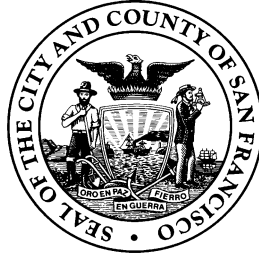


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair
Government Audit and Oversight Committee

FROM: Derek Evans, Assistant Clerk

DATE: November 14, 2016

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, November 15, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, November 15, 2016. This item was acted upon at the Government Audit and Oversight Committee Meeting on November 14, 2016 at 11:00 a.m., by the votes indicated.

Item No. 44 File No. 161093

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after October 11, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE

Vote: Supervisor Aaron Peskin - Aye
Supervisor London Breed - Aye
Supervisor Norman Yee - Excused

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor London Breed - Aye
Supervisor Norman Yee - Excused

cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Jon Givner, Deputy City Attorney

1 [Administrative Code - Short-Term Residential Rental Limit of 60 Days Per Year and Private
2 Right of Action]

3 **Ordinance amending the Administrative Code to revise the Residential Unit Conversion**
4 **Ordinance to limit short-term rental of a residential unit to no more than 60 days per**
5 **calendar year if the unit was registered on or after November 15, 2016; prohibit**
6 **neighbors outside the building at issue from filing a private right of action; allow**
7 **certain nonprofit organizations to file a private right of action prior to a final**
8 **determination of a violation by the Director of the Planning Department; and shorten**
9 **the waiting period for certain interested parties to file a private right of action; and**
10 **affirming the Planning Department's determination under the California Environmental**
11 **Quality Act.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

20 Section 1. Environmental Findings. The Planning Department has determined that the
21 actions contemplated in this ordinance comply with the California Environmental Quality Act
22 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
23 the Clerk of the Board of Supervisors in File No. 1610193 and is incorporated herein by
24 reference. The Board affirms this determination.

25 Section 2. The Administrative Code is hereby amended by revising Sections 41A.4
and 41A.5, to read as follows:

1 **SEC. SEC. 41A.4. DEFINITIONS.**

2 * * * *

3 **Interested Party.** A Permanent Resident of the building in which the Tourist or
4 Transient Use is alleged to occur, any homeowner association associated with the Residential
5 Unit in which the Tourist or Transient Use is alleged to occur, the Owner of the Residential
6 Unit in which the Tourist or Transient Use is alleged to occur, ~~a Permanent Resident or Owner of~~
7 ~~a property within 100 feet of the property containing the Residential Unit in which the Tourist or~~
8 ~~Transient Use is alleged to occur,~~ the City and County of San Francisco, or any non-profit
9 organization exempt from taxation pursuant to Title 26, Section 501 of the United States
10 Code, which has the preservation or improvement of housing as a stated purpose in its
11 articles of incorporation or bylaws.

12 * * * *

13 **41A.5. UNLAWFUL CONVERSION; REMEDIES.**

14 * * * *

15 **(d) Civil Action.**

16 (1) The City may institute civil proceedings for injunctive and monetary relief,
17 including civil penalties, against an Owner, Business Entity, or Hosting Platform for violations
18 of this Chapter 41A under any circumstances, without regard to whether a Complaint has
19 been filed or the Director has made a determination of a violation.

20 **(2) Private Rights of Action.**

21 (A) Following the filing of a Complaint and the final determination of a
22 violation by the Director, any Interested Party may institute civil proceedings for injunctive and
23 monetary relief against an Owner or Business Entity.

24 (B) An Interested Party who *(i)* is a Permanent Resident of the building in
25 which the Tourist or Transient Use is alleged to occur, ~~is a Permanent Resident of a property~~

1 *within 100 feet of the property containing the Residential Unit in which the Tourist or Transient Use is*
2 *alleged to occur; (ii) is a non-profit organization exempt from taxation pursuant to Title 26, Section*
3 *501 of the United States Code, which has the preservation or improvement of housing as a stated*
4 *purpose in its articles of incorporation or bylaws, or (iii) is a homeowner association associated*
5 with the Residential Unit in which the Tourist or Transient Use is alleged to occur may institute
6 a civil action for injunctive and monetary relief against an Owner or Business Entity if

7 (i) The Interested Party has filed a Complaint with the Department;

8 (ii) The Director has not made a written determination pursuant to
9 subsection 41A.6(a) that there is no violation of this Chapter 41A or basis for an investigation
10 for an unlawful activity;

11 (iii) An administrative hearing officer has not issued a final
12 determination pursuant to subsection 41A.6(c) regarding the Complaint within ~~135~~30 days of
13 the filing of the Complaint with the Department;

14 (iv) After such ~~135~~30-day period has passed, the Interested Party
15 has provided 30 days' written notice to the Department and the City Attorney's Office of its
16 intent to initiate civil proceedings; and

17 (v) The City has not initiated civil proceedings by the end of that
18 30-day notice period or the City Attorney's Office has informed the Interested Party in writing that
19 the City Attorney's Office does not intend to initiate civil proceedings during the 30-day notice period.

20 Under this subsection 41A.5(d)(2)(B), the prevailing party shall be
21 entitled to the costs of suit, including reasonable attorneys' fees, pursuant to an order of the
22 Court.

23 * * * *

24 (g) **Exception for Short-Term Residential Rental.**

1 (1) Notwithstanding the restrictions set forth in this Section 41A.5, a Permanent
2 Resident may offer his or her Primary Residence as a Short-Term Residential Rental if:

3 (A) The Permanent Resident occupies the Residential Unit for no less
4 than 275 days out of the calendar year in which the Residential Unit is rented as a Short-Term
5 Residential Rental or, if the Permanent Resident has not rented or owned the Residential Unit
6 for the full preceding calendar year, for no less than 75% of the days he or she has owned or
7 rented the Residential Unit, and in either case the Permanent Resident submits a complete
8 application for initial registration of to register the Residential Unit on the Registry:

9 (i) prior to November 15~~October 14~~, 2016, and the Residential Unit
10 is rented as a Short-Term Residential Rental for no more than 90 days per calendar year at times when
11 the Permanent Resident is not also occupying the Residential Unit and for an unlimited number of days
12 per year at times when the Permanent Resident is also occupying the Residential Unit; or

13 (ii) on or after November 15~~October 14~~, 2016, and the Residential
14 Unit is rented as a Short-Term Residential Rental for no more than 60 days per calendar year
15 regardless of whether the Permanent Resident is also occupying the Residential Unit during a given
16 short-term rental period;

17 (B) The Permanent Resident maintains records for two years
18 demonstrating compliance with this Chapter 41A, including but not limited to information
19 demonstrating Primary Residency, the number of days per calendar year he or she has
20 occupied the Residential Unit, the number of days per calendar year the Residential Unit has
21 been rented as a Short-Term Residential Rental, and compliance with the insurance
22 requirement in Subsection (D). These records shall be made available to the Department
23 upon request;

24 (C) The Permanent Resident complies with any and all applicable
25 provisions of state and federal law and the San Francisco Municipal Code, including but not

1 limited to the requirements of the Business and Tax Regulations Code by, among any other
2 applicable requirements, collecting and remitting all required transient occupancy taxes, and
3 the occupancy requirements of the Housing Code;

4 (D) The Permanent Resident maintains liability insurance appropriate to
5 cover the Short-Term Residential Rental Use in the aggregate of not less than \$500,000 or
6 conducts each Short-Term Residential Rental transaction through a Hosting Platform that
7 provides equal or greater coverage. Such coverage shall defend and indemnify the Owner(s),
8 as named additional insured, and any tenant(s) in the building for their bodily injury and
9 property damage arising from the Short-Term Residential Use;

10 (E) The Residential Unit is registered on the Short-Term Residential
11 Rental Registry and the Permanent Resident continues to use the Residential Unit as his or
12 her Primary Residence. Registrations on the Short-Term Residential Rental Registry are not
13 transferable and may only be renewed by the Permanent Resident that initially registered the
14 Residential Unit;

15 (F) The Permanent Resident includes the Department-issued registration
16 number on any Hosting Platform listing or other listing offering the Residential Unit for use as
17 a Short-Term Residential Rental;

18 (G) For units subject to the rent control provisions of Section 37.3, the
19 Permanent Resident complies with the initial rent limitation for subtenants and charges no
20 more rent than the rent the Permanent Resident is paying to any landlord per month; and

21 (H) The Permanent Resident can demonstrate to the satisfaction of the
22 Department that the Residential Unit and the property on which it is located is not subject to
23 any outstanding Building, Electrical, Plumbing, Mechanical, Fire, Health, Housing, Police, or
24 Planning Code enforcement, including any notices of violation, notices to cure, orders of
25 abatement, cease and desist orders, or correction notices. The Department shall not include a

1 property that is subject to any such outstanding violations in the Registry. If such a violation
2 occurs once a Residential Unit has been included in the Registry, the Department shall
3 suspend the Residential Unit's registration and registration number until the violation has been
4 cured.


5 * * * *

6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

10
11 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By:


21 MARLENA BYRNE
22 Deputy City Attorney

23 n:\legana\as2016\1700095\01150427.docx

LEGISLATIVE DIGEST

[Administrative Code - Short-Term Residential Rental Limit of 60 Days Per Year and Private Right of Action]

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after November 15, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; and shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Under Chapter 41A of the San Francisco Administrative Code, renting a residential unit for less than a 30-day term is prohibited unless it is offered by the Permanent Resident of the unit, who registers the unit with the Office of Short Term Rentals and otherwise meets the requirements, described in Chapter 41A, for renting the unit as a Short-Term Residential Rental.

Under existing law, Short-Term Residential Rentals are limited to 90 days per year for unhosted rentals (meaning the Permanent Resident is not in the unit when the unit is rented) and are unlimited for hosted rentals (which is when the Permanent Resident continues to reside in the unit during the rental period). This requirement states that the Permanent Resident must reside in the unit for no less than 275 days out of the calendar year.

Chapter 41A also provides for a private right of action, which allows an Interested Party to sue a violator of Chapter 41A, who is not a Hosting Platform (meaning they can sue an owner, tenant, or business entity that owns or leases the unit), for injunctive and monetary relief, including damages, and attorneys' fees after the Planning Director has made a final determination of violation. Interested Party is defined as a permanent resident of the building, owners or permanent residents within 100 feet of the unit, the owner of the unit at issue, any homeowners' association linked to the unit, and non-profit organizations dedicated to improvement of housing.

The Code also provides a private right of action where there has been a delay in issuance of a final determination of violation (where the Interested Party filed a complaint with the City, but a final determination of violation has not been made within 135 days of the filing of a complaint). This private right of action is provided to Interested Parties who are permanent residents of the building, owners or permanent residents within 100 feet of the unit, and any homeowners' association linked to the unit.

Amendments to Current Law

The proposed ordinance limits the number of days that units registered on or after November 15, 2016 may be rented as a Short-Term Residential Rental to no more than 60 days per calendar year, regardless of whether the rental is hosted or unhosted. Units registered prior to November 15, 2016 will continue to be allowed to have up to 90 days per year of unhosted rentals and unlimited hosted rentals. The proposed ordinance also clarifies that registrations on the registry are not transferable and only the permanent resident that registered the unit may renew the registration.

The proposed ordinance also removes owners and permanent residents of property within 100 feet of the building at issue from the definition of "Interested Party." This means that people who own or reside in property within 100 feet of the building that is alleged to have the Short-Term Residential Rental violation would no longer be able to bring a private right of action under Chapter 41A.

The proposed ordinance also allows certain nonprofit housing organizations to file a private right of action where there has been a delay in issuance of a final determination of violation. In these situations, the ordinance would allow nonprofit organizations and certain other interested parties to file suit if an administrative hearing officer has not issued a final determination within 30 days of the filing of a complaint—rather than 135 days under current law—and the City has not filed suit within 30 days after receiving notice of the parties' intent to sue.

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BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 25, 2016

File No. 161093

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 18, 2016, Supervisor Breed introduced the following proposed legislation:

File No. 161093

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after October 11, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2016.10.26 17:30:38 -0700

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Amendment to Airbnb Legislation

From: Libby Noronha [mailto:libbynoronha@gmail.com]
Sent: Sunday, October 16, 2016 1:35 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Amendment to Airbnb Legislation

46 Wawona Street
San Francisco 94127
October 16, 2016

San Francisco Board of Supervisors
Board.of.Supervisors@sfgov.org

Dear San Francisco Supervisors:

I was very pleased to read that the Board of Supervisors will consider new legislation to restrict short-term rentals to 60 days a year.

However, I was truly outraged to learn the current amendment contains language that—"to reward good behavior"—would grandfather those who have registered, thereby allowing them unrestricted short-term rentals if they live in their house. I submit to you that many of those who are now registered in fact flouted the law before the Chiu legislation went into effect and registered not out of respect for the law but to get neighbors like me, who oppose their activities, off their backs. Please consider my situation:

I bought a house in and moved to West Portal, an RH-2 district, in July 2012. When I moved in my next door neighbor, Phil Li at 42 Wawona, was renting one room upstairs on Airbnb (he started using Airbnb in 2011) and he had two long-term tenants in two units downstairs—all in violation of the zoning laws then in effect. In October of 2012 one of those tenants left and he started renting that unit short-term, and early in 2013 he *evicted* his other tenant and began renting that unit as well—all in violation of zoning laws and other city ordinances then in effect. At this point he was running a small hotel with as many as 6 people coming and going every day. In July 2013 I hired a lawyer to apprise my neighbor in writing of his liabilities. He agreed to cease short-term rentals, and he took down his Airbnb listings, but he continued to rent at least some of his rooms short-term. There were fewer people coming and going but he did not stop renting as he agreed to do.

It is naïve and without foundation to believe that the majority of those who have registered have done so out of respect for law. Many if not most of those who registered did so only to silence neighbors like me. If you grandfather those who have registered you simultaneously punish those of us who have been most adversely affected by short-term rentals. Please consider what it means for those of us living next door to a hotel:

- Unknown people in the alley between my house and the house next door
- People trespassing on my property as they enter and exit from the alley
- Legal liability if anyone is hurt on my property
- People with suitcases rolling on concrete coming and going late at night/early morning
- People talking outside (there is only six feet between my house and next door) at all hours of the night and early morning
- People sitting on my front steps smoking

Cigarette butts in my tree box
Garbage thrown in my backyard
Frequent commotion in the street with taxis, pizza deliveries, airporters, cleaning people
Cars blocking my driveway
People mistaking the house and parking IN my driveway
People emptying garbage in backyard cans in the middle of the night
People using my garbage cans before I've had a chance to bring them in after pickup

There is no foundation for grandfathering of hosts who registered with the city and I implore you to reconsider the grandfathering clause.

Sincerely,

Libby Noronha

PUBLIC COMMENT

AUDIT & OVERSIGHT COMMITTEE, SPECIAL MEETING, NOVEMBER 14, 2016

RE: AIRBNB BREED, PESKIN, CAMPOS & KIM AMENDMENT

AGENDA ITEM #161093

I support regulation of short term rentals but this amendment isn't an equitable solution.

In February, 2015, when the Registration Ordinance became effective. I was first in line and hold Certificate #1. Since then, I've watched with increasing dismay the subsequent disregard for compliance and Airbnb's lack of cooperation.

The response has been hearings, Proposition F, the Campos Amendment and now the Breed Amendment.

But good enforcement mechanisms remain elusive. Regulation attempts should be fair and not cause unintended harm to hosts already in compliance. Please postpone this vote and consider 2 proposals:

FORM A STR TASK FORCE

Bring all stakeholders to the table. With clearly defined objectives and problems, workable solutions can be achieved.

SENIOR EXEMPTION

Don't limit extra income for registered seniors.

Let's put the democratic process to good use.

Respectfully, submitted,

Dr. Elizabeth Fromer
Airbnb Superhost
President, Liberty Hill Neighborhood Association

Evans, Derek

From: Board of Supervisors, (BOS)
Sent: Tuesday, November 15, 2016 9:58 AM
To: Evans, Derek; Somera, Alisa (BOS)
Subject: File 161093 FW: Additional Public Comment in Opposition to Pending Home Sharing Legislation

From: James Jason Wisner [mailto:jasonwisner@gmail.com]
Sent: Monday, November 14, 2016 9:30 PM
To: Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Cc: Breed, London (BOS) <london.breed@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>
Subject: Additional Public Comment in Opposition to Pending Home Sharing Legislation

Re: (161093 Administrative Code - Short-Term Residential Rental Limit of 60 Days per Year and Private Right of Action)

Clerks:

Board of Supervisors: Please enter in the record as new public comment in opposition to above referenced legislation and insure dissemination to all Supervisors.

GAO Clerk: Please enter in the record to supplement my public comments offered in person in the GAO hearing on 11/14/2016.

Mayor Ed Lee: Please note my citizen concerns below. Please prepare to VETO this should it come to you. If it does, I'll follow up with your office in greater depth.

Dear Supervisor Farrell (Mine), Breed, & All Other Supervisors (GAO!):

I attended the GAO hearing today on Supervisor Breed's improvident and divisive legislation about Home Sharing. I felt compelled to follow up with you all after hearing the testimony of citizens working hard to make their lives better by sharing their lives, homes, and city with visitors who offer residents home-sustaining payments for the unique privilege of being a guest in a private residence in SF.

[Me: SF native; Russian hill resident; 33+ year property manager in SF for family properties and others; landlord; would-be AirBnB host but scared by the uncertain climate where Supervisors are moving the Home Sharing goalposts mid-game.]

In the GAO audience I saw, heard, and spoke to, there were no "greedy landlords." There were no "corporations." The only corporate interests represented were the labor unions (as if restricting AirBnB rentals will actually result in a journeyman finding an affordable apartment in The City — though it might get short term labor a sweet spot for the right price right near the job site if the contractor is paying!), and the hotels (Surprise, they are opposed to Home Sharing. Shocker!)

Everyone one else who spoke was a hard working San Francisco resident with a plan and a platform to make their lives and their City better:

1. Young mothers with supervising kids while they prep a guest space;
2. partner loses a job and they rent a space to save their home;
3. elderly grandmother making extra cash to visit her grown family in their homes across the country;
4. artists who pursue their art and share it with their guests;
5. Abused property owners who won't ever have another full time resident in their home in SF; and, yes,
6. a few people who don't have to host for financial reasons, but who do so because primarily because they love being Ambassadors for this jewel of a city we all love!

I, together with 55% of the community of San Francisco, as demonstrated by the last vote on this issue, write to express my COMPLETE OPPOSITION to this proposed legislation. (Caps for emphasis, not yelling.)

Please,

1. Don't allow the proposed reduction in nights from the current framework. If anything, consider allowing more un-hosted nights.

2. WORK with AirBnB on a viable registration system to replace the scandalously wasteful office you created to manage a system that should be handled by mouse-clicks in the cloud — if the City could get its act together with the Home Sharing Community. Also, our Supervisors (especially the “GAO 3”) need get over their transparent pique at AirBnB because they didn't get their millions of resident and visitor dollars remitted sooner.

3. Under No Circumstances should you set up a new bureaucratic arena for neighbor combat. (Private right of action.) We are facing the most divisive time in our history since perhaps the Civil War. What say the Board of Supervisors not promote neighbor vs. neighbor combat in an arena where cash prizes are awarded? 311 for complaints. 911 for emergencies. We already have a system for everyone to complain in San Francisco at all times; it's who we are!

In short, keep the existing caps, use currently existing City resources for neighbor complaints, and **take and additional “gravy” tax revenue and focus on the only things 99.9% of San Franciscans care about: PEUTH (not Charlie) — Potholes, Excrement, Urine, Trees, Homeless!**

Thank you.

James Jason Wisner, President
Thrid & Main, Inc.

1120 Greenwich Street
San Francisco, CA 94109
Mobile: (415) 271-0805
jasonwisner@gmail.com

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BOARD of SUPERVISORS



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October 25, 2016

File No. 161093

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 18, 2016, Supervisor Breed introduced the following proposed legislation:

File No. 161093

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after October 11, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in blue ink that reads "Alisa Somera".

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Kevin Guy, Director, Office of Short-Term Rental Administration and Enforcement
John Rahaim, Director, Planning Department

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: October 25, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Breed on October 18, 2016:

File No. 161093

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after October 11, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department

Member, Board of Supervisors
District 3



City and County of San Francisco

AARON PESKIN

DATE: November 10, 2016

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT


Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on November 15, 2016, as a Committee Report:

161093 Administrative Code - Short-Term Residential Rental Limit of 60 Days per Year and Private Right of Action

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after October 11, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

This matter will be heard in the Special Meeting of Government Audit and Oversight Committee on November 14, 2016, at 11:00 a.m.

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BOARD OF SUPERVISORS
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2016 NOV 10 AM 11:23
ST



President, District 5
BOARD of SUPERVISORS



BOS-11, COB,
Leg Dep., LM,
City Hall Dep. no. GAO
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 11/10/2016
To: Angela Calvillo, Clerk of the Board of Supervisors

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2016 NOV 10 AM 11:23
BY

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 161093 Breed
(Primary Sponsor)

Title. Administrative Code - Short-Term Residential Rental Limit of 60 Days per Year and Private Right of Action

Transferring (Board Rule No 3.3)

File No. 161093 Breed
(Primary Sponsor)

Title. Administrative Code - Short-Term Residential Rental Limit of 60 Days per Year and Private Right of Action

From: Land Use & Transportation Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

President, District 5
BOARD of SUPERVISORS



BOS-11, COB, Leg. Dep.
Dep. City Hall, L21

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 11/10/2016
To: Angela Calvillo, Clerk of the Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 NOV 10 AM 10:39
BY [Signature]

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 161093 Breed
(Primary Sponsor)

Title. Administrative Code - Short-Term Residential Rental Limit of 60 Days per Year and Private Right of Action

Transferring (Board Rule No 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed
London Breed, President
Board of Supervisors

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10/12/2016
@ 11:58 am
ah
Time stamp
or meeting date

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Breed; Peskin

Subject:

Administrative Code - Short-Term Residential Rental Limit of 60 Days Per Year and Private Right of Action

The text is listed below or attached:

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after October 11, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; and shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: