

1 [Planning Code - Establishing a Program to Monitor Student Housing Conversions]

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3 **Ordinance amending the Planning Code, by adding a new Section 102.36.1, to establish**
4 **an annual monitoring requirement for student housing conversions; and making**
5 **findings, including environmental findings, and findings of consistency with the**
6 **priority policies of Planning Code, Section 101.1, and the General Plan.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are ~~*strike-through 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. The Board of Supervisors of the City and County of San
12 Francisco hereby finds and determines that:

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

18 (b) On _____, 2011, the Planning Commission, in Resolution
19 No. _____ approved and recommended for adoption by the Board of Supervisors
20 this legislation and adopted findings that it is consistent, on balance, with the City's General
21 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
22 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
23 Supervisors in File No. _____, and is incorporated by reference herein.

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1 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
2 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
3 Planning Commission Resolution No. _____, and incorporates such reasons by
4 reference herein.

5 Section 2. The San Francisco Planning Code is hereby amended by adding Section
6 102.36.1, to read as follows:

7 **SEC. 102.36.1 STUDENT HOUSING CONVERSION MONITORING PROGRAM.**

8 (a) Reporting Requirement. On November 1st of each year, every entity that owns, operates, or
9 controls Student Housing as defined in Section 102.36 shall file with the Department an Annual Unit
10 Usage Report containing the following information:

11 (1) The total number of units under the ownership, operation, or control of the entity
12 that are used for Student Housing per building as of October 15th of the year of filing;

13 (2) The number of vacant and occupied Student Housing units per building as of
14 October 15th of the year of filing; if more than 50 percent of the units are vacant, explain why;

15 (3) The average rent for the Student Housing units as of October 15th of the year of
16 filing;

17 (4) The number of Student Housing units rented by week or month as of October 15th
18 of the year of filing; and

19 (5) The designation by room number and location of the Student Housing units as of
20 October 15th of the year of filing. The owner or operator shall maintain such designated units as
21 Student Housing units for the following year unless the owner or operator notifies the Zoning
22 Administrator in writing of a conversion of units to non-student use and complies with the requirements
23 of this Code for such conversion. The purpose of this provision is to simplify enforcement efforts while
24 providing owner or operator with reasonable and sufficient flexibility in designation and renting of
25 rooms;

1 (b) Notice of Annual Unit Usage Report. On the day of filing, the owner or operator shall post
2 a notice that a copy of the Annual Unit Usage Report submitted to the Department is available for
3 inspection between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, which notice shall
4 remain posted for 30 days.

5 (c) Extension of Time for Filing. Upon application by an owner or operator and upon showing
6 good cause, the Director may grant one extension of time not to exceed 30 days for said filing.

7 (d) Certificate of Annual Unit Usage Report. After receipt of a completed Annual Unit Usage
8 Report, the Department shall issue a certified acknowledgment of receipt.

9 (e) Failure to File Annual Unit Usage Report or Insufficient Filing; Enforcement and
10 Penalties. If an owner or operator fails to file the Annual Unit Usage Report or the Department
11 determines that the filing is insufficient, then the subject Student Housing use(s) shall be deemed in
12 violation of this Code. The Zoning Administrator may seek an enforcement action, including the
13 imposition of penalties, against said use(s) as set forth in this Code.

14 Section 3. This Section is uncodified. This legislation shall be effective only if an
15 Ordinance creating a definition of Student Housing, as contained in the Clerk of the Board of
16 Supervisors File No. 111374, is final and effective, otherwise this legislation shall be null and
17 void.

18 Section 4. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

20 Section 5. In enacting this Ordinance, the Board intends to amend only those words,
21 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
22 or any other constituent parts of the Planning Code that are explicitly shown in this legislation
23 as additions, deletions, Board amendment additions, and Board amendment deletions in
24 accordance to the "Note" that appears under the official title of this legislation. This Ordinance
25 shall not be construed to effectuate any unintended amendments. Any additions or deletions

1 not explicitly shown as described above, omissions, or other technical and non-substantive
2 differences between this Ordinance and the Planning Code that are contained in this
3 legislation are purely accidental and shall not effectuate an amendment to the Planning Code.
4 The Board hereby authorizes the City Attorney, in consultation with the Clerk and other
5 affected City departments, to make those necessary adjustments to the published Planning
6 Code, including non-substantive changes such as renumbering or relettering, to ensure that
7 the published version of the Planning Code is consistent with the laws that this Board enacts.

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

10 By: _____
11 John D. Malamut
12 Deputy City Attorney