

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 April 4, 2013, the Planning Commission, in Resolution No. 18835 approved
20 and recommended for adoption by the Board of Supervisors this legislation and adopted
21 findings that it is consistent, on balance, with the City's General Plan and eight priority policies
22 of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said
23 Resolution is on file with the Clerk of the Board of Supervisors in File No. 120883, and is
24 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. 18835, and incorporates such reasons by reference
4 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 calculated on either a per-unit or per-bed
17 basis as of December 31 of the year preceding the filing with an explanation for the basis of the
18 calculation.

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

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

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

3 (e) Failure to File Annual Unit Usage Report or Insufficient Filing; Enforcement and
4 Penalties. If an owner or operator fails to file the Annual Unit Usage Report or the Department
5 determines that the filing is insufficient, and any such insufficiency is not remedied within 30 days after
6 receipt of notice of such insufficiency, then the subject Student Housing use(s) shall be deemed in
7 violation of this Code. The Zoning Administrator may seek an enforcement action, including the
8 imposition of penalties, against said use(s) as set forth in this Code.

9 (f) Application. The abovementioned requirement for filing an annual report shall apply only
10 to an entity that owns, operates, or controls Student Housing which received Planning Department or
11 Planning Commission approval for one or more of the following incentives as set forth in the Planning
12 Code: (1) inclusionary housing exemption pursuant Section 415.3(c)(5); (2) open space pursuant to
13 Section 135(d)(2); (3) FAR bonus pursuant to Section 124(k); or (4) unit mix pursuant to Section
14 207.6(b)(3). The abovementioned requirement for filing an annual report also shall apply to an entity
15 that owns, operates, or controls Student Housing which the Planning Department or Planning
16 Commission approved after October 11, 2012 when all or a portion of the Student Housing has been
17 converted to other forms of housing during the preceding year. The annual report as specified in this
18 Subsection (f) shall address only the particular Student Housing building or buildings that requires an
19 entity to comply with this Subsection.

20 (g) Notwithstanding any provisions of this Section 102.36.1 to the contrary, if the entity that
21 owns, operates, or controls Student Housing is not subject to Section 102.36.1(f), then said entity
22 instead shall submit a letter to the Planning Department on or before January 31 confirming that no
23 change in Student Housing has occurred. After the initial submission of such letter, the entity shall
24 submit a new letter to the Planning Department every other year on or before January 31 confirming
25 that no change in Student Housing has occurred. The letter as specified in this Subsection (g) shall

1 address only the particular Student Housing building or buildings that the Planning Department or
2 Planning Commission approved after October 11, 2012.

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

5 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
6 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
7 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
8 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
9 Board amendment deletions in accordance with the "Note" that appears under the official title
10 of the legislation.

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

13 By: _____
14 John D. Malamut
15 Deputy City Attorney

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