

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

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

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8 NOTE: Additions are *single-underline italics Times New Roman*;  
9 deletions are ~~*strike-through italics Times New Roman*~~.  
10 Board amendment additions are double-underlined;  
11 Board amendment deletions are ~~strike-through normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San  
14 Francisco hereby finds and determines that:

15 (a) The Planning Department has determined that the actions contemplated in this  
16 Ordinance are in compliance with the California Environmental Quality Act (California Public  
17 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the  
18 Board of Supervisors in File No. 120883 and is incorporated herein by reference.

19 (b) On November 29, 2012, the Planning Commission, in Resolution No.  
20 \_\_\_\_\_ approved and recommended for adoption by the Board of Supervisors this  
21 legislation and adopted findings that it is consistent, on balance, with the City's General Plan  
22 and eight priority policies of Planning Code Section 101.1. The Board adopts these findings  
23 as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in  
24 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 or before January 31 of each year, every entity that owns,  
9 operates, or controls Student Housing as defined in Section 102.36 shall file with the Department an  
10 Annual Unit 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 December 31 of the year preceding the filing;

13 (2) The number of vacant and occupied Student Housing units per building as of  
14 December 31 of the year preceding the filing; if more than 50 percent of the units are vacant, explain  
15 why; and

16 (3) The average rent for the Student Housing units as of December 31 of the year  
17 preceding the filing.

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

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

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

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

6           (f) The abovementioned requirement for filing an annual report shall apply only to an entity  
7 that owns, operates, or controls Student Housing for which one or more of the following Planning Code  
8 provisions was approved: (1) inclusionary housing pursuant Section 415.3(c)(5); (2) open space  
9 pursuant to Section 135(d)(2); (3) FAR bonus pursuant to Section 124(k); or (4) unit mix pursuant to  
10 Section 207.6(b)(3). The abovementioned requirement for filing an annual report also shall apply to an  
11 entity that owns, operates, or controls Student Housing when all or a portion the Student Housing has  
12 been converted to other forms of housing during the preceding year.

13           (g) Notwithstanding any provisions of this Section 102.36.1 to the contrary, if the entity that  
14 owns, operates, or controls Student Housing is not subject to Section 102.36.1(f), then said entity shall  
15 submit a letter to the Planning Department on or before January 31 confirming that no change in  
16 Student Housing has occurred. After the initial submission of such letter, the entity shall submit a new  
17 letter to the Planning Department every other year on or before January 31 confirming that no change  
18 in Student Housing has occurred.

19           Section 3. Effective Date. This ordinance shall become effective 30 days from the  
20 date of passage.

21           Section 4. In enacting this Ordinance, the Board intends to amend only those words,  
22 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,  
23 or any other constituent parts of the Planning Code that are explicitly shown in this legislation  
24 as additions, deletions, Board amendment additions, and Board amendment deletions in  
25 accordance to the "Note" that appears under the official title of this legislation. This Ordinance

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

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

11  
12 By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney

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