

# ZACKS, FREEDMAN & PATTERSON

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June 22, 2020

## **VIA EMAIL**

Land Use and Transportation Committee  
c/o Erica Major  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102  
[erica.major@sfgov.org](mailto:erica.major@sfgov.org)

Re: Agenda Item #1 – June 22, 2020 Hearing  
BOS File No. 190946 [Administrative Code - Definition of Tourist or Transient Use  
Under Hotel Conversion Ordinance; Amortization Period]

Dear Chairman Peskin and Honorable Members of the Land Use and Transportation Committee:

Our office represents the San Francisco SRO Hotel Coalition, Hotel Des Arts and numerous other individual owners of SROs (collectively, “Owners”). The Owners object both substantively and procedurally to Board of Supervisors File No. 190946 (the “Ordinance”).

The proposed Ordinance represents a dramatic change to the City’s Hotel Conversion Ordinance. It would prohibit weekly room rentals – which have always been lawful *and encouraged* in San Francisco – and take away the Owners’ family businesses without compensation. Worst of all, the Ordinance would harm the City’s most vulnerable residents: SRO occupants who cannot afford to pay a month’s rent in advance, let alone a security deposit on a monthly lease.

### **1. The Ordinance would establish an insufficient amortization period**

The proposed Ordinance would make the Owners’ longstanding weekly SRO rental businesses illegal as of January 1, 2022. This is an extraordinarily short amortization period. It is well-established in California law that an amortization period must be “reasonable” in light of the investment in the use, and its remaining economic life, order to pass constitutional muster. (See Tahoe Regional Planning Agency v. King (1991) 233 Cal. App. 3d 1365; United Business Com. v. City of San Diego (4th Dist. 1979) 91 Cal. App. 3d 156.) The courts have struck down amortization periods of as long as *five years* as being too short. (La Mesa v. Tweed & Gambrell Planing Mill (1956) 146 C.A.2d 762, 770.)

One year is a patently insufficient amortization period; Owners cannot recoup their investments within that time. Indeed, the value placed on residential hotel units by the City is hugely disproportionate to the likely monetary recovery for SRO owners over a one-year period. The Code allows SRO owners to convert residential hotel units to tourist use, but only if they provide a “one-for-one replacement.” (Admin. Code, § 41.13.) That is, SRO owners must either build a

comparable unit elsewhere, or pay the City or a nonprofit “an amount equal to 80% of the cost of construction of an equal number of comparable units.” This amount would be significant in light of the extremely high cost of construction in San Francisco – a recent New York Times article, citing government data and industry reports, noted that it costs \$750,000 to build one unit of affordable housing in San Francisco.<sup>1</sup> Given Owner would have to pay the City an amount in the high six figures *per unit* to convert residential hotel units, it is astonishing that the City considers a one year amortization period to be appropriate for the forced change of use effected by the Ordinance.

By contrast, all other lawful nonconforming uses in San Francisco are given at least 5-10 year amortization periods. (Planning Code § 184.) In fact, many nonconforming uses are given 20, 30, or even 50-year amortization periods. (Planning Code § 185.) This disparate treatment of SRO owners, as opposed to other nonconforming uses, violates Owners’ equal protection rights. As the California Supreme Court has held, a statute is not constitutional:

. . . if it confers particular privileges, or imposes peculiar disabilities or burdensome conditions in the exercise of a common right, upon a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law.

Martin v. Superior Court (1824) 194 Cal. 93, 100.

Here, the City has singled out SRO Owners for disparate treatment – both as compared to owners of other nonconforming uses, and also as compared to tourist hotel owners. For the cessation of any other nonconforming use, owners and operators are afforded a much longer amortization period. Similarly, tourist hotel operators who offer weekly rentals will be able to continue doing so. The Ordinance arbitrarily imposes a burden on Owners and rides roughshod over their constitutional rights.

While the Ordinance contains a hearing procedure to request an exception for a longer amortization period, there is no assurance that such extensions will be granted. The Building Inspection Commission would be charged with holding hearings to consider whether an exception is “reasonable” in light of the “[s]uitability of the investments for residential hotel use” and any number of nebulous “other relevant factors.” These criteria are so vague as to be impossible to administer in a fair, predictable manner. Indeed, in its response letter the BIC noted that “details about the amortization process [are] not clear in the current legislation.”

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<sup>1</sup> Thomas Fuller, *Why Does It Cost \$750,000 to Build Affordable Housing in San Francisco?*, N.Y. TIMES, Feb. 20, 2020, available at <https://nyti.ms/2Vb6kcg>.

Finally, in order to determine what constitutes a “reasonable” period, the City must weigh “the public gain to be derived from a speedy removal of the nonconforming use against the private loss that removal of the use would entail”. (Metromedia, Inc. v. City of San Diego (1980) 26 Cal. 3d 848.) Here, there is *no public harm* associated with offering SRO units for rental on a weekly basis. To the contrary, Owners are providing housing to residents of San Francisco who cannot afford to pay rent on a monthly basis, or a month’s rent in advance. Owners also provide weekly housing at affordable rates to medical patients and their families, who need to stay near the UCSF medical center to access treatment.<sup>2</sup> The cessation of this type of use will *harm* the public welfare, as it will result in the displacement of these residents. This factor strongly weighs in favor of a longer amortization period.

## **2. The Building Inspection Commission lacks the legal authority to hold amortization hearings**

As discussed above, the proposed Ordinance would charge this Commission with administering the amortization exception process for SROs. However, this is a judicial function which the Commission is not authorized to exercise.

Under the California Constitution, “The judicial power of this State is vested in the Supreme Court, courts of appeal, and superior courts, all of which are courts of record.” (Cal. Const., art. VI, § 1.) Assessing damages is a judicial function, and the Ordinance has “set forth no criteria for assessing such losses or translating them into” particular extended amortization periods corresponding to particular financial losses. (Larson v. City and County of San Francisco (2011) 192 Cal.App.4th 1263, 1281.) Moreover, the Building Inspection Commission possesses no “special competence” (AICCO, Inc. v. Insurance Co. of North America (2001) 90 Cal.App.4th 579, 594) or “specialized expertise” (Wise v. Pacific Gas & Electric Co. (2005) 132 Cal.App.4th 725, 740, as modified (Sept. 19, 2005)) in the subject of amortization or “suitability of investments” that would justify primary jurisdiction over the claims at issue.

As the California Supreme Court has held, an administrative agency “may exercise *only those powers that are reasonably necessary to effectuate the agency’s primary, legitimate regulatory purposes.*” (McHugh v. Santa Monica Rent Control Bd. (1989) 49 Cal.3d 348, 372; italics original.) The Building Inspection Commission’s primary, legitimate regulatory purpose is “the provision of safe and sanitary buildings.” (San Francisco Charter, Append. D3.750.) It has nothing to do with assessing the financial hardships of private property owners and business operators. And while the “commission shall have the power to hold hearings and hear appeals on . . . determinations made by the Department of Public Works, Water Department, or Department of Building Inspection” (id. at D3.750-4), it has no power to exercise quasi-judicial authority in the first instance. The Ordinance would unlawfully charge the Building Inspection Commission

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<sup>2</sup> See the declarations filed in Superior Court Case No. CPF-17-515656, attached hereto as Exh. A.

with holding hearings as the *initial* trier of fact – rather than reviewing the determinations of its subordinate departments.

### **3. The Board of Supervisors lacks the power to alter the Building Inspection Commission’s fundamental authority**

The Building Inspection Commission was created in 1994 by Proposition G. In other words, it was created directly by the *voters* via an initiative Charter amendment. The Board of Supervisors lacks the authority to override a voter-enacted Charter amendment via a regular ordinance.

The proposed Ordinance would clearly alter the Commission’s fundamental structure, in conflict with the Charter. As discussed above, the Ordinance would empower the Commission to hear quasi-adjudicative cases in the first instance. But the Charter does not allow it that power. To wit, the legislative digest for Proposition G (prominently printed at the top of the Voter Information Pamphlet and Sample Ballot for Prop. G<sup>3</sup>) states clearly, “The Commission could reverse, affirm or change certain decisions made by City departments concerning building construction projects.” The Ordinance cannot empower it to hear exemption requests in the first instance – especially for amortization requests that are clearly unrelated to “building construction projects.”

Since the Building Inspection Commission cannot hear SRO Owners’ applications for extensions of the patently insufficient one-year amortization period, there would be no procedure for Owners to seek and obtain an amortization extension. In other words, the Ordinance constitutes a facial taking of private property (the Owners’ lawful businesses) without just compensation.

### **4. The extension application procedure violates Due Process requirements.**

Even if the BIC had jurisdiction to hear extension applications, the proposed hearing process raises a number of due process violations.

A property owner’s legal nonconforming use status cannot be terminated without the procedural due process of a hearing. (Bauer v. City of San Diego (4th Dist., 1999) 75 Cal. App. 4th 1281.) Here, the amortization hearing process must provide an owner with an “opportunity to be heard at a meaningful time and in a meaningful manner.” (Brown v. City of Los Angeles (2002) 102 Cal.App.4th 155, 173.) At a minimum, this requires:

. . . written notice of the grounds for the [decision]; disclosure of the evidence supporting the [decision]; the right to present witnesses and to confront adverse witnesses; the right to be represented by counsel; a fair and impartial

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<sup>3</sup> Available at [https://www.ifes.org/sites/default/files/ce02069\\_0.pdf](https://www.ifes.org/sites/default/files/ce02069_0.pdf), p. 107.

decisionmaker; and a written statement from the fact finder listing the evidence relied upon and the reasons for the determination made.

(Brown v. City of Los Angeles (2002) 102 Cal.App.4th 155, 174, citing Burrell v. City of Los Angeles (1989) 209 Cal.App.3d 568, 577.)

The Ordinance requires Owners to submit a request to the BIC for an extension to the amortization period by December 31, 2020, based on the following factors:

- (1) The total cost of the hotel owner or operator's investments to the hotel;
- (2) The length of time those investments have been in place;
- (3) Suitability of the investments for residential hotel use; and
- (4) Any other relevant factors to determining the owner or operator's reasonable return on investments.

As noted above, factors (3) and (4) are vague and uncertain to the point of being unintelligible. It is impossible for an SRO owner to know in advance what the criteria mean, or what would be needed to satisfy the BIC. The Ordinance fails to "provide sufficiently definite standards of application to prevent arbitrary and discriminatory enforcement," and is therefore unconstitutionally vague. (DeLisi v. Lam (1st Dist. 2019) 39 Cal. App. 5th 663.)

This unfairness is compounded by the fact the burden of proof is placed on the *SRO owner* to prove that a longer amortization period is appropriate. (Brown v. City of Los Angeles, *supra*, holding that the police department's administrative appeals procedure failed to provide adequate due process protection, since the procedure placed the burden of proof on the officer challenging the decision.)

Further, the Ordinance is silent as to whether an appeal procedure is available from the BIC determination. Although the Board of Appeals can hear appeals from BIC penalty decisions, it does not have a general appellate review role in relation to the BIC. Absent clear language in the Ordinance, it appears there is no right of appeal – rather, an SRO owner would have to go straight to court. This fails to satisfy basic due process requirements. The US Supreme Court has confirmed that due process requires that "prompt postdeprivation review" be available to a person deprived of a property interest. (Mackey v. Montrym (1979) 443 U.S. 1; see also Machado v. State Water Resources Control Bd. (2001) 90 Cal.App.4th 720.)

Here, the BIC hearing is not an "appeal" right, but the *initial* decision regarding the impact of the Ordinance on an individual Owner. The nature and extent of property deprivation crystallizes when the BIC determines the "reasonable" amortization period for a particular SRO hotel. By

providing no prompt administrative appeal process from the BIC decision, the Ordinance does not comport with due process requirements.

#### **5. An application for an extension of the amortization period requires an unconstitutional invasion of privacy**

Even if the Ordinance's vague criteria could be fairly applied, the Ordinance's hearing process would require an SRO owner to provide (and effectively publicize):

- (1) The total cost of the hotel owner or operator's investments to the hotel;
- (2) The length of time those investments have been in place;
- (3) Suitability of the investments for residential hotel use; and
- (4) Any other relevant factors to determining the owner or operator's reasonable return on investments.

First, an SRO Owner may not be able to determine the meaning of criteria 3 or 4, given their lack of clarity and specificity. And even if he or she could determine the criteria's meaning, the Owner may lack the wherewithal to produce this information.

More fundamentally, the Owners have state and federal constitutional rights to financial privacy. (See Cal. Const., art. I, § 1.) Personal financial information comes within the zone of privacy protected by the California Constitution. (Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657.) Importantly, privacy protection is recognized in administrative as well as civil proceedings. (Sehlmeyer v. Department of Gen. Services (1993) 17 CA4th 1072, 1079.)

The Ordinance's extension procedure violates Owners' rights by compelling them to disclose proprietary and sensitive private financial information such as investments, pricing, profitability, and potentially non-SRO related income and financial hardships. Should the Building Inspection Commission be considering Owners' medical bills? What about their spouses' and children's medical bills? And should their right to continue operating their lawful businesses depend on such considerations? As a matter of law, the answer must be no.

#### **6. The Ordinance must be reviewed by the Planning Commission**

As a zoning ordinance which affects the permitted uses of real property, the proposed Ordinance "shall be adopted in the manner set forth in [Government Code] Sections 65854 to 65857, inclusive." (Gov. Code, § 65853.) There are numerous procedures and notice requirements that must be followed for the adoption and amendment of zoning ordinances under those sections. For example, the Planning Commission must hold a public hearing on the proposed Amendment with notice to be given pursuant to Government Code § 65090 "and, if the proposed ordinance or

amendment to a zoning ordinance affects the permitted uses of real property, notice shall also be given pursuant to Section 65091.”

Moreover, under local law, the Ordinance must be reviewed by the Planning Commission as required by San Francisco Charter Section 4.105: “An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission.” Amendments to the Hotel Conversion Ordinance have *always* been considered by the Planning Commission prior to enactment. This Ordinance is no exception. Regrettably, we are informed that the Ordinance is not slated for a hearing at the Planning Commission as required by law.

The Planning Commission’s authority to review this Ordinance cannot be transferred to the Building Inspection Commission. As stated in the legislative digest for Proposition G, “The jurisdiction of the Planning Commission . . . would not be affected by this measure [Proposition G].” (1994 Voter Information Pamphlet and Sample Ballot, p. 108.) As discussed above, Proposition G created the Building Inspection Commission by amending the City Charter. The Board of Supervisors cannot abrogate the Planning Commission’s Charter-granted authority via its decision to refer the proposed Ordinance to the Building Inspection Commission instead of the Planning Commission. The Charter is the City’s ultimate authority. The Charter amendment that created the Building Inspection Commission – and the Charter itself – explicitly forbade the transference of powers from the Planning Commission to the Building Inspection Commission: “Nothing in this chapter shall diminish or alter the jurisdiction of the Planning Department over changes of use or occupancy under the Planning Code.” (Charter, Append. D3.750-4.) The Ordinance must be referred to the Planning Commission.

## **7. Proper CEQA review must occur**

The proposed Ordinance is a Project that requires proper environmental review pursuant to the California Environmental Quality Act, including, inter alia, a new referral to the Planning Commission for public hearing. Unless or until all necessary CEQA review and public hearings are completed, the proposed Amendment cannot be enacted.

If a Project’s economic or social effects directly or indirectly lead to adverse physical changes in the environment, CEQA requires disclosure, analysis, and mitigation of the resulting physical impacts. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173.) Preliminarily, “an agency that proposes project changes . . . must determine whether the previous environmental document retains any relevance in light of the proposed changes and, if so, whether major revisions to the previous environmental document are nevertheless required due to the involvement of new, previously unstudied significant environmental impacts.” (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (“FOCSMG”) (2016) 1 Cal.5th 937, 944.)

The City has failed to complete even an initial study or gather any evidence to the contrary. The proposed Ordinance is a new Project requiring new environmental review. The City has never conducted or pointed to any environmental study or review of the potentially significant physical effects of the proposed Ordinance, including, but not limited to, displacement of weekly SRO occupants who would be unable to come up with security and rent deposits for the 30-day minimum (apartment-rental length) that would be compelled by the Ordinance. The unstudied, but reasonably foreseeable, potential indirect environmental impacts resulting from displacement of numerous SRO occupants, who may end up living in other parts of the City (disrupting development patterns) and/or homeless and living on the City's streets and public places, include, *inter alia*, the resultant public trash, human feces and urination, pollution of waterways, waters, and City public and private spaces, and the adverse impacts to the displaced human beings themselves from lack of water and livable accommodations, exposure, cold, suffering and disease. Such reasonably foreseeable adverse environmental impacts of potential displacement resulting from the enactment of the proposed Ordinance requires CEQA review. See, e.g., Pub. Resources Code, § 21065, CEQA Guidelines, § 15378 [defining "project" as any activity that may cause direct or reasonably foreseeable indirect change in the environment]; *Muzzy Ranch v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372 [holding development displaced by density limits is not too speculative of an impact to require CEQA analysis].

Because the monthly rental value of the SRO units that would be effectively converted to apartments by the proposed Ordinance will in most cases be beyond the means of the very low income, disabled, elderly and "transient" users whom the law is purportedly intended to benefit, units remaining vacant under the Ordinance will also foreseeably lead to significant reductions in the housing stock and increases in physical blight and crime, none of which impacts have been analyzed due to the City's unlawful failure to conduct CEQA review.

Proper environmental review clearly has not been completed. If the Ordinance is enacted without further review in accordance with law, CEQA will be violated.

PETITIONERS HAVE PREVIOUSLY SUBMITTED FOR THE BOARD'S RECORD EVIDENCE AND ARGUMENTS, INCLUDING THE EXTENSIVE BRIEFING FROM THE TRIAL AND APPELLATE COURTS IN OPPOSITION TO THE PRIOR SRO AMENDMENTS (BOS FILE NOS. 161291, 190049 AND 191258; SUPERIOR COURT CASE NO. CPF-17-515656). WE REINCORPORATE THOSE MATERIALS AND ARGUMENTS HERE BY REFERENCE AND OFFER TO LODGE HARD COPIES UPON REQUEST.

The Ordinance is unlawful for a host of reasons, and it will cause serious harm to those who are most in need of our City's protection. We urge you to reject this misconceived proposal.



Land Use and Transportation Committee  
June 22, 2020  
Page 9

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

A handwritten signature in blue ink, appearing to read "Ryan J. Patterson". The signature is stylized and cursive.

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Ryan J. Patterson

Encl.

## **Exh. A**

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26 HOTEL DES ARTS, LLC, and BRENT HAAS

27 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
28 COUNTY OF SAN FRANCISCO

SAN FRANCISCO SRO HOTEL  
COALITION, an unincorporated association,  
HOTEL DES ARTS, LLC, a Delaware limited  
liability company, and BRENT HAAS,

Petitioners and Plaintiffs,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, a public agency, acting by and  
through the BOARD OF SUPERVISORS OF  
THE CITY AND COUNTY OF SAN  
FRANCISCO; DEPARTMENT OF  
BUILDING INSPECTION OF THE CITY  
AND COUNTY OF SAN FRANCISCO;  
EDWIN LEE, in his official capacity as Mayor  
of the City and County of San Francisco, and  
DOES 1 through 100, inclusive,

Respondents and Defendants.

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**05/30/2017**  
Clerk of the Court  
BY: BOWMAN LIU  
Deputy Clerk

Case No. CPF-17-515656

DECLARATION OF ANDREW M. ZACKS  
IN SUPPORT OF PLAINTIFFS' EX PARTE  
APPLICATION FOR LEAVE TO FILE  
REPLY BRIEF ON MAY 30, 2017

Date: May 30, 2017  
Time: 11:00 a.m.  
Dept: 206, Presiding Judge  
Judge: Hon. Teri L. Jackson

1 I, Andrew M. Zacks, declare as follows:

2 1. I am an attorney licensed to practice in California and am a lead counsel for  
3 Plaintiffs/Petitioners in this action. I have personal knowledge of the following facts and  
4 could testify truthfully thereto if called to do so.

5 2. My office was primarily responsible for drafting this motion. Because of my  
6 nearly 30 years experience with the HCO, I intended to take the lead in drafting this reply.  
7 Unfortunately, last week my schedule was so impacted, I had to delegate responsibility to  
8 my associate, James Kraus. I had to attend to the following unexpected client matters:

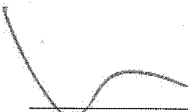
9 On May 25, I participated in the mediation of a particularly contentious land use  
10 suit in Oakland which was scheduled one court day prior on Friday May 23. On May 26, I  
11 had a conference call with retired Judge James Warren in an upcoming arbitration. I  
12 prepared for, and attended, oral argument in the First District in Jacoby v. CCSF,  
13 #A145683. I then was called on to assist with a preliminary opposition to a First District  
14 writ petition filed by the City in the very contentious case 1049 Market Street LLC v.  
15 CCSF S.F. #A151274. I was also exclusively responsible for preparing opposition to two  
16 requests to the Supreme Court to depublish the opinion in Coyne v. CCSF (2017) 9  
17 Cal.App.5th 1215. These were on a strict, 10-day opposition achedule due today. One of  
18 the requests was by the City. I am also working on an opposition brief in SFAA v. CCSE,  
19 #A149919, which is on appeal by the City. Our Respondents' brief is due June 5 – with  
20 the 15 day automatic extension.

21 3. The proposed revised reply brief adds a few paragraphs and case quotes. and  
22 corrects some typographical errors. I believe these additions are important to resolving the  
23 motion on the merits, will not complicate hearing preparation, and should be allowed to  
24 be filed today.

25 I declare, under penalty of perjury of the laws of the State of California, that the  
26 foregoing is true and correct.

27 Date: May 30, 2017

28

  
\_\_\_\_\_  
Andrew M. Zacks

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BRYAN W. WENTER (Bar No. 236257)  
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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN FRANCISCO

17 SAN FRANCISCO SRO HOTEL  
18 COALITION, an unincorporated association,  
HOTEL DES ARTS, LLC, a Delaware limited  
19 liability company, and BRENT HAAS,

20 Petitioners and Plaintiffs,

21 v.

22 CITY AND COUNTY OF SAN  
FRANCISCO, a public agency, acting by and  
23 through the BOARD OF SUPERVISORS OF  
THE CITY AND COUNTY OF SAN  
24 FRANCISCO; DEPARTMENT OF  
BUILDING INSPECTION OF THE CITY  
25 AND COUNTY OF SAN FRANCISCO;  
EDWIN LEE, in his official capacity as Mayor  
26 of the City and County of San Francisco, and  
DOES 1 through 100, inclusive,

27 Respondents and Defendants.  
28

Case No. CPF-17-515656

DECLARATION OF BRENT HAAS IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

[CCP sec. 526]

Date: June 5, 2017  
Time: 2:00 p.m.  
Dept: CEQA, room 503  
Judge: Hon. Teri L. Jackson

1 I, Brent Haas, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of the following  
3 facts. I could testify truthfully thereto if called to do so.

4 2. I am a hair stylist and visual artist. (www.brenthaas.com) I also care for  
5 my elderly, widowed mother (age 82) who lives alone in Ohio. I moved to San Francisco  
6 right after Loma Prieta in 1989. My father died about 30 years ago and I have been  
7 visiting my mother regularly since. These visits are important to both of us. I am a  
8 California resident – I get healthcare here, pay CA resident taxes, and consider San  
9 Francisco my home – but due to the circumstances of being the primary caregiver for my  
10 aging mother, I have to spend considerable time in Ohio, her state of legal residency.

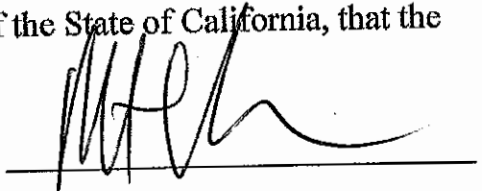
11 3. For the past 12 years, I've generally spent about 10 days to 3 weeks of every  
12 month living and working in the City, and the other 1-3 weeks in Ohio with my mother.

13 4. When I am in the City, I generally stay at several SROs. The ability to  
14 rent rooms at these SROs by the week – meaning I don't pay first and last month, and  
15 security deposit – is a godsend. Not having to pay expenses that I do not incur because of  
16 the ability to rent weekly or biweekly enables me to visit my mother. On rare occasion, I  
17 am in the City for more than 3 weeks in which case I stay at the Zen Center.

18 5. If San Francisco prohibits hotels like the ones I stay at from being able to  
19 rent to me on a weekly or biweekly basis, it would be very difficult for me to continue to  
20 visit my mother regularly. I would have to pay much more in rent and would have little  
21 time to visit her. I certainly could not be gone for 2-3 weeks and not work if I were paying  
22 rent on an apartment or I would have to leave San Francisco. I certainly do not want to do  
23 that anymore than any other San Franciscan wants to.

24 I declare, under penalty of perjury of the laws of the State of California, that the  
25 foregoing is true and correct.

26 Date: April 24, 2017

  
Brent Haas

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21 Email: az@zfplaw.com  
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24 Attorneys for Petitioners and Plaintiffs  
25 SAN FRANCISCO SRO HOTEL COALITION,  
26 HOTEL DES ARTS, LLC, and BRENT HAAS

27 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
28 COUNTY OF SAN FRANCISCO

29 SAN FRANCISCO SRO HOTEL  
30 COALITION, an unincorporated association,  
31 HOTEL DES ARTS, LLC, a Delaware limited  
32 liability company, and BRENT HAAS,

33 Petitioners and Plaintiffs,

34 v.

35 CITY AND COUNTY OF SAN  
36 FRANCISCO, a public agency, acting by and  
37 through the BOARD OF SUPERVISORS OF  
38 THE CITY AND COUNTY OF SAN  
39 FRANCISCO; DEPARTMENT OF  
40 BUILDING INSPECTION OF THE CITY  
41 AND COUNTY OF SAN FRANCISCO;  
42 EDWIN LEE, in his official capacity as Mayor  
43 of the City and County of San Francisco, and  
44 DOES 1 through 100, inclusive,

45 Respondents and Defendants.

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco  
**05/09/2017**  
Clerk of the Court  
BY: CAROL BALISTRERI  
Deputy Clerk

Case No. CPF-17-515656

DECLARATION OF HAMED SHAHAMIRI  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION

[CCP sec. 526]

Date: June 5, 2017  
Time: 2:00 p.m.  
Dept: CEQA, room 503  
Judge: Hon. Teri L. Jackson

1 I, Hamed Shahamiri, declare as follows:

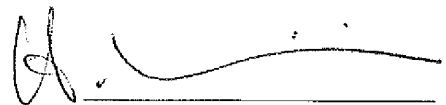
2 1. I am over the age of 18 years. I have personal knowledge of the following  
3 facts and could testify truthfully thereto if called to do so.

4 2. I am the manager of the Carl Hotel, located at 198 Carl Street, San  
5 Francisco. The cross-street is Stanyan. The Carl has 28 rooms – 0 tourist and  
6 28 residential. We have three permanent residents.

7 3. The Carl is about 4 blocks from UCSF medical center on Parnassus  
8 Avenue. Many of our guests comprise medical patients, and their family members or  
9 friends. I know this because many of these guests tell me why they are visiting and  
10 particularly staying at the Carl. In fact, some of these guests take the time to write friendly  
11 notes to me, appreciating the availability of the Carl – both due to its proximity to UCSF,  
12 but also its affordability; our weekly rates range from \$ 539 to \$ 1085. I am  
13 attaching a true and correct sample of copies of these letters I have received as Exh. A.

14 I declare under penalty of perjury of the laws of the State of California that the  
15 foregoing is true and correct.

16 Date: April 30, 2017



Hamed Shahamiri

17  
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A

Judy Vivian  
November 11, 2012  
Robert, Manager  
Carl Hotel

Dear Robert,

Larry and I would like to thank you so much for all of your help and hospitality at your hotel.

My husband had surgery Oct. 29th, for his thyroid, and he had a totally successful surgery.

We want to thank you for your help and flexibility with a surgery we had no idea about, or how long Larry would be in the hospital. It took so much stress away with your flexibility on our days in the hotel.

It was also a great help to have a single room for our daughter and letting her move to our room when Larry entered the hospital.

The convenience of your hotel was a great relief.

We will recommend our friends and family to your hotel with great confidence.

Sincerely,

  
Judy and Larry Vivian

Management of the Carl Hotel  
198 Carl Street  
San Francisco, CA 94117

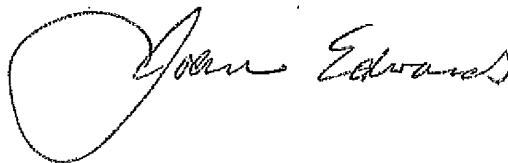
May 26, 2010

Re: Hamed

To Whom It May Concern,

I feel compelled to write and let you know of the tremendous assistance your employee, Hamed, gave me in a great time of need. I am a nurse at an Alzheimer's facility in Eureka, CA and we serve many disabled adults not just those with Alzheimer's disease. We recently had the occasion to send one of our client's to San Francisco for a medical consult, an extensive surgery, and then back a third time for a follow up. She was accommodated quite comfortably in your hotel and was very grateful but on her final visit she ran into some problems that Hamed assisted me from this great distance away to rectify. She has some mental health issues and can be quite charming but lacks judgment. On each prior visit she had been accompanied by her children who were able to manage her affairs and cope with any problems that arose but on this visit they were unable to be there. On her final day she would have missed her transportation home and been stuck in San Francisco without any money had Hamed not helped her and me resolve the problems that arose and make the arrangements that she needed. I am completely in his debt and wanted you to be aware of the excellent employee that you have. We could not have resolved this problem were it not for his efforts and she would have been stuck in San Francisco without any money or accommodations. I have no idea how we would have found her and gotten her safely home. Thank you for everything and especially thank you to Hamed for saving the day. I am completely in his debt.

Sincerely,

A handwritten signature in cursive script that reads "Joan Edwards". The signature is written in dark ink and is positioned below the word "Sincerely,".

To The Staff  
of  
The Carl Hotel.

A note to thank you  
for your thoughtfulness  
and for the warmth  
you express with every  
kind word.

Thank you so much for  
your hospitality and help  
while I stayed with you,  
while my husband had his  
surgery,  
Sincerely,  
E. Jane O'More

November 14, 2007

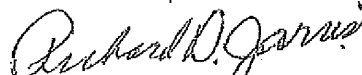
Hamed (sp?),

Forgive me if I am misspelling your name, but the purpose of this letter is to thank you so much for your great customer relations. You were so helpful, courteous, and kind to me in helping me with my reservations at your hotel for the period of Nov. 1-8, 2007.

You helped make my journey from Orlando, Florida to San Francisco to be with my son during his radical surgery at UCSF during that period so much easier because of your friendly and helpful support.

Without offending you I would like to leave you with a quote from my Bible which is, "May the God of hope fill you with all joy and peace. Rom.15-13.

Thank you again for your friendly support and compassion.

  
Richard D. Jarvis

October 7, 2002

Dear Hamed,

This note is to express my family's deep appreciation to you for being so helpful and kind to all of us during the times we were in San Francisco for Danny's brain tumor surgery and treatments. We enjoyed our accommodations and the lovely patio. Dan's latest M.R.I. showed "no recurrent or residual tumor" and we thank God for this. He has recovered well but now is having chemo (over please)

Dear Staff Hotel Wombourne

My Mom is doing much better and we are looking forward to seeing her again ahead

Bill Engstrom

Thank you for your kind and empathetic service you provided for my family while we went through my Mom's surgery. You were all very helpful and understanding during this difficult time. Thank you for being helpful and allowing us to adjust on accommodations.

P.S. -

Chelise has been doing remarkably better since the surgery! Seems we may have found the corner for the better.



5/22/16  
Dear Hamid (aka Bill) -

Before any more time elapsed, we wanted to let you know how much your kindness & conscientiousness meant during our stay earlier this month. Thank you for making what was an otherwise very stressful time for us @ UCSF a little bit easier.

All the best,

Erik & Stephanie Scher  
Reno, NV





DEAR  
HAMUD  
HAMMED, HAMAD?

SUNDAY  
MARCH 30TH OR  
31ST?

(I DON'T KNOW HOW TO SPELL YOUR NAME).

I WANTED TO THANK YOU SO MUCH FOR  
ALL OF YOUR KINDNESS AND LISTENING  
SKILLS. YOU ARE A JEWEL!

STAYING HERE AT THE  
CARL HOTEL WAS SUCH A COMFORT  
DURING DIFFICULT TIMES DUE TO A LONG  
TIME FRIEND (LINDA BERCK) HAVING A  
DANGEROUS SURGERY ON HER SPINE.

THE CARL HOTEL IS LUCKY TO HAVE  
YOU (AND "BILL" TOO) AS YOU REPRESENT  
THEM SO WELL. YOUR WARM PERSONALITY  
AND THOUGHTFULNESS AND EMPATHY  
FOR OTHERS, TRANSFERS A SINCERE  
CARING THAT IS MUCH APPRECIATED!

I WISH YOU BOTH DRANK WATER SO  
THAT I COULD HAVE MADE YOU A WATER  
CARRIER! (RATS).

IF EVER I NEED TO STAY HERE AGAIN,  
I HOPE TO SEE YOU BOTH IN GOOD HEALTH.

WARMLY YOURS,  
Jo Rabbetts



long term bases. We chose your hotel as it was  
so close to hospital. It was a good choice and  
we told the hospital staff to put you at the  
top of the list.

My daughter had a very rough time and journey  
me at the hotel - got bad and had to return to  
hospital this happened several times. One of these  
times we needed a cab fast - none came. Hamed  
had Eddie take us, in his car, to the emergency  
room.

Very special people

Regards

Lorraine Parrish

Mr Eduardo Shrikamuri,

I want to tell you of the wonderful  
care we received from Hamed and Eddie  
while we were at your hotel.

My daughter had a transplant surgery  
at the University Hospital. We were in your  
hotel 30 days.

Hamed was extremely caring and very  
helpful.

The social workers at the hospital had a  
list of places for family members to stay on