

1 [Zoning – Interim Moratorium on Conversion of Residential Rental Units to Student Housing.]

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3 **Urgency Ordinance imposing an interim zoning moratorium on the conversion of**
4 **residential rental units to student housing for 45 days and making required findings,**
5 **including environmental findings and findings of consistency with the priority policies**
6 **of Planning Code Section 101.1.**

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. Findings.

12 (a) General Findings.

13 (1) A number of times in the past, this Board of Supervisors has found that a
14 shortage of decent, safe and sanitary rental housing in San Francisco has led to serious
15 adverse effects on City residents, especially the elderly, persons with disabilities, and low-and
16 moderate-income persons and households.

17 (2) In Chapter 37 of the San Francisco Administrative Code (the Residential Rent
18 Stabilization and Arbitration Ordinance), the Board found that the shortage of decent, safe and
19 sanitary housing had resulted in a critically low vacancy rate leading to the inability of
20 displaced tenants to find alternative housing at affordable rent levels. The Board further found
21 that this situation has had a detrimental effect on substantial numbers of renters in the City,
22 especially creating hardships for senior citizens, persons on fixed incomes, and low- and
23 moderate-income households.

24 (3) In Chapter 41 of the San Francisco Administrative Code (the Residential Hotel
25 Conversion and Demolition Ordinance), the Board found that there was a severe shortage of

1 decent, safe, sanitary and affordable rental housing in San Francisco, that this shortage
2 affects most severely the elderly, persons with disabilities, and low-income persons, and that
3 many of the elderly, persons with disabilities, and low-income persons and households reside
4 in residential hotel units. Similar findings were made by the Board in Chapter 41A of the San
5 Francisco Administrative Code, which established a permanent ban on the conversion of
6 apartment units to tourist and transient use.

7 (4) In Chapter 41C of the San Francisco Administrative Code, which prohibits the
8 conversion of a residential unit to a time-share use, the Board found that there was a severe
9 shortage of permanent housing in San Francisco; a small supply of suitable vacant land,
10 zoning constraints, construction costs and other factors that limit the construction of additional
11 housing; population pressures and other demographic trends that cause great demand and
12 are likely to accelerate the demand for San Francisco housing; and the conversion of
13 permanent housing to tourist or other temporary use removes housing units from the available
14 stock and worsens the existing shortage. The Board further found that the shortage of housing
15 most acutely affects low- and moderate-income persons, the elderly, and persons with
16 disabilities, both those already living in San Francisco and those wishing to move to the City.

17 (5) There continues to be a high demand for decent, safe, sanitary, and affordable
18 rental housing in San Francisco by both those already living in the City and those wishing to
19 move to the City. The conversion of permanent rental housing stock, both apartments and
20 residential hotel units, into student housing is having the same or similar detrimental effects
21 that the Board found applied to the conversions of residential rental units to the other uses
22 described above.

23 (b) Findings Related to Imposition of an Interim Moratorium.
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1 (1) Under California Government Code Section 65858, by a four-fifths vote of the
2 Board of Supervisors the City can adopt as an urgency measure an interim moratorium on a
3 land use for up to 45 days without following the procedures otherwise required prior to
4 adoption of a zoning ordinance in order to protect the public safety, health and welfare.

5 (2) Planning Code Section 306.7 provides for the imposition of interim zoning
6 controls to accomplish several objectives, including preservation of the City's rental housing
7 stock and preservation of the character of existing residential neighborhoods.

8 (3) These controls are intended and designed to deal with and ameliorate the
9 problems and conditions associated with conversion of the City's rental housing stock to
10 student housing, as described in subsection (a) above, pending the adoption of permanent
11 legislation.

12 (4) This Board has considered the impact on the public health, safety, peace, and
13 general welfare if the proposed interim controls were not imposed and has determined that
14 the public interest will best be served by imposition of these interim controls at this time in
15 order to ensure that the legislative scheme which ultimately may be adopted is not
16 undermined during the planning and legislative process for permanent controls, which process
17 shall be conducted within a reasonable time.

18 (c) Environmental Findings. The Planning Department has determined that the
19 actions contemplated in this Ordinance are in compliance with the California Environmental
20 Quality Act (California Public Resources Code section 21000 et seq.). Said determination is
21 on file with the Clerk of the Board of Supervisors in File No. _____ and is
22 incorporated herein by reference.

23 (d) Planning Code Section 101.1 Findings.
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1 This interim zoning moratorium advances and is consistent with Priority Policy No. 2 by
2 conserving existing housing and neighborhood character and with Policy No. 3 by protecting
3 and enhancing the City's supply of affordable housing. The Board finds that the proposed
4 interim zoning moratorium does not, at this time, have any impact upon Priority Policy Nos. 1,
5 4, 5, 6, 7, and 8.

6 Section 2. The following interim zoning moratorium shall be adopted as an Urgency
7 Ordinance pursuant to California Government Code Section 65858:

8 While this Urgency Ordinance and any extension of it is in effect, no institution that is
9 subject to the Institutional Master Plan requirements of Planning Code Section 304.5 shall
10 convert either a rental dwelling unit or a residential hotel unit to student housing, except that
11 this moratorium shall not apply to the following:

12 (1) a property that is listed as student housing on an Institutional Master Plan
13 submitted to the Planning Department prior to August 12, 2008; or

14 (2) a conversion for which an environmental evaluation application documenting the
15 change of use to student housing has been submitted to the Planning Department prior to
16 August 12, 2008; or

17 (3) a conversion for which a conditional use application for change of use to
18 housing for students has been submitted to the Planning Department prior to August 12,
19 2008; or

20 (4) a conversion that is the subject of an enforcement action by the Planning
21 Department and which is required in order to abate the violation.

22 For purposes of this Urgency Ordinance, the following definitions shall apply:

23 (1) "Dwelling unit" shall be as defined in Section 102.7 of the Planning Code.

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1 (2) "Residential hotel unit" shall mean a "residential unit" as defined in Section
2 41.4(q) of the Residential Hotel Unit Conversion and Demolition Ordinance (Chapter 41 of the
3 San Francisco Administrative Code).

4 (3) "Student housing" shall mean group housing as defined in Sections 209.2(c),
5 216(a), 790.88(b), and 890.88(b) of the Planning Code.

6 Section 3. This interim moratorium shall remain in effect for 45 days unless extended
7 in accordance with California Government Code Section 65858 or permanent controls are
8 adopted to address the conversion of residential rental units to student housing, whichever
9 first occurs.

10 Section 4. As required by California Government Code Section 65858, within 25 days
11 of the Board's approval of this Ordinance, the Planning Department shall submit to the Clerk
12 of the Board a written report describing the measures taken to alleviate the conditions that led
13 to the adoption of this Ordinance. Upon receipt of the report, the Clerk shall calendar a
14 motion for the full Board to consider and approval said report. The hearing and the action
15 taken on the report shall be no later than 35 days after this Ordinance is finally adopted.

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

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19 By: _____
20 JUDITH A. BOYAJIAN
21 Deputy City Attorney

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