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BOARD of SUPERVISORS
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February 3, 2020

VIA HAND DELIVERY AND EMAIL

Hon. Norman Yee, President
San Francisco Board of Supervisors
c/o Angela Calvillo, Clerk
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

RE: Appeal of CEQA Categorical Exemption Determination
File No. 191258 [Administrative Code - Hotel Conversion Ordinance]

Dear President Yee and Honorable Members of the Board of Supervisors:

This office represents the San Francisco SRO Hotel Coalition and numerous other individual owners of SROs (collectively "Owners"). The Owners hereby appeal the California Environmental Quality Act Categorical Exemption determination for File No. 191258.

This ordinance constitutes a citywide rezoning, which may have significant adverse impacts on the environment.

- The Amendment limits lawful short-term rentals at SRO hotels, which will disrupt occupancy patterns and shift occupancy to other parts of the City and region. The impacts of this disruption must be studied.
- The Amendment does not qualify for an existing facilities or new construction Categorical Exemption; rather, this is a change of zoning law.

We also note that a hearing on the proposed ordinance is premature. This ordinance must first 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."). This hearing has not yet occurred.

Likewise, the ordinance must first be reviewed by the Building Inspection Commission as required by San Francisco Building Code § 104A.2.11.1 ("Upon introduction of an ordinance amending the Codes cited above in Section 104A.2.11" [which includes "other Code enforced by the Department of Building Inspection"], "the Clerk of the Board of Supervisors shall transmit the proposed ordinance to the Building Inspection Commission for a public hearing pursuant to Section D3.750-5 of the San Francisco Charter."). This hearing has not yet occurred.

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Pursuant to Administrative Code § 31.16(b)(3), pending a decision on this appeal, “the Board may not take action to approve the project but may hold hearings on the project and pass any pending approvals out of committee without a recommendation for the purpose of consolidating project approvals and the CEQA appeal before the full Board”

The Owners have previously submitted for the Board’s record the extensive briefing from the trial and appellate courts, and we again refer the Board’s attention to those records.

The Owners reserve the right to submit additional written and oral comments, bases, and evidence in support of this appeal up to and including the final hearing on this appeal and any and all subsequent permitting proceedings or approvals for the Project. Appellant requests that this letter be placed in and incorporated into the administrative record for BOS File No. 191258 and Planning Case No. 2020-000351 ENV. A copy of this letter of appeal will be concurrently submitted to the Environmental Review Officer.

The Owners respectfully request that the Board of Supervisors revoke the Categorical Exemption determination and require further environmental review pursuant to CEQA.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



Ryan J. Patterson

cc: Lisa Gibson, Environmental Review Officer
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Encl.: Categorical Exemption Determination