

1 [Subdivision Code – Planning Commission hearings on condominium conversions.]

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3 **Ordinance amending Subdivision Code Sections 1332 and 1359 to require Planning**
4 **Commission hearings to address General Plan consistency for all condominium**
5 **conversion applications subject to Subdivision Code Sections 1396 et seq., the**
6 **condominium conversion lottery; and making environmental findings.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. Environmental Findings. The Planning Department has determined that the
12 actions contemplated in this Ordinance are in compliance with the California Environmental
13 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
14 on file with the Clerk of the Board of Supervisors in File No. and is incorporated herein
15 by reference.

16 Section 2. The San Francisco Subdivision Code is hereby amended by amending
17 Section 1332, to read as follows:

18 SEC. 1332. HEARINGS ON CONVERSIONS; ~~MASTER-GENERAL~~ PLAN.

19 (a) The City Planning Commission shall hold a public hearing in the case of
20 Conversions of ~~five-two~~ or more units which include one or more residential units and are
21 subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery. The ~~City~~
22 Planning Department shall give notice of such hearings as provided in Section 1313(b).

23 (b) Whenever a property is to be subdivided, the Department of ~~City~~ Planning
24 shall report on the question of consistency of the subdivision with the ~~Master-General~~ Plan.

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1 (c) The Director shall disapprove the proposed subdivision when the
2 Department of ~~City~~ Planning finds that the proposed subdivision is not consistent with the
3 ~~Master-General~~ Plan, subject to any decision on appeal by the Board of Supervisors.

4 (d) When the Department of ~~City~~ Planning finds, subject to any decision on
5 appeal by the Board of Supervisors, or when the Board of Supervisors finds, that a proposed
6 subdivision will be consistent with the ~~Master-General~~ Plan only upon compliance with certain
7 conditions, the Director shall incorporate said conditions in his or her conditional approval of
8 the proposed subdivision.

9 Section 3. The San Francisco Subdivision Code is hereby amended by amending
10 Section 1359, to read as follows:

11 SEC. 1359. PARCEL MAP.

12 (a) The requirements of Subsection (c) of Section 1356 of this Code shall
13 apply to Parcel Maps.

14 (b) The Parcel Map shall conform to the requirements of Chapter 2, Article 3
15 of SMA and to the Subdivision Regulations regarding detailed format and contents.

16 (c) In the case of Conversions where a Tentative Map is not required, the
17 requirements of Sections 1314 and the requirements of Article 9 on Conversions shall apply,
18 provided that ~~hearings as provided in Sections 1313 and 1332 shall not be required,~~ and the
19 10-percent low and moderate income occupancy as provided in Section 1341 shall not be
20 required, and provided further that Article 9 shall not be applied to and hearings as provided in
21 Sections 1313 and 1332 shall not be required for two-unit buildings where both units are
22 owner-occupied for one year prior to the application for Conversion. The Director of Planning,
23 however, shall make the determination pursuant to Section 1385 concerning preservation of
24 low and moderate income housing.

1 (d) In addition to the requirements of Subsection (c), the owners of record of
2 a two-unit building conversion that qualify for the exemption from Article 9 must certify under
3 penalty of perjury and the Department must verify with the Rent Stabilization and Arbitration
4 Board, and with the Human Rights Commission as applicable, that since November 16, 2004,
5 no eviction as defined in San Francisco Administrative Code Section 37.9(a)(8)—(14) of a
6 senior, disabled person, or catastrophically ill tenant as defined below has occurred, or if an
7 eviction has taken place under Administrative Code Section 37.9(a)(11) or (14), that the
8 original tenant reoccupied the unit after a temporary eviction. For purposes of this Subsection
9 a "senior" shall be a person who is 60 years or older and has been residing in the unit for 10
10 years or more at the time of the lottery; a "disabled" tenant is defined for purposes of this
11 Subsection as a person who is disabled within the meaning of Title 42 U.S.C. Section
12 12102(2)(A); and a "catastrophically ill" tenant is defined for purposes of this Subsection as a
13 person who is disabled as defined above, and who is suffering from a life threatening illness
14 as certified by his or her primary care physician.

15 (e) If the owners of record cannot satisfy the requirements of Subsection (d),
16 then the owners of record shall comply with Article 9, including its Section 1396.1(g)(3), prior
17 to submitting an application for Conversion.

18 (f) If the Department determines that an applicant has knowingly provided
19 false material information under Subsection (d) above, the Department shall immediately deny
20 the application, or if the applicant has submitted an application for conversion, shall
21 immediately deny the application for conversion. Moreover, the Department, the Director, or
22 other authorized person or entity may also enforce the provisions of this Subsection under
23 Section 1304 or any other applicable provision of law as warranted.

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

3 By: _____
4 John D. Malamut
5 Deputy City Attorney

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