

ZACKS, FREEDMAN & PATTERSON

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May 21, 2019

VIA MESSENGER

President Norman Yee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

RE: File No. 190049 [Administrative Code - Definition of Tourist or Transient Use
Under the Hotel Conversion Ordinance]. Board of Supervisors Meeting, May 21, 2019

Dear President Yee and Supervisors:

This office represents the San Francisco SRO Hotel Coalition, Hotel Des Arts, and numerous other individual owners of SROs (collectively "Owners").

As we have previously advised, the proposed Amendment 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.

Additionally, enacting the proposed Amendment at this time would violate the stipulation and Court order in *San Francisco SRO Hotel Coalition, et al. v. City and Cty. of San Francisco*, San Francisco Superior Court Case No. CPF-17-515656 (issued Nov. 30, 2018, attached hereto as Exh. A). Any change to the SRO minimum stay requirement may only be made pursuant to a judgment or further order of the Court.

Respectfully submitted,

ZACKS, FREEDMAN & PATTERSON, PC



Ryan J. Patterson

EXHIBIT A

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
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9 Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF SAN FRANCISCO

13 UNLIMITED JURISDICTION

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

16 Plaintiffs,

17 vs.

18 CITY AND COUNTY OF SAN
FRANCISCO, a public agency, acting by and
19 through the BOARD OF SUPERVISORS OF
THE CITY AND COUNTY OF SAN
20 FRANCISCO; DEPARTMENT OF
BUILDING INSPECTION OF THE CITY
21 AND COUNTY OF SAN FRANCISCO;
EDWIN LEE, in his official capacity as
22 Mayor of the City and County of San
Francisco,
23

24 Defendants.
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Case No. CPF-17-515656

STIPULATION AND ORDER REGARDING
PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION

CEQA ACTION

Date: Dec. 19, 2018
Time: 9:30 a.m.
Dept: CEQA, room 503
Judge: Hon. Cynthia Ming-mei Lee

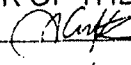
Date Action Filed: May 8, 2017
Trial Date: Jan. 18, 2019

FILED

San Francisco County Superior Court

NOV 30 2018

CLERK OF THE COURT

BY:  Deputy Clerk

1 WHEREAS, on June 7, 2017, Plaintiffs' motion for preliminary injunction ("the
2 Motion") came on for hearing in room 503 of this Court, located at 400 McAllister Street, San
3 Francisco, the Hon. Teri L. Jackson, presiding;

4 WHEREAS, on June 14, 2017, this Court entered an Order denying the Motion and
5 Plaintiffs appealed;

6 WHEREAS, on October 15, 2018, the Court of Appeal filed its decision in Appeal No.
7 A151847 ("the Decision"). In the Decision, the Court reversed this Court's Order denying the
8 Motion and remanded the matter for a determination of the balance of the hardships as
9 between the City and County of San Francisco and SRO hotel owners;

10 NOW THEREFORE,

11 1. San Francisco agrees that pending final resolution of this action, or further order
12 of the Superior Court, subsections 41.20(a)(2) and (a)(3) of the Hotel Conversion Ordinance
13 (S.F. Admin. Code, § 41) are inoperable and shall not be enforced in any way, by any person
14 or entity, for any purpose; and

15 2. This stipulation and order disposes of the pending Motion.
16 SO STIPULATED.

17
18 Date: November 29, 2018

ZACKS, FREEDMAN & PATTERSON, PC

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21 _____
22 Andrew Zacks
23 Attorneys for Plaintiffs/Petitioners

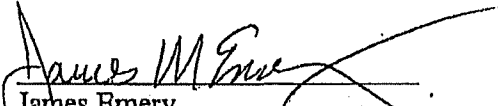
22 Date: November 29, 2018

MILLER, STARR & REGALIA

23
24 
25 _____
26 Arthur Coon
27 Attorneys for Plaintiffs/Petitioners

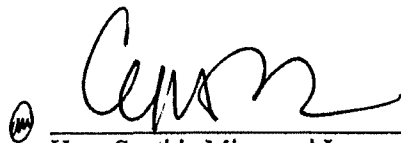
1 Date: November 29, 2018

DENNIS HERRERA
San Francisco City Attorney

2
3 
4 James Emery
5 Attorneys for Defendant/Respondents

6 PURSUANT TO THE PARTIES' STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO
7 ORDERED:

8 Date: November 30, 2018

9 
10 Hon. Cynthia Ming-mei Lee
11 Judge San Francisco Superior Court