the allowed density limits. Removing this finding would further align the Planning Code with the goal of preserving our existing housing stock.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATIONS

The Department recommends that the Commission recommend approval with modifications of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications include:

1. **Amend the findings related to unit removal through demolition-** Staff proposes to add two findings for CU authorization in case of demolition: 1) whether or not the replacement project would maximize density on the subject lot; and 2) If replacing a residential building not subject to the Rent Ordinance, whether the new projects replaces all of the existing units with new dwelling units with the same number of bedrooms and of similar size.
2. **Amend the finding related to cost of legalization when removing Unauthorized Unit-** Staff recommend to use the average cost of legalization per unit instead of the proposed per square footage in the legislation.
3. **Amend the tables within Article 2, Article 7, and 8 of the Planning Code to reflect the proposed changes in Section 317.**

Basis for Recommendations:

The proposed CU authorization would allow the highest level of scrutiny for applications to remove any units whether legal or unauthorized. Strict protection of the existing housing stock

would first and foremost help prevent evictions and displacement due to unwarranted demolition and merger of dwelling units. Secondly, it would also help the City to retain the housing stock, especially given the current housing crisis when demand for housing increasingly surpasses new housing development.

The proposed Ordinance would require a CU authorization for unit loss consistently across all zoning districts and building types. A CU authorization is preferred over a Mandatory DR because:

- A Mandatory DR application is deemed approved unless the Planning Commission makes a decision. A CU authorization however would not be approved unless the Planning Commission reaches consensus.
- For a Mandatory DR application, the Planning Commission only relies on specified findings for unit removal listed in Section 317 of the Planning Code while a CU authorization also includes findings from Section 303 which would determine whether the proposed unit removal is necessary and desirable to the neighborhood.
- A CU authorization can be appealed to the Board of Supervisors while a Mandatory DR is part of a building permit and can only be appealed to the Board of Appeals. The Board of Supervisors would provide a better opportunity to the tenant to justify their case as only a majority vote can overturn the building permit compared to the Board of Appeals where 4 out of 5 votes is necessary to overturn an issued building permit for removing a dwelling unit.

As for Unauthorized Units, the proposed legislation would fill the void of necessary controls for retaining this important portion of our housing stock. Many of these units are tenant occupied at lower rates of rent due to the illegal status of the unit. Removing these units only exacerbates the already critical state of evictions and displacement in San Francisco. These units can be retained and brought up to safety standards generally with small investments. To abate the cost burden on property owners, the City has also waived the required fees for legalization in order to encourage more owners to legalize their units. The proposed findings for the CU authorization would create flexibility for the Planning Commission to allow removal of units that are financially infeasible to legalize.

The proposed legislation would also expand the type of permits that would result in landscaping and permeable pavers in front yards. The proposed new triggers include expansion of building by 20% as well as unit merger. Staff supports this proposal as it aligns with the City's policies on green landscaping and storm water management.

Recommended Modification 1: Amend the findings related to unit removal through demolition - The proposed new findings would help the Commission understand the net gain or loss as a result of the proposed replacement project. The proposed finding regarding maximizing density would help identify whether or not the replacement project presents a net gain for the city in terms of number of units. Given the existing housing crisis and shortage, the City generally encourages development projects to maximize the development capacity. This finding would indicate and highlight if the replacement project acknowledges this policy.
The second proposed finding relates to unit size and affordability. Units not subject to the Rent Ordinance usually are offered at the market rate since increasing rent in these units does not

require any due process. It is safe to assume that a newer unit of similar size would offer similar affordability levels. If the city is gaining more units, maintaining the affordability level, while retaining the variety of unit size, the replacement project may present a net gain.

Recommended Modification 2: Amend the finding related to cost of legalization of removing Unauthorized Unit - The proposed recommendation would slightly change the criteria to evaluate whether the legalization cost is reasonable. This change is largely due to lack of available square footage data for the legalization permits in the format that Department tracks the data. Staff believes that the average cost of legalization is good proxy to measure cost as the database includes a variety of unit sizes.

Recommended Modification 3: Amend the tables within Article 2, Article 7, and 8 of the Planning Code to reflect the proposed changes in Section 317- The Planning Code includes regulations of removal of residential units throughout different zoning tables. Staff recommends amending all relevant tables and Code section to reflect the changes proposed in the legislation.

Environmental Review

The proposed Ordinance is identified not a project under CEQA guidelines Sections 15060(c) and 15378.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received no public comment about this Ordinance.

Attachments:
Exhibit A: Draft Resolution
Exhibit F: Draft Ordinance [Board of Supervisors File No. 15-0494]

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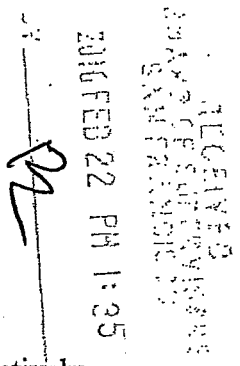
February 22, 2016

Land Use and Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102



Re: File No. 160115 – Removal of Residential Units

Dear Members of the Land Use and Transportation Committee:

This office represents 1049 Market Street, LLC and 1067 Market Street, LLC (collectively "Owners"). File No. 160115 (the "Ordinance") targets the property owners and their properties, 1049 Market Street and 1067 Market Street, San Francisco, CA, as well as other owners and their properties across the City.

The Owners oppose the Ordinance and submit these comments in advance of the Committee hearing thereon.

1. The Committee's hearing on the Ordinance is premature.

   a. The City referred the Ordinance to the Planning Commission for consideration following the duplication of File No. 150494 and subsequent substantial amendment of the Ordinance. However, the Planning Commission has not yet reviewed the Ordinance. Any action on the Ordinance at this time by the Committee will therefore be in violation of City and County of San Francisco Charter Article IV, § 4.105 and San Francisco Planning Code § 302. The Planning Commission has not had an opportunity to consider the Ordinance and make recommendations, and it will not have such an opportunity prior to the Committee's hearing.

   b. Likewise, the Ordinance was referred to the Building Inspection Commission pursuant to Charter Section D3.750-5 on February 11. The Building Inspection Commission has continued its hearing on the Ordinance and will not conclude its hearing prior to this Committee's hearing. Any prior action by this Committee would be premature.

c. It should be noted that both Committee referral notices include the previous version of the Ordinance rather than the Ordinance itself. The Ordinance must be re-referred for consideration in its present, amended condition.

2. The Ordinance was misclassified as "not a project" for CEQA purposes. This is erroneous.

a. The Ordinance constitutes a citywide rezoning via amendment of the Planning Code. Unit removal would no longer be permitted; it would now be merely *conditionally* permitted. By the same token, non-residential uses would no longer be permitted; they would now be merely *conditionally* permitted. This is a major change of unprecedented scale in San Francisco. On one hand, owners would be deprived of substantial property rights – to use their properties for non-residential purposes. On the other hand, properties across the City would now be required to have more dwelling units than under existing law. This rezoning conflicts with the General Plan, which respects and directs principally permitted uses other than residential use in areas of the City that are covered by the Ordinance.

b. The Ordinance will cause long-term vacancy, property deterioration and degradation, blight, and urban decay. After an eviction, owners will likely be unable to obtain conditional use authorization to remove the subject unit and use it for nonresidential purposes; the required Conditional Use findings are clearly designed to result in denial. As a result, properties across the City will sit empty. Owners of single-family homes, in particular, do not want second units because of the risk of those second units subjecting the entire building to Rent Control. Such owners would instead leave unlawful units vacant to avoid Notices of Violation that can only be cured by subjecting the entire building to Rent Control. This is most clearly true of unlawful units that have been the subject of no-fault evictions, in which case residential merger is prohibited.

c. Lastly, the compulsory residential use of nonresidential structures is unsafe. Forcing owners to continue the residential rental of garages, offices, warehouses, and other spaces that were not designed for residential uses poses a significant risk to the public and occupants of those and neighboring structures. This places an additional burden on public safety resources and infrastructure. Perversely, the Ordinance would force the maintenance of unlawful uses that did not receive proper CEQA review in the first place.

3. The Ordinance is preempted by state law.

a. The Ordinance changes the San Francisco Building Code, in conflict with the California Building Code. Specific requirements must be met in order to deviate from the state code, and those requirements are unmet in this case. The Ordinance attempts

to change state requirements for unwarranted units in a way that loosens the law (all unwarranted units will be kept where possible, rather than leaving this decision up to the owner or removed due to illegality). Such changes are wholly unrelated to the unique climate, geography, or topography of San Francisco. San Francisco Building Code § 109A requires the issuance of a Certificate of Final Completion and Occupancy ("CFCO") prior to any residential use, but the Ordinance (under the auspices of the Planning Code) seeks to compel residential use without the prior issuance of a CFCO. California Building Code § 3408 explicitly authorizes the change of use from a more hazardous classification (e.g., residential) to a less hazardous classification (e.g., commercial). California Historical Building Code § 8-302 explicitly authorizes the return of a historical building to its historical use – in this case, office use. The City has not followed the substantive or procedural requirements for deviation from the California Building Code.

b. After exercising their rights under the state's Ellis Act, property owners will be unable to obtain authorization to remove an unwarranted unit; nor will they be able to rent such units given their unwarranted status. This means that use of any kind will be prohibited. This constitutes an impermissible burden on the state-law right to go out of the residential rental business, in direct contravention of the Ellis Act. This Ordinance is not a valid exercise of local-government authority over land use; rather, it is a deliberate attempt to interfere with rights guaranteed by the Ellis Act.

c. This Ordinance is apparently being proposed pursuant to the state Granny Flat law, Government Code Section 65852.2. However, that law applies to single family homes. The Ordinance exceeds San Francisco's authority to enact such legislation.

4. The Ordinance's requirement that Notices of Violation be retroactively re-issued with instructions to legalize unlawful units rather than remove them would violate the vested rights of property owners who have already taken substantial steps to remove unlawful units in accordance with existing Notices of Violation. Furthermore, the Ordinance's requirement that the "Conditional Use requirement of Subsection (c)(1) shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 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" clearly targets the Owners and their wrongfully suspended Building Permit Application No. 201307262890 for 1049 Market Street, in which their rights have vested. It also changes the rules for property owners across the City who already have permits to remove residential units, disentitling their projects with no CEQA review of the environmental consequences.

5. Enactment of the Ordinance violates Due Process rights. This may constitute an adjudicatory action as it regards actual owners subject to Notices of Violation for unlawful units. Such property owners are uniquely affected by this Ordinance and stand to be deprived of significant property rights, as they will now be unable to remove those units without difficult

(or impossible) procedural hurdles designed to result in denial of Conditional Use authorization, if such permission is available at all. Those owners are entitled to notice of the consideration of this Ordinance and an opportunity to object, including pursuant to *Horn v. Cty. of Ventura*, 24 Cal. 3d 605 (1979). Additionally, the requirement that Notices of Violation require legalization conflicts with the requirement (and purported option) to obtain Conditional Use authorization to remove an unlawful unit. Lastly, the Ordinance radically departs from fundamental principles of zoning law, which protect lawful and principally permitted uses and do not protect unlawful or unpermitted uses. At a minimum, the legislative changes in the Ordinance are landlord-tenant measures, inappropriate for the Planning and Building Codes, and they should be proposed as an amendment to the Rent Ordinance.

6. The Ordinance does not advance a legitimate state interest. The purpose of the Ordinance is to target and punish the Owners for their unpopular but lawful attempt to evict tenants for illegal and unsafe residential use. The Ordinance attempts to force the Owners to maintain a life-safety hazard despite the Department of Building Inspection's issuance of Notices of Violation to cure that unlawful and hazardous condition.

7. The Ordinance applies landscaping and permeable surface requirements for new buildings and building additions to unit mergers which do not change the square footage or building footprint in any way. There is no nexus for this requirement and it will make even desirable unit mergers virtually impossible.

8. The Ordinance makes merging units extremely costly and time-consuming, discouraging family-friendly housing by making it even more expensive and less attainable, as shown in the associated Economic Impact Report.

9. The Ordinance's findings are legally inadequate. They are based on Planning Commission findings for a previous ordinance which is substantially different from the subject Ordinance. The Planning Commission's findings were also based on suggested modifications to that ordinance which were not made and are not included in the subject Ordinance. The Ordinance lacks independent, sufficient findings.

10. The Ordinance's financial feasibility test is unworkable. Legalization is deemed financially feasible if the increase in value is equal to the cost of legalization. However, an owner will have to pay the legalization costs up front but can only realize a gain in value upon sale. Many, if not most, owners will not be able to afford to pay those costs up front; and even if they could, Ordinance No. 131148 prohibits "passing through" these capital improvement costs to tenants to reimburse an owner. Individual owners—rather than the City as a whole—will be forced to bear the burden of the City's "housing crisis"; this is a crisis for which the individual owners are not responsible. Under the Ordinance, they will be forced to spend considerable funds with no financial upside, effectively subsidizing existing tenants. Moreover, the Ordinance's financial feasibility test is also unworkable for another reason: the value of a property containing an illegal unit will generally be *reduced* by legalization, not increased, especially in the case of single-family homes which would not otherwise be subject to Rent Control.

11. The Ordinance constitutes unjust interference with the Department of Building Inspection's and Planning Department's Charter obligations to enforce the City Codes.

12. The Ordinance would effect a regulatory taking of private property without compensation. Property owners cannot charge rent for illegal residential use, and the Ordinance seeks to prevent any other use.

We respectfully request that this Committee reject the proposed Ordinance. If the Ordinance is enacted, we are prepared to file suit.

Very truly yours,

ZACKS & FREEDMAN, P.C.

Ryan J. Patterson

Encl.

RYAN J. PATTERSON (SBN 277971)
ZACKS & FREEDMAN, P.C.
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Tel: (415) 956-8100
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Attorneys for 1049 Market Street, LLC
and 1067 Market Street, LLC

SAN FRANCISCO BOARD OF SUPERVISORS

DECLARATION OF MARIO BALLARD

File No.: 150087
Re: Interim Zoning Controls

I, Mario Ballard, declare as follows:

1. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.

2. I am a retired San Francisco Fire Captain, former Chief of the San Francisco Fire Department's Plan Check operations, and former Captain, Bureau of Fire Prevention & Public Safety. I currently consult on fire-related issues.

3. Buildings designed for commercial occupancy often lack life-safety features that are required for residential occupancy. This mismatch creates a substantial risk of harm to residential occupants of commercial buildings that do not meet Building Code or Fire Code requirements for residential occupancy.

4. I am familiar with the building located at 1049 Market Street and 1067 Market Street, San Francisco, CA (the "Buildings"), which were constructed and permitted for commercial occupancy. I am informed and believe that the Buildings do not meet code

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235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

requirements for residential occupancy because they lack required glazing in sleeping areas required for rescue windows up to and including the third floors.

5. I am informed and believe that Board of Supervisors File No. 150087 (the "Resolution") seeks to delay or prevent the abatement of extant unpermitted residential use of the Buildings, which would perpetuate a serious life-safety risk, not only to those occupying the building but also to fire personnel responding to an incident expecting certain life-safety features to be in place.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on March 3, 2015.

Docusigned by:
Mario Ballard
[illegible]
Mario Ballard

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

MARIO BALLARD & Associates

1335 Sixth Avenue, San Francisco, California 94122
(415) 640-4283
marioballardsf@aol.com

Mario Ballard, Principal

CAREER SUMMARY

Principal, Mario Ballard and Associates	5/1/2007-Present
Principal, Zari Consulting Group	1/1/2013-Present
Captain, Bureau of Fire Prevention, Plan Review Division	2001- 4/21/2007
Lieutenant, Bureau of Fire Prevention, Plan Check Division	1994 - 2001
Inspector, San Francisco Fire Department	1991 - 1994
Firefighter, San Francisco Fire Department	1974 - 1991
Linebarger Plumbing and Construction, SF CA	1974 - 1980
Servadei Plumbing Company, SF CA	1974
United States Army, Army Security Agency	1972 - 1974

LICENSES

ICC, International Code Conference Certified Building Plans Examiner

CERTIFICATIONS

ICC Advanced Occupancy
ICC Advanced Schematic Design
ICC Building Areas and Fire Design
ICC Advanced Types of Construction
ICC Advanced Means of Egress
CFCA Certificate of Training of Locally Adopted Ordinances and Resolutions
IFC Institute Certificate Application of the UBC for Fire Code Enforcement
ICBO Certificate on Course Completion on Fundamentals of Exiting
ICBO Certificate on Course Completion Complex Exiting
ICBO Certificate on Course Completion Building Use and Construction Type
ICBO Certificate on Course Completion Fire Protection, Building Size and Location
ICBO Course Overview of the Uniform Building Code
California Fire Chief's Association Fire Prevention Officers' Section Fire Alarm Levels I & II
Fire Sprinkler Advisory Board of Northern California & Sprinkler Fitter Local 483 Fire Sprinkler Seminar
National Fire Sprinkler Association, Inc., Hydraulics for Sprinklers
EDI Code International, Innovative Code Enforcement Techniques
Certification State of California Title 19/Title 24

EDUCATION

Fire Strategy & Tactics	1981-1993
Fire Service Supervision	
Fire Prevention 1A, 1B, 1C	
Fire Prevention 2A, 2B	
Fire Prevention Officer Level One	
Firefighter Level One and Two	
Arson 1A, 1B	
Hazardous Materials 1A, 1B	
Instructor 1A	
Fire Management 1A	
City College of San Francisco	1970-1972

COMMITTEE INVOLVEMENT

Building Code Advisory Committee
Hunters Point Development Team
Mission Bay Task Force
Treasure Island Development Team
Trans-Bay Transit Center
Muni Metro, Light Rail Third Street Corridor
Department of Building Inspection MIS Case Development
San Francisco Board of Examiners Fire Department Representative
Member California Fire Chief's Association Fire Prevention Officers
BOMA Code Advisory Committee
Mayor's Office of Economic Development Bio-Teck Task Force
Hunters Point Redevelopment Task Force
Building Code Standards Committee 1996-1999
Participant in the Eighth Annual California Fire Prevention-Institute Workshop, "*Providing the Optimum in Fire and Life Safety Training*"
Participant North/South California Fire Prevention Officers Workshops 1996 - 1998
Guest Speaker at SMACNA (Sheet Metal and Air Conditioning Contractors National Association)

PUBLIC SERVICE

Rooms That Rock For Chemo (RTR4C), Director Secretary	2011-Present
San Francisco Spina Bifida Association, (Past) Vice President	

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February 22, 2016

Land Use and Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: File No. 160115 – Removal of Residential Units

Dear Members of the Land Use and Transportation Committee:

This office represents the Small Property Owners of San Francisco and Small Property Owners of San Francisco Institute (collectively, "SPOSF"). File No. 160115 (the "Ordinance") targets property owners and their properties across the City.

SPOSF opposes the Ordinance and submits these comments in advance of the Committee hearing thereon.

1. The Committee's hearing on the Ordinance is premature.

   a. The City referred the Ordinance to the Planning Commission for consideration following the duplication of File No. 150494 and subsequent substantial amendment of the Ordinance. However, the Planning Commission has not yet reviewed the Ordinance. Any action on the Ordinance at this time by the Committee will therefore be in violation of City and County of San Francisco Charter Article IV, § 4.105 and San Francisco Planning Code § 302. The Planning Commission has not had an opportunity to consider the Ordinance and make recommendations, and it will not have such an opportunity prior to the Committee's hearing.

   b. Likewise, the Ordinance was referred to the Building Inspection Commission pursuant to Charter Section D3.750-5 on February 11. The Building Inspection Commission has continued its hearing on the Ordinance and will not conclude its hearing prior to this Committee's hearing. Any prior action by this Committee would be premature.

   c. It should be noted that both Committee referral notices include the previous version of the Ordinance rather than the Ordinance itself. The Ordinance must be re-referred for consideration in its present, amended condition.

2. The Ordinance was misclassified as "not a project" for CEQA purposes. This is erroneous.

   a. The Ordinance constitutes a citywide rezoning via amendment of the Planning Code. Unit removal would no longer be permitted; it would now be merely *conditionally* permitted. By the same token, non-residential uses would no longer be permitted; they would now be merely *conditionally* permitted. This is a major change of unprecedented scale in San Francisco. On one hand, owners would be deprived of substantial property rights – to use their properties for non-residential purposes. On the other hand, properties across the City would now be required to have more dwelling units than under existing law. This rezoning conflicts with the General Plan, which respects and directs principally permitted uses other than residential use in areas of the City that are covered by the Ordinance.

   b. The Ordinance will cause long-term vacancy, property deterioration and degradation, blight, and urban decay. After an eviction, owners will likely be unable to obtain conditional use authorization to remove the subject unit and use it for nonresidential purposes; the required Conditional Use findings are clearly designed to result in denial. As a result, properties across the City will sit empty. Owners of single-family homes, in particular, do not want second units because of the risk of those second units subjecting the entire building to Rent Control. Such owners would instead leave unlawful units vacant to avoid Notices of Violation that can only be cured by subjecting the entire building to Rent Control. This is most clearly true of unlawful units that have been the subject of no-fault evictions, in which case residential merger is prohibited.

   c. Lastly, the compulsory residential use of nonresidential structures is unsafe. Forcing owners to continue the residential rental of garages, offices, warehouses, and other spaces that were not designed for residential uses poses a significant risk to the public and occupants of those and neighboring structures. This places an additional burden on public safety resources and infrastructure. Perversely, the Ordinance would force the maintenance of unlawful uses that did not receive proper CEQA review in the first place.

3. The Ordinance is preempted by state law.

   a. The Ordinance changes the San Francisco Building Code, in conflict with the California Building Code. Specific requirements must be met in order to deviate from the state code, and those requirements are unmet in this case. The Ordinance attempts to change state requirements for unwarranted units in a way that loosens the law (all unwarranted units will be kept where possible, rather than leaving this decision up to the owner or removed due to illegality). Such changes are wholly unrelated to the

unique climate, geography, or topography of San Francisco. San Francisco Building Code § 109A requires the issuance of a Certificate of Final Completion and Occupancy ("CFCO") prior to any residential use, but the Ordinance (under the auspices of the Planning Code) seeks to compel residential use without the prior issuance of a CFCO. California Building Code § 3408 explicitly authorizes the change of use from a more hazardous classification (e.g., residential) to a less hazardous classification (e.g., commercial). California Historical Building Code § 8-302 explicitly authorizes the return of a historical building to its historical use – in this case, office use. The City has not followed the substantive or procedural requirements for deviation from the California Building Code.

b. After exercising their rights under the state's Ellis Act, property owners will be unable to obtain authorization to remove an unwarranted unit; nor will they be able to rent such units given their unwarranted status. This means that use of any kind will be prohibited. This constitutes an impermissible burden on the state-law right to go out of the residential rental business, in direct contravention of the Ellis Act. This Ordinance is not a valid exercise of local-government authority over land use; rather, it is a deliberate attempt to interfere with rights guaranteed by the Ellis Act.

c. This Ordinance is apparently being proposed pursuant to the state Granny Flat law, Government Code Section 65852.2. However, that law applies to single family homes. The Ordinance exceeds San Francisco's authority to enact such legislation.

4. The Ordinance's requirement that Notices of Violation be retroactively re-issued with instructions to legalize unlawful units rather than remove them would violate the vested rights of property owners who have already taken substantial steps to remove unlawful units in accordance with existing Notices of Violation. Furthermore, the Ordinance's requirement that the "Conditional Use requirement of Subsection (c)(1) shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 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" changes the rules for property owners across the City who already have permits to remove residential units, disentitling their projects with no CEQA review of the environmental consequences.

5. Enactment of the Ordinance violates Due Process rights. This may constitute an adjudicatory action as it regards actual owners subject to Notices of Violation for unlawful units. Such property owners are uniquely affected by this Ordinance and stand to be deprived of significant property rights, as they will now be unable to remove those units without difficult (or impossible) procedural hurdles designed to result in denial of Conditional Use authorization, if such permission is available at all. Those owners are entitled to notice of the consideration of this Ordinance and an opportunity to object, including pursuant to *Horn v. Cty. of Ventura*, 24 Cal. 3d 605 (1979). Additionally, the requirement that Notices of

Violation require legalization conflicts with the requirement (and purported option) to obtain Conditional Use authorization to remove an unlawful unit. Lastly, the Ordinance radically departs from fundamental principles of zoning law, which protect lawful and principally permitted uses and do not protect unlawful or unpermitted uses. At a minimum, the legislative changes in the Ordinance are landlord-tenant measures, inappropriate for the Planning and Building Codes, and they should be proposed as an amendment to the Rent Ordinance.

6. The Ordinance does not advance a legitimate state interest. The purpose of the Ordinance is to target and punish property owners for their unpopular but lawful attempt to evict tenants for illegal and unsafe residential use. The Ordinance attempts to force property owners to maintain life-safety hazards despite the Department of Building Inspection's issuance of Notices of Violation to cure those unlawful and hazardous conditions.

7. The Ordinance applies landscaping and permeable surface requirements for new buildings and building additions to unit mergers which do not change the square footage or building footprint in any way. There is no nexus for this requirement and it will make even desirable unit mergers virtually impossible.

8. The Ordinance makes merging units extremely costly and time-consuming, discouraging family-friendly housing by making it even more expensive and less attainable, as shown in the associated Economic Impact Report.

9. The Ordinance's findings are legally inadequate. They are based on Planning Commission findings for a previous ordinance which is substantially different from the subject Ordinance. The Planning Commission's findings were also based on suggested modifications to that ordinance which were not made and are not included in the subject Ordinance. The Ordinance lacks independent, sufficient findings.

10. The Ordinance's financial feasibility test is unworkable. Legalization is deemed financially feasible if the increase in value is equal to the cost of legalization. However, an owner will have to pay the legalization costs up front but can only realize a gain in value upon sale. Many, if not most, owners will not be able to afford to pay those costs up front; and even if they could, Ordinance No. 131148 prohibits "passing through" these capital improvement costs to tenants to reimburse an owner. Individual owners—rather than the City as a whole—will be forced to bear the burden of the City's "housing crisis"; this is a crisis for which the individual owners are not responsible. Under the Ordinance, they will be forced to spend considerable funds with no financial upside, effectively subsidizing existing tenants. Moreover, the Ordinance's financial feasibility test is also unworkable for another reason: the value of a property containing an illegal unit will generally be *reduced* by legalization, not increased, especially in the case of single-family homes which would not otherwise be subject to Rent Control.

11. The Ordinance constitutes unjust interference with the Department of Building Inspection's and Planning Department's Charter obligations to enforce the City Codes.

12. The Ordinance would effect a regulatory taking of private property without compensation. Property owners cannot charge rent for illegal residential use, and the Ordinance seeks to prevent any other use.

We respectfully request that this Committee reject the proposed Ordinance. If the Ordinance is enacted, we are prepared to file suit.

Very truly yours,

ZACKS & FREEDMAN, P.C.

Ryan J. Patterson

Encl.

RYAN J. PATTERSON (SBN 277971)
ZACKS & FREEDMAN, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Tel: (415) 956-8100
Fax: (415) 288-9755

Attorneys for 1049 Market Street, LLC and 1067 Market Street, LLC

SAN FRANCISCO BOARD OF SUPERVISORS

DECLARATION OF MARIO BALLARD

File No.: 150087
Re: Interim Zoning Controls

I, Mario Ballard, declare as follows:

1. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.

2. I am a retired San Francisco Fire Captain, former Chief of the San Francisco Fire Department's Plan Check operations, and former Captain, Bureau of Fire Prevention & Public Safety. I currently consult on fire-related issues.

3. Buildings designed for commercial occupancy often lack life-safety features that are required for residential occupancy. This mismatch creates a substantial risk of harm to residential occupants of commercial buildings that do not meet Building Code or Fire Code requirements for residential occupancy.

4. I am familiar with the building located at 1049 Market Street and 1067 Market Street, San Francisco, CA (the "Buildings"), which were constructed and permitted for commercial occupancy. I am informed and believe that the Buildings do not meet code

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

requirements for residential occupancy because they lack required glazing in sleeping areas required for rescue windows up to and including the third floors.

5. I am informed and believe that Board of Supervisors File No. 150087 (the "Resolution") seeks to delay or prevent the abatement of extant unpermitted residential use of the Buildings, which would perpetuate a serious life-safety risk, not only to those occupying the building but also to fire personnel responding to an incident expecting certain life-safety features to be in place.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on March 3, 2015.

Docusigned by:
Mario Ballard
2B3BD9AF4714...

Mario Ballard

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

MARIO BALLARD & Associates

1335 Sixth Avenue, San Francisco, California 94122
(415) 640-4283
marioballardsf@aol.com

Mario Ballard, Principal

CAREER SUMMARY

Principal, Mario Ballard and Associates	5/1/2007-Present
Principal, Zari Consulting Group	1/1/2013-Present
Captain, Bureau of Fire Prevention, Plan Review Division	2001- 4/21/2007
Lieutenant, Bureau of Fire Prevention, Plan Check Division	1994 - 2001
Inspector, San Francisco Fire Department	1991 - 1994
Firefighter, San Francisco Fire Department	1974 - 1991
Linebarger Plumbing and Construction, SF CA	1974 - 1980
Servadei Plumbing Company, SF CA	1974
United States Army, Army Security Agency	1972 - 1974

LICENSES

ICC, International Code Conference Certified Building Plans Examiner

CERTIFICATIONS

ICC Advanced Occupancy
ICC Advanced Schematic Design
ICC Building Areas and Fire Design
ICC Advanced Types of Construction
ICC Advanced Means of Egress
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IFC Institute Certificate Application of the UBC for Fire Code Enforcement
ICBO Certificate on Course Completion on Fundamentals of Exiting
ICBO Certificate on Course Completion Complex Exiting
ICBO Certificate on Course Completion Building Use and Construction Type
ICBO Certificate on Course Completion Fire Protection, Building Size and Location
ICBO Course Overview of the Uniform Building Code
California Fire Chief's Association Fire Prevention Officers' Section Fire Alarm Levels I & II
Fire Sprinkler Advisory Board of Northern California & Sprinkler Fitter Local 483 Fire Sprinkler Seminar
National Fire Sprinkler Association, Inc., Hydraulics for Sprinklers
EDI Code International, Innovative Code Enforcement Techniques
Certification State of California Title 19/Title 24

EDUCATION

Fire Strategy & Tactics	1981-1993
Fire Service Supervision	
Fire Prevention 1A, 1B, 1C	
Fire Prevention 2A, 2B	
Fire Prevention Officer Level One	
Firefighter Level One and Two	
Arson 1A, 1B	
Hazardous Materials 1A, 1B	
Instructor 1A	
Fire Management 1A	
City College of San Francisco	1970-1972

COMMITTEE INVOLVEMENT

Building Code Advisory Committee
Hunters Point Development Team
Mission Bay Task Force
Treasure Island Development Team
Trans-Bay Transit Center
Muni Metro, Light Rail Third Street Corridor
Department of Building Inspection MIS Case Development
San Francisco Board of Examiners Fire Department Representative
Member California Fire Chief's Association Fire Prevention Officers
BOMA Code Advisory Committee
Mayor's Office of Economic Development Bio-Teck Task Force
Hunters Point Redevelopment Task Force
Building Code Standards Committee 1996-1999
Participant in the Eighth Annual California Fire Prevention-Institute Workshop, "*Providing the Optimum in Fire and Life Safety Training*"
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PUBLIC SERVICE

Rooms That Rock For Chemo (RTR4C), Director Secretary	2011-Present
San Francisco Spina Bifida Association, (Past) Vice President	

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February 8, 2016

File No. 150494

Land Use and Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: File No. 150494 – Removal of Residential Units

Dear Members of the Land Use and Transportation Committee:

This office represents 1049 Market Street, LLC and 1067 Market Street, LLC (collectively "Owners") and the Small Property Owners of San Francisco and Small Property Owners of San Francisco Institute. File No. 150494 (the "Ordinance") targets the property owners and their properties, 1049 Market Street and 1067 Market Street, San Francisco, CA, as well as other owners and their properties across the City.

SPOSF and the Owners oppose the Ordinance and submit these comments in advance of the Committee hearing thereon.

1. The Committee's hearing on the Ordinance is premature.

   a. The City re-referred the Ordinance to the Planning Commission for consideration following the substantial amendment of the Ordinance and substitution of a new version thereof (Version 3). However, the Planning Commission has not yet reviewed Version 3—let alone Version 4, with new and substantial modifications dated February 1. Any action on the Ordinance at this time by the Committee will therefore be in violation of City and County of San Francisco Charter Article IV, § 4.105 and San Francisco Planning Code § 302. The Planning Commission has not had an opportunity to consider Version 4 and make recommendations, and it will not have such an opportunity prior to the Committee's hearing.

   b. Likewise, Version 3 of the Ordinance was re-referred to the Planning Department for environmental review on January 28, 2016, but a response has not yet been received, in violation of San Francisco Administrative Code § 31.08. Version 4 must also be re-referred for environmental review, and a response must be received prior to Committee action.

c. Lastly, the Ordinance was referred to the Building Inspection Commission pursuant to Charter Section D3.750-5 on January 28. Per the Building Inspection Commission's January 28 memorandum, the Building Inspection Commission "has additional concerns regarding the legislation" and has continued its hearing on the Ordinance to February 10 or 17, at the earliest. Any prior action by this Committee would be premature.

2. The Ordinance was misclassified as "not a project" for CEQA purposes. This is erroneous.

a. The Ordinance constitutes a citywide rezoning via amendment of the Planning Code. Unit removal would no longer be permitted; it would now be merely *conditionally* permitted. By the same token, non-residential uses would no longer be permitted; they would now be merely *conditionally* permitted. This is a major change of unprecedented scale in San Francisco. On one hand, owners would be deprived of substantial property rights – to use their properties for non-residential purposes. On the other hand, properties across the City would now be required to have more dwelling units than under existing law. This rezoning conflicts with the General Plan, which respects and directs principally permitted uses other than residential use in areas of the City that are covered by the Ordinance.

b. The Ordinance will cause long-term vacancy, property deterioration and degradation, blight, and urban decay. After an eviction, owners will likely be unable to obtain conditional use authorization to remove the subject unit and use it for nonresidential purposes; the required Conditional Use findings are clearly designed to result in denial. As a result, properties across the City will sit empty. Owners of single-family homes, in particular, do not want second units because of the risk of those second units subjecting the entire building to Rent Control. Such owners would instead leave unlawful units vacant to avoid Notices of Violation that can only be cured by subjecting the entire building to Rent Control. This is most clearly true of unlawful units that have been the subject of no-fault evictions, in which case residential merger is prohibited.

c. Lastly, the compulsory residential use of nonresidential structures is unsafe. Forcing owners to continue the residential rental of garages, offices, warehouses, and other spaces that were not designed for residential uses poses a significant risk to the public and occupants of those and neighboring structures. This places an additional burden on public safety resources and infrastructure. Perversely, the Ordinance would force the maintenance of unlawful uses that did not receive proper CEQA review in the first place.

3. The Ordinance is preempted by state law.

   a. The Ordinance changes the San Francisco Building Code, in conflict with the California Building Code. Specific requirements must be met in order to deviate from the state code, and those requirements are unmet in this case. The Ordinance attempts to change state requirements for unwarranted units in a way that loosens the law (all unwarranted units will be kept where possible, rather than leaving this decision up to the owner or removed due to illegality). Such changes are wholly unrelated to the unique climate, geography, or topography of San Francisco. San Francisco Building Code § 109A requires the issuance of a Certificate of Final Completion and Occupancy ("CFCO") prior to any residential use, but the Controls (under the auspices of the Planning Code) seek to compel residential use without the prior issuance of a CFCO. California Building Code § 3408 explicitly authorizes the change of use from a more hazardous classification (e.g., residential) to a less hazardous classification (e.g., commercial). California Historical Building Code § 8-302 explicitly authorizes the return of a historical building to its historical use – in this case, office use. The City has not followed the substantive or procedural requirements for deviation from the California Building Code.

   b. After exercising their rights under the state's Ellis Act, property owners will be unable to obtain authorization to remove an unwarranted unit; nor will they be able to rent such units given their unwarranted status. This means that use of any kind will be prohibited. This constitutes an impermissible burden on the state-law right to go out of the residential rental business, in direct contravention of the Ellis Act. This Ordinance is not a valid exercise of local-government authority over land use; rather, it is a deliberate attempt to interfere with rights guaranteed by the Ellis Act.

   c. This Ordinance is apparently being proposed pursuant to the state Granny Flat law, Government Code Section 65852.2. However, that law applies to single family homes. The Ordinance exceeds San Francisco's authority to enact such legislation.

4. The Ordinance's requirement that Notices of Violation be retroactively re-issued with instructions to legalize unlawful units rather than remove them would violate the vested rights of property owners who have already taken substantial steps to remove unlawful units in accordance with existing Notices of Violation. Furthermore, the Ordinance's newly amended requirement that the "Conditional Use requirement of Subsection (c)(1) shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 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" clearly targets the Owners and their wrongfully suspended Building Permit Application No. 201307262890 for 1049 Market Street, in which their rights have vested. It also changes the rules for property owners across the City who already have permits to remove residential units, disentitling their projects with no CEQA review of the environmental consequences.

5. Enactment of the Ordinance violates Due Process rights. This may constitute an adjudicatory action as it regards actual owners subject to Notices of Violation for unlawful units. Such property owners are uniquely affected by this Ordinance and stand to be deprived of significant property rights, as they will now be unable to remove those units without difficult (or impossible) procedural hurdles designed to result in denial of Conditional Use authorization, if such permission is available at all. Those owners are entitled to notice of the consideration of this Ordinance and an opportunity to object, including pursuant to *Horn v. Cty. of Ventura*, 24 Cal. 3d 605 (1979). Additionally, the requirement that Notices of Violation require legalization conflicts with the requirement (and purported option) to obtain Conditional Use authorization to remove an unlawful unit. Lastly, the Ordinance radically departs from fundamental principles of zoning law, which protect lawful and principally permitted uses and do not protect unlawful or unpermitted uses. At a minimum, the legislative changes in the Ordinance are landlord-tenant measures, inappropriate for the Planning and Building Codes, and they should be proposed as an amendment to the Rent Ordinance.

6. The Ordinance does not advance a legitimate state interest. The purpose of the Ordinance is to target and punish the Owners for their unpopular but lawful attempt to evict tenants for illegal and unsafe residential use. The Ordinance attempts to force the Owners to maintain a life-safety hazard despite the Department of Building Inspection's issuance of Notices of Violation to cure that unlawful and hazardous condition.

7. The Ordinance applies landscaping and permeable surface requirements for new buildings and building additions to unit mergers which do not change the square footage or building footprint in any way. There is no nexus for this requirement and it will make even desirable unit mergers virtually impossible.

8. The Ordinance makes merging units extremely costly and time-consuming, discouraging family-friendly housing by making it even more expensive and less attainable, as shown in the February 1 Economic Impact Report.

9. The Ordinance's financial feasibility test is unworkable. Legalization is deemed financially feasible if the increase in value is equal to the cost of legalization. However, an owner will have to pay the legalization costs up front but can only realize a gain in value upon sale. Many, if not most, owners will not be able to afford to pay those costs up front; and even if they could, Ordinance No. 131148 prohibits "passing through" these capital improvement costs to tenants to reimburse an owner. Individual owners—rather than the City as a whole—will be forced to bear the burden of the City's "housing crisis"; this is a crisis for which the individual owners are not responsible. Under the Ordinance, they will be forced to spend considerable funds with no financial upside, effectively subsidizing existing tenants. Moreover, the Ordinance's financial feasibility test is also unworkable for another reason: the value of a property containing an illegal unit will generally be *reduced* by legalization, not increased, especially in the case of single-family homes which would not otherwise be subject to Rent Control.

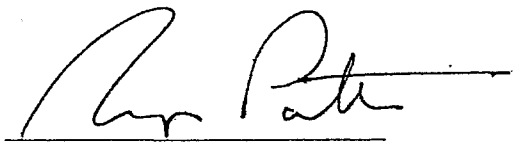
10. The controls constitute unjust interference with the Department of Building Inspection's and Planning Department's Charter obligations to enforce the City Codes.

11. The Ordinance would effect a regulatory taking of private property without compensation. Property owners cannot charge rent for illegal residential use, and the Controls seek to prevent any other use.

We respectfully request that this Committee reject the proposed Ordinance. If the Ordinance is enacted, we are prepared to file suit.

Very truly yours,

ZACKS & FREEDMAN, P.C.



Ryan J. Patterson

Encl.

RYAN J. PATTERSON (SBN 277971)
ZACKS & FREEDMAN, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Tel: (415) 956-8100
Fax: (415) 288-9755

Attorneys for 1049 Market Street, LLC
and 1067 Market Street, LLC

SAN FRANCISCO BOARD OF SUPERVISORS

DECLARATION OF MARIO BALLARD

File No.: 150087
Re: Interim Zoning Controls

I, Mario Ballard, declare as follows:

1. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.

2. I am a retired San Francisco Fire Captain, former Chief of the San Francisco Fire Department's Plan Check operations, and former Captain, Bureau of Fire Prevention & Public Safety. I currently consult on fire-related issues.

3. Buildings designed for commercial occupancy often lack life-safety features that are required for residential occupancy. This mismatch creates a substantial risk of harm to residential occupants of commercial buildings that do not meet Building Code or Fire Code requirements for residential occupancy.

4. I am familiar with the building located at 1049 Market Street and 1067 Market Street, San Francisco, CA (the "Buildings"), which were constructed and permitted for commercial occupancy. I am informed and believe that the Buildings do not meet code

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SAN FRANCISCO, CALIFORNIA 94104

requirements for residential occupancy because they lack required glazing in sleeping areas required for rescue windows up to and including the third floors.

5. I am informed and believe that Board of Supervisors File No. 150087 (the "Resolution") seeks to delay or prevent the abatement of extant unpermitted residential use of the Buildings, which would perpetuate a serious life-safety risk, not only to those occupying the building but also to fire personnel responding to an incident expecting certain life-safety features to be in place.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on March 3, 2015.

DocuSigned by:
Mario Ballard
253BD9AF447148D...

Mario Ballard

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

MARIO BALLARD & Associates

1335 Sixth Avenue, San Francisco, California 94122
(415) 640-4283
marioballardsf@aol.com

Mario Ballard, Principal

CAREER SUMMARY

Principal, Mario Ballard and Associates	5/1/2007-Present
Principal, Zari Consulting Group	1/1/2013-Present
Captain, Bureau of Fire Prevention, Plan Review Division	2001- 4/21/2007
Lieutenant, Bureau of Fire Prevention, Plan Check Division	1994 - 2001
Inspector, San Francisco Fire Department	1991 - 1994
Firefighter, San Francisco Fire Department	1974 - 1991
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Servadei Plumbing Company, SF CA	1974
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ICC Building Areas and Fire Design
ICC Advanced Types of Construction
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EDUCATION

Fire Strategy & Tactics — 1981-1993
Fire Service Supervision
Fire Prevention 1A, 1B, 1C
Fire Prevention 2A, 2B
Fire Prevention Officer Level One
Firefighter Level One and Two
Arson 1A, 1B
Hazardous Materials 1A, 1B
Instructor 1A
Fire Management 1A

City College of San Francisco — 1970-1972

COMMITTEE INVOLVEMENT

Building Code Advisory Committee
Hunters Point Development Team
Mission Bay Task Force
Treasure Island Development Team
Trans-Bay Transit Center
Muni Metro, Light Rail Third Street Corridor
Department of Building Inspection MIS Case Development
San Francisco Board of Examiners Fire Department Representative
Member California Fire Chief's Association Fire Prevention Officers
BOMA Code Advisory Committee
Mayor's Office of Economic Development Bio-Teck Task Force
Hunters Point Redevelopment Task Force
Building Code Standards Committee 1996-1999
Participant in the Eighth Annual California Fire Prevention-Institute Workshop, "*Providing the Optimum in Fire and Life Safety Training*"
Participant North/South California Fire Prevention Officers Workshops 1996 - 1998
Guest Speaker at SMACNA (Sheet Metal and Air Conditioning Contractors National Association)

PUBLIC SERVICE

Rooms That Rock For Chemo (RTR4C), Director Secretary — 2011-Present
San Francisco Spina Bifida Association, (Past) Vice President

File No. 150494
2/8/2016 @ 11:29 am
Received via email
dn

February 1, 2016

To: Land Use and Transportation Committee – BOARD OF SUPERVISORS
RE: FILE 150494

Dear Supervisors, Wiener, Cohen and Peskin:

In this proposed ordinance there is a loophole that allows for large sized units to be reduced in size whether the unit is legal or illegal when a developer takes a 2 unit building and creates one large, luxury unit and downsizes the second unit but avoids the issue of unit merger or loss of housing.

It is Section 317 (b) (7) the fact of the decrease of no more than 25% is a loophole that allows units to be decreased by just under that percentage. Additionally, the phrase, "*The Planning Commission may reduce the numerical element of this criterion by up to 20% of is value should it deem that adjustment is necessary to implement the intent of the Section 317 to conserve existing housing and preserve affordable housing.*" is not enough to deal with this loophole, because these units are often approved by staff. They do not get a DR currently and even under this legislation they would not have a CU as long as they do not reach the 25% number...at least that is how the legislation appears to me.

This issue of a change in one unit to increase another often results in an unbalanced housing stock where the decreased unit becomes somewhat marginal while in the increased unit becomes very grand...and expensive. Additionally the decreased unit can easily be absorbed into the large second unit and is marketed in that manner. And there is nothing that compels the property owner/developer to either rent or sell this second unit on the open market. Here are some examples of what has happened in Noe Valley and it is probably happening throughout the City.

1. Smaller unit put behind the garage, moved "downstairs"; 2. Two bedroom becomes one bedroom; 3. Living Rooms become "media rooms" with full kitchen becoming efficiency kitchen (there is no requirement that rooms "translate" as the units change; 4. Family sized units become more suitable as guest quarters or au pair type units. Thank you.

Georgia Schuttish (schuttishtr@sbcglobal.net) resident of Noe Valley

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San Francisco, California 94104
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February 1, 2016

File No. 150494
2/1/2016 Received
in Committee
on

Land Use and Transportation Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: File No. 150494 – Removal of Residential Units

Dear Members of the Land Use and Transportation Committee:

This office represents 1049 Market Street, LLC and 1067 Market Street, LLC (collectively "Owners") and the Small Property Owners of San Francisco and Small Property Owners of San Francisco Institute. File No. 150949 (the "Ordinance") targets the property owners and their properties, 1049 Market Street and 1067 Market Street, San Francisco, CA, as well as other owners and their properties across the City.

SPOSF and the Owners oppose the Ordinance and submit these comments in advance of the Committee hearing thereon.

1. The Committee's hearing on the Ordinance is premature. The City has failed to re-refer the Ordinance to the Planning Commission for consideration following the substantial amendment of the Ordinance and substitution of a new version thereof (Version 3), in violation of City and County of San Francisco Charter Article IV, § 4.105 and San Francisco Planning Code § 302. The Planning Commission has not had an opportunity to consider Version 3 and make recommendations, and it will not have such an opportunity prior to the Committee's hearing. Likewise, the Ordinance was re-referred to the Planning Department for environmental review on January 28, 2016, but a response has not yet been received, in violation of San Francisco Administrative Code § 31.08.

2. The Ordinance was misclassified as "not a project" for CEQA purposes. This is erroneous.

    a. The Ordinance constitutes a citywide rezoning via amendment of the Planning Code. Unit removal would no longer be permitted; it would now be merely *conditionally* permitted. By the same token, non-residential uses would no longer be permitted; they would now be merely *conditionally* permitted. This is a major change of unprecedented scale in San Francisco. On one hand, owners would be deprived of substantial property rights – to use their properties for non-residential purposes. On

the other hand, properties across the City would now be required to have more dwelling units than under existing law. This rezoning conflicts with the General Plan, which respects and directs principally permitted uses other than residential use in areas of the City that are covered by the Ordinance.

b. The Ordinance will cause blight and urban decay. After an eviction, owners will likely be unable to obtain conditional use authorization to remove the subject unit and use it for nonresidential purposes; the required Conditional Use findings are clearly designed to result in denial. As a result, properties across the City will sit empty. Owners of single-family homes, in particular, do not want second units because of the risk of those second units subjecting the entire building to Rent Control. Such owners would instead leave unlawful units vacant to avoid Notices of Violation that can only be cured by subjecting the entire building to Rent Control. This is most clearly true of unlawful units that have been the subject of no-fault evictions, in which case residential merger is prohibited.

c. Lastly, the compulsory residential use of nonresidential structures is unsafe. Forcing owners to continue the residential rental of garages, offices, warehouses, and other spaces that were not designed for residential uses poses a significant risk to the public and occupants of those and neighboring structures. This places an additional burden on public safety resources and infrastructure. Perversely, the Ordinance would force the maintenance of unlawful uses that did not receive proper CEQA review in the first place.

3. The Ordinance is preempted by state law.

a. The Ordinance changes the San Francisco Building Code, in conflict with the California Building Code. Specific requirements must be met in order to deviate from the state code, and those requirements are unmet in this case. The Ordinance attempts to change state requirements for unwarranted units in a way that loosens the law (all unwarranted units will be kept where possible, rather than leaving this decision up to the owner). Such changes are wholly unrelated to the unique climate, geography, or topography of San Francisco. SFBC Section 109A requires the issuance of a Certificate of Final Completion and Occupancy ("CFCO") prior to any residential use, but the Controls (under the auspices of the Planning Code) seek to compel residential use without the prior issuance of a CFCO. California Building Code Section 3408 explicitly authorizes the change of use from a more hazardous classification (e.g., residential) to a less hazardous classification (e.g., commercial). California Historical Building Code Section 8-302 explicitly authorizes the return of a historical building to its historical use – in this case, office use. The City has not followed the substantive or procedural requirements for deviation from the California Building Code.

b. After exercising their rights under the state's Ellis Act, property owners will be unable to obtain authorization to remove an unwarranted unit; nor will they be able to rent such units given their unwarranted status. This means that use of any kind will be prohibited. This constitutes an unconstitutional taking of private property and an unlawful burden on the exercise of the right to go out of the residential rental business.

c. This Ordinance is apparently being proposed pursuant to the state Granny Flat law, Government Code Section 65852.2. However, that law applies to single family homes. The Ordinance exceeds San Francisco's authority to enact such legislation.

4. The Ordinance's requirement that Notices of Violation be retroactively re-issued with instructions to legalize unlawful units rather than remove them would violate the vested rights of property owners who have already taken substantial steps to remove unlawful units in accordance with existing Notices of Violation.

5. Enactment of the Ordinance violates Due Process rights. This may constitute an adjudicatory action as it regards actual owners subject to Notices of Violation for unlawful units. Such property owners are uniquely affected by this Ordinance and stand to be deprived of significant property rights, as they will now be unable to remove those units without difficult procedural hurdles designed to result in denial of Conditional Use authorization, if such permission is available at all. Those owners are entitled to notice of the consideration of this Ordinance and an opportunity to object, including pursuant to *Horn v. Cty. of Ventura*, 24 Cal. 3d 605 (1979). Additionally, the requirement that Notices of Violation require legalization conflicts with the requirement (and purported option) to obtain Conditional Use authorization to remove an unlawful unit. Lastly, the Ordinance radically departs from fundamental principles of zoning law, which protect lawful and principally permitted uses and do not protect unlawful or unpermitted uses. At a minimum, the legislative changes in the Ordinance are landlord-tenant measures, inappropriate for the Planning and Building Codes, and they should be proposed as an amendment to the Rent Ordinance.

6. The Ordinance does not advance a legitimate state interest. The purpose of the Ordinance is to target and punish the Owners for their unpopular but lawful attempt to evict tenants for illegal and unsafe residential use. The Ordinance attempts to force the Owners to maintain a life-safety hazard despite the Department of Building Inspection's issuance of Notices of Violation to cure that unlawful and hazardous condition.

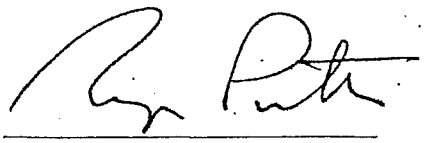
7. The controls constitute unjust interference with the Department of Building Inspection's and Planning Department's Charter obligations to enforce the City Codes.

8. The Ordinance would effect a regulatory taking of private property without compensation. Property owners cannot charge rent for illegal residential use, and the Controls seek to prevent any other use.

We respectfully request that this Committee reject the proposed Ordinance. If the Ordinance is enacted, we are prepared to file suit.

Very truly yours,

ZACKS & FREEDMAN, P.C.



Ryan J. Patterson

Encl.

RYAN J. PATTERSON (SBN 277971)
ZACKS & FREEDMAN, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Tel: (415) 956-8100
Fax: (415) 288-9755

Attorneys for 1049 Market Street, LLC
and 1067 Market Street, LLC

SAN FRANCISCO BOARD OF SUPERVISORS

DECLARATION OF MARIO BALLARD

File No.: 150087
Re: Interim Zoning Controls

I, Mario Ballard, declare as follows:

1. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.

2. I am a retired San Francisco Fire Captain, former Chief of the San Francisco Fire Department's Plan Check operations, and former Captain, Bureau of Fire Prevention & Public Safety. I currently consult on fire-related issues.

3. Buildings designed for commercial occupancy often lack life-safety features that are required for residential occupancy. This mismatch creates a substantial risk of harm to residential occupants of commercial buildings that do not meet Building Code or Fire Code requirements for residential occupancy.

4. I am familiar with the building located at 1049 Market Street and 1067 Market Street, San Francisco, CA (the "Buildings"), which were constructed and permitted for commercial occupancy. I am informed and believe that the Buildings do not meet code

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

requirements for residential occupancy because they lack required glazing in sleeping areas required for rescue windows up to and including the third floors.

5. I am informed and believe that Board of Supervisors File No. 150087 (the "Resolution") seeks to delay or prevent the abatement of extant unpermitted residential use of the Buildings, which would perpetuate a serious life-safety risk, not only to those occupying the building but also to fire personnel responding to an incident expecting certain life-safety features to be in place.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this was executed on March 3, 2015.

DocuSigned by:
Mario Ballard
253BD3AF44714B0...

Mario Ballard

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

MARIO BALLARD & Associates

1335 Sixth Avenue, San Francisco, California 94122
(415) 640-4283
marioballardsf@aol.com

Mario Ballard, Principal

CAREER SUMMARY

Principal, Mario Ballard and Associates	5/1/2007-Present
Principal, Zari Consulting Group	1/1/2013-Present
Captain, Bureau of Fire Prevention, Plan Review Division	2001- 4/21/2007
Lieutenant, Bureau of Fire Prevention, Plan Check Division	1994 - 2001
Inspector, San Francisco Fire Department	1991 - 1994
Firefighter, San Francisco Fire Department	1974 - 1991
Linebarger Plumbing and Construction, SF CA	1974 - 1980
Servadei Plumbing Company, SF CA	1974
United States Army, Army Security Agency	1972 - 1974

LICENSES

ICC, International Code Conference Certified Building Plans Examiner

CERTIFICATIONS

ICC Advanced Occupancy
ICC Advanced Schematic Design
ICC Building Areas and Fire Design
ICC Advanced Types of Construction
ICC Advanced Means of Egress
CFCA Certificate of Training of Locally Adopted Ordinances and Resolutions
IFC Institute Certificate Application of the UBC for Fire Code Enforcement
ICBO Certificate on Course Completion on Fundamentals of Exiting
ICBO Certificate on Course Completion Complex Exiting
ICBO Certificate on Course Completion Building Use and Construction Type
ICBO Certificate on Course Completion Fire Protection, Building Size and Location
ICBO Course Overview of the Uniform Building Code
California Fire Chief's Association Fire Prevention Officers' Section Fire Alarm Levels I & II
Fire Sprinkler Advisory Board of Northern California & Sprinkler Fitter Local 483 Fire Sprinkler Seminar
National Fire Sprinkler Association, Inc., Hydraulics for Sprinklers
EDI Code International, Innovative Code Enforcement Techniques
Certification State of California Title 19/Title 24

EDUCATION

Fire Strategy & Tactics	1981-1993
Fire Service Supervision	
Fire Prevention 1A, 1B, 1C	
Fire Prevention 2A, 2B	
Fire Prevention Officer Level One	
Firefighter Level One and Two	
Arson 1A, 1B	
Hazardous Materials 1A, 1B	
Instructor 1A	
Fire Management 1A	
City College of San Francisco	1970-1972

COMMITTEE INVOLVEMENT

Building Code Advisory Committee
Hunters Point Development Team
Mission Bay Task Force
Treasure Island Development Team
Trans-Bay Transit Center
Muni Metro, Light Rail Third Street Corridor
Department of Building Inspection MIS Case Development
San Francisco Board of Examiners Fire Department Representative
Member California Fire Chief's Association Fire Prevention Officers
BOMA Code Advisory Committee
Mayor's Office of Economic Development Bio-Teck Task Force
Hunters Point Redevelopment Task Force
Building Code Standards Committee 1996-1999
Participant in the Eighth Annual California Fire Prevention-Institute Workshop, "*Providing the Optimum in Fire and Life Safety Training*"
Participant North/South California Fire Prevention Officers Workshops 1996 - 1998
Guest Speaker at SMACNA (Sheet Metal and Air Conditioning Contractors National Association)

PUBLIC SERVICE

Rooms That Rock For Chemo (RTR4C), Director Secretary	2011-Present
San Francisco Spina Bifida Association, (Past) Vice President	

File No. 150494
2/1/2016 Received
in Committee

February 1, 2016

To: Land Use and Transportation Committee – BOARD OF SUPERVISORS
RE: FILE 150494

Dear Supervisors, Wiener, Cohen and Peskin:

In this proposed ordinance there is a loophole that allows for large sized units to be reduced in size whether the unit is legal or illegal when a developer takes a 2 unit building and creates one large, luxury unit and downsizes the second unit but avoids the issue of unit merger or loss of housing.

It is Section 317 (b) (7) the fact of the decrease of no more than 25% is a loophole that allows units to be decreased by just under that percentage. Additionally, the phrase, "*The Planning Commission may reduce the numerical element of this criterion by up to 20% of is value should it deem that adjustment is necessary to implement the intent of the Section 317 to conserve existing housing and preserve affordable housing.*" is not enough to deal with this loophole, because these units are often approved by staff. They do not get a DR currently and even under this legislation they would not have a CU as long as they do not reach the 25% number...at least that is how the legislation appears to me.

This issue of a change in one unit to increase another often results in an unbalanced housing stock where the decreased unit becomes somewhat marginal while in the increased unit becomes very grand...and expensive. Additionally the decreased unit can easily be absorbed into the large second unit and is marketed in that manner. And there is nothing that compels the property owner/developer to either rent or sell this second unit on the open market. Here are some examples of what has happened in Noe Valley and it is probably happening throughout the City.

1. Smaller unit put behind the garage, moved "downstairs"; 2. Two bedroom becomes one bedroom; 3. Living Rooms become "media rooms" with full kitchen becoming efficiency kitchen (there is no requirement that rooms "translate" as the units change; 4. Family sized units become more suitable as guest quarters or au pair type units. Thank you.

Georgia Schuttish (schuttishtr@sbcglobal.net) resident of Noe Valley

BOARD of SUPERVISORS

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

February 11, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On February 11, 2016, the Land Use and Transportation Committee **duplicated** the following legislation from the original File No. 150494 (same subject) and further amended the Ordinance:

File No. 160115-2,3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where is no legal path for legalization, residential units that have received prior Planning approval, and single family structures that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b). On December 10, 2015, the Planning Commission held a public hearing on the original File No. 150494 and recommended "approval with modifications."

Please forward any additional comments or recommendations to me for consideration with the proposed legislation.

Angela Calvillo, Clerk of the Board

Alisa Somera

By: Alisa Somera, Assistant Clerk

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
AnMarie Rodgers, Senior Policy Manager
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

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TDD/TTY No. 554-5227

February 11, 2016

File No. 160115-2,3

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On February 11, 2016, the Land Use and Transportation Committee **duplicated** the following legislation from the original File No. 150494 (same subject) and further amended the Ordinance:

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Alisa Somera, Assistant Clerk
Land Use and Transportation Committee

DATE: February 11, 2016

SUBJECT: DUPLICATED LEGISLATION

On February 11, 2016, the Land Use and Transportation Committee **duplicated** the following legislation from the original File No. 150494 (same subject) and further amended the Ordinance:

File No. 160115-2,3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where is no legal path for legalization, residential units that have received prior Planning approval, and single family structures that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5. The Commission Secretary has sent confirmation that the Commission held a public hearing on the original File No. 150494 on January 20, 2016, and continued the matter to February 17, 2016.

Please forward me any recommendation and reports from the Commission at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

BOARD of SUPERVISORS

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1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development
Mohammed Nuru, Director, Public Works
Robert Collins, Acting Executive Director, Rent Board

FROM: Alisa Somera, Assistant Clerk, Land Use and Transportation Committee, Board of Supervisors

DATE: February 11, 2016

SUBJECT: DUPLICATED LEGISLATION

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File No. 160115-2,3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where is no legal path for legalization, residential units that have received prior Planning approval, and single family structures that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Sophie Hayward, Mayor's Office of Housing and Community Development
Frank Lee, Public Works

BOARD of SUPERVISORS

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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development
Mohammed Nuru, Director, Public Works
Delene Wolf, Executive Director, Rent Board

FROM: Alisa Somera, Assistant Clerk, Land Use and Transportation Committee, Board of Supervisors

DATE: January 28, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following **substitute** legislation, introduced by Supervisor Avalos on January 26, 2016:

File No. 150494-3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Eugene Flannery, Secretary
Frank Lee, Secretary to the Director
Sophie Hayward, Policy Legislative Affairs

BOARD of SUPERVISORS

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Fax No. 554-5163
TDD/TTY No. 554-5227

January 28, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On January 26, 2016, Supervisor Avalos introduced the following **substitute** legislation:

File No. 150494-3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. On December 10, 2015, the Planning Commission held a public hearing on this matter and recommendation "approval with modifications."

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Assistant Clerk

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
AnMarie Rodgers, Senior Policy Manager
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

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January 28, 2016

File No. 150494-3

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On January 26, 2016, Supervisor Avalos introduced the following **substitute** legislation:

File No. 150494-3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Alisa Somera

By: Alisa Somera, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Alisa Somera, Assistant Clerk
Land Use and Transportation Committee

DATE: January 28, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Avalos on January 26, 2016:

File No. 150494-3

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, 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.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. The Commission Secretary has sent confirmation that the Commission held a public hearing on January 20, 2016, and continued the matter to February 17, 2016.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Alisa Somera, Assistant Clerk
Land Use and Transportation Committee

DATE: December 9, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Avalos on December 1, 2015:

File No. 150494

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; 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.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

BOARD of SUPERVISORS

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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development
Mohammed Nuru, Director, Public Works
Delene Wolf, Executive Director, Rent Board

FROM: Alisa Somera, Assistant Clerk, Land Use and Transportation Committee, Board of Supervisors

DATE: December 1, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Avalos on December 1, 2015:

File No. 150494

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; 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.

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c: Eugene Flannery, Secretary
Frank Lee, Secretary to the Director
Sophie Hayward, Policy Legislative Affairs

BOARD of SUPERVISORS

City Hall
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TDD/TTY No. 554-5227

December 9, 2015

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On December 1, 2015, Supervisor Avalos introduced the following substitute legislation:

File No. 150494

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; 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.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board
Alisa Somera
By: Alisa Somera, Assistant Clerk

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
AnMarie Rodgers, Senior Policy Manager
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS

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December 9, 2015

File No. 150494

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On December 1, 2015, Supervisor Avalos introduced the following substitute legislation:

File No. 150494

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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TDD/TTY No. 554-5227

May 22, 2015

File No. 150494

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On May 12, 2015, Supervisor Avalos introduced the following legislation:

File No. 150494

Ordinance amending the Planning Code to require conditional use authorization for all residential mergers and to require compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS

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

May 22, 2015

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On May 12, 2015, Supervisor Avalos introduced the following legislation:

File No. 150494

Ordinance amending the Planning Code to require conditional use authorization for all residential mergers and to require compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
AnMarie Rodgers, Senior Policy Manager
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

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MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development
Mohammed Nuru, Director, Public Works
Delene Wolf, Executive Director, Rent Board

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee, Board of Supervisors

DATE: May 22, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Avalos on May 12, 2015:

File No. 150494

Ordinance amending the Planning Code to require conditional use authorization for all residential mergers and to require compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Eugene Flannery, Secretary
Frank Lee, Secretary to the Director
Sophie Hayward, Policy Legislative Affairs

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

☐ 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.

☐ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee.

☐ 4. Request for letter beginning "Supervisor [ ] inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. [ ] from Committee.

☐ 7. Budget Analyst request (attach written motion).

☒ 8. Substitute Legislation File No. [150494]

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor John Avalos

Subject:

Ordinance - Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit; Mandatory Legalization of Illegal Units; Permeable Surfaces and Landscaping Requirements

The text is listed below or attached:

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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☐ 6. Call File No. [ ] from Committee.

☐ 7. Budget Analyst request (attach written motion).

☒ 8. Substitute Legislation File No. [1500751]

☐ 9. Request for Closed Session (attach written motion).

10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisors Avalos, Kim

Subject:

Ordinance - Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit; Mandatory Legalization of Illegal Units; Permeable Surfaces and Landscaping Requirements

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Signature of Sponsoring Supervisor:

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☐ 4. Request for letter beginning "Supervisor _____ inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. _____ from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No. _____

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

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☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisor Avalos

Subject:

Ordinance - Planning Code - Residential Mergers; Permeable Surfaces and Landscaping Requirements

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only:

150494

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Time stamp
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☐ 5. City Attorney request.

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☐ 7. Budget Analyst request (attach written motion).

☒ 8. Substitute Legislation File No. 150494

☐ 9. Request for Closed Session (attach written motion).

10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

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☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisors Avalos, Kim

Subject:

Ordinance - Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit; Mandatory Legalization of Illegal Units; Permeable Surfaces and Landscaping Requirements

The text is listed below or attached:

Signature of Sponsoring Supervisor:

For Clerk's Use Only: