



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19238

HEARING DATE SEPTEMBER 18, 2014

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Project Name: **Amendments to Definition of Residential Unit and Residential Conversion Requirements**

Case Number: 2014.1240T [Board File No. 140775]

Initiated by: Supervisor Avalos/ Introduced July 8, 2014

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Reviewed by: AnMarie Rodgers, Senior Policy Advisor
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Recommendation: **Recommend Approval**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING THE PLANNING CODE TO AMEND THE DEFINITION OF RESIDENTIAL UNIT AND CLARIFY THE REQUIREMENTS FOR A RESIDENTIAL CONVERSION OF A RESIDENTIAL HOTEL UNIT REGULATED UNDER ADMINISTRATIVE CODE, CHAPTER 41; MAKING ENVIRONMENTAL FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

WHEREAS, on July 8, 2014, Supervisor Avalos introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 140775, which would amend the Planning Code to amend the definition of Residential Unit and clarify the requirements for a Residential Conversion of a Residential Hotel Unit regulated under Administrative Code, Chapter 41; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 18; and,

WHEREAS, the proposed Ordinance has been determined not to be a project under the California Environmental Quality Act Section 15060(c)(2) and 15378; 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.

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

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 Commission finds that this Ordinance is intended to fix an unintended consequence created by a previously approved ordinance, Board File 130041.
2. The Commission is concerned that the loophole created by Board File 130041 could be exploited by post-secondary educational institutions by allowing them to convert existing Residential Hotels to Student Housing by right.
3. The Commission finds that Residential Hotel units are endangered housing resources and must be protected, and the conversion of Residential Hotel units affects those persons who are least able to cope with displacement in San Francisco's housing market. The Board of Supervisors and the Mayor recognized this issue in 1979 and passed Chapter 41 to protect this form of housing from conversion to tourist hotel use.
4. The Commission finds that Planning Code Section 317 was also added to the Code to protect all of the City's housing stock; however this recent change has put one of the City's important sources of affordable housing at risk.
5. The Commission finds that it passed Resolution 18652 on June 21, 2012, which strongly opposed allowing Residential Hotels to be converted to Student Housing.
6. **General Plan Compliance.** The proposed amendments to the Planning Code are consistent with the following Objectives and Policies of the General Plan.

HOUSING ELEMENT

OBJECTIVE 3

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

POLICY 3.1

Preserve rental units; especially rent controlled units, to meet the City's affordable housing needs.

The proposed Ordinance would reinstate previous restrictions the conversion of Residential Hotels to Student Housing, helping to preserve an important source of affordable rental housing in San Francisco.

7. **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.

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 help maintain existing housing and neighborhood character by ensuring that residential units in Residential Hotels could not be converted to Student Housing without public oversight. Conversion to Student Housing would not only impact the availability of housing available for low-income residents, it would also change the character of the neighborhoods where these buildings exist by potentially displacing existing residents.

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

The proposed Ordinance seeks to remove a provision in the Planning Code that would allow affordable housing to be converted into Student Housing without Planning Commission review.

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 impact 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 a negative 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 a negative effect on the City's parks and open space 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 as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 18, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Wu, Fong, Hillis, Johnson, Moore, and Richards

NOES: Antonini

ABSENT:

ADOPTED: September 18, 2014